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House of Representatives

The House met at 11 a.m.

PRAYER

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

We pray, O gracious God, that we will be given the insight and the wisdom to see clearly what needs to be seen, to hear what needs to be heard, to understand what needs to be understood, so that we will truly be the servants of the people by doing justice and loving mercy. Give us patience, we pray, that before we speak or act or judge, we hear Your word of strength, comprehend the issues presented and the values involved, and then act for the good of every person. Bless us, O loving God, this day and every day, we pray. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

The SPEAKER. The gentleman from New Jersey [Mr. LOBIONDO] will lead the House in the Pledge of Allegiance.

Mr. LOBIONDO 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.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair announces that there will be fifteen 1-minutes on each side.

REPUBLICAN CONTRACT WITH AMERICA

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

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

On the first day of Congress, a Republican House will require Congress to live under the same laws as everyone else. We promise to cut the congressional budget. And we have.

Next we passed a balanced budget amendment, legislation on unfunded mandates, and a line-item veto. We have kept these promises.

We also promised to pass a new crime package that would take violent criminals off our streets; a National Security Restoration Act; Government regulatory reform to cut down on regulations; and commonsense legal reform.

Mr. Speaker, we have done these things.

Next we passed welfare reform to encourage work, not dependence.

Today we will be debating congressional term limits. For the first time in years that will be on the floor of the House for a vote.

Next we are going to have tax cuts for the middle class and Senior Citizens Equity Act to allow senior citizens to work without Government penalty.

Mr. Speaker, this is our Republican Contract With America.

POINT OF ORDER

Mr. FOGLIETTA. Mr. Speaker, a point of order.

The SPEAKER pro tempore (Mr. TORKILDSEN). The gentleman will state his point of order.

Mr. FOGLIETTA. Mr. Speaker, I ask the Speaker to rule whether or not it is proper for Members to be wearing badges during 1-minutes and the rule, accordingly.

The SPEAKER. The Chair will state under a previous ruling it is not appropriate for Members to wear badges when they are addressing Members of the House, and would ask all Members to take note of that ruling.

Mr. FOGLIETTA. I thank the Speaker.

APPOINT AN INDEPENDENT COUNSEL

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

Mr. DOGGETT. Mr. Speaker, a dark ethical cloud lingers over this Congress. To safeguard the public trust, to ensure that high ethical standards are maintained, there are times when it is appropriate to appoint an independent counsel. An investigator who is not biased, who is not linked to either party to investigate thoroughly may be essential.

That has occurred in this House on a number of occasions, in the matter of Congressman Charles Diggs, in the matter of ABSCAM, regarding Congressman George Hansen, regarding Congressman St Germain, regarding the Page scandal, regarding Speaker Jim Wright, and most recently in 1989 regarding Mr. GINGRICH.

Why not now? If charges are partisan, if they are unjustified, what better way to demonstrate it than to have an independent counsel verify that?

Last year before the election, so many of the Republicans talked to us about the President and Whitewater, why is it that now the election is over all they talk about with reference to Mr. GINGRICH is whitewash.

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THE AMERICAN PEOPLE WANT A YES VOTE ON TERM LIMITS

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

Mr. TIAHRT. Mr. Speaker, today is a great day on the Potomac. it is a historic day. For a very long time the people of America have wanted open debate and a vote on term limits. As we say in Kansas, it is time to fish or cut bait. The American people think that Congress has cut enough bait. They want a vote on term limits.

Term limits are extremely popular with the American people because they want a citizen legislature. They do not want the same excuse that they have heard about we already have term limits every 2 years, because they do understand the system.

They know name recognition, the PAC's, franking all work for the incumbent.

The term limit vote is important. The American people want a ''yes'' vote for term limits or your congressional seat next year. So what are you going to do? Are you going to fish or cut bait?

WELFARE RECIPIENTS ARE HUMAN BEINGS, NOT ANIMALS

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

Mr. FOGLIETTA. Mr. Speaker, in politics, today, we make points by making good sound bites.

I wonder if my colleagues on the other side of the aisle got the sound bite they wanted on welfare this past weekend? The soundbite winner-by far was our millionaire friend from Florida who compared people who are forced to seek Government assistance to alligators.

Last week, I asked the question, ''Do we really have to divide America to reform welfare?'' I do not think so. But I am deeply afraid that others have a different agenda based on divineness, race-baiting and the meanest kind of speech I can think of.

I represent 1 of the 10 poorest districts in America. On behalf of my constituents, I ask for an apology from those who compared decent human beings to alligators, to wolves, and to mothers not capable of caring for a committee chairman's cat.

People forced on welfare are people. Not animals. They want to work—we owe them real solutions to provide them jobs and the tools to keep those jobs. We also owe them an apology for degrading them on the floor of this House.

POINT OF ORDER

Mr. FOGLIETTA. A point of order, Mr. Speaker.

Mr. SPEAKER pro tempore (Mr. TORKILDSEN). The gentleman will state his point of order.

Mr. FOGLIETTA. Mr. Speaker, it seems quite obvious that Members of the House have not abided by the ruling of the Chair concerning buttons would not be worn while the House is in session.

The SPEAKER pro tempore. The Chair will state while a Member is addressing the House he or she may not wear badges or buttons. At other times it maybe permitted under previous rulings of the Chair.

TERM LIMITS

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

Mr. ENGLISH of Pennsylvania. Mr. Speaker, I rise as a strong supporter of congressional term limits who has promised to voluntarily limit his own tenure, and I rise to congratulate those Members of the other party who have gone against their leadership and have joined us in support of term limits.

Unfortunately, it is obvious that there is one party in the House that is sympathetic to term limits and one party that is violently opposed to term limits.

I urge my Democratic colleagues to vote in favor of term limits to give us the votes to pass the amendment. Over 70 percent of Americans are in favor of term limits, and if we are truly a representative institution I believe our voting should reflect that.

This is your chance to prove that you are responsive to the public and to the national interest, and not just part of inside the Washington Beltway.

TIME TO REIN IN THE IRS

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

Mr. TRAFICANT. Mr. Speaker, IRS testified down here that the Bill of Rights and the Constitution are great, but they should not be applied to taxpayers. Taxpayers should remain guilty in a tax court or they cannot do their jobs.

Check out this case: A woman, Edith LiButti, up in New Jersey, once had a great race horse, ''Devil His Due.'' The IRS says you do not own all of that race horse, your dad has a partial interest; we put a lien on the horse. They wrecked her business, destroyed her reputation, and now they are saying their evidence is ''they have reason to believe'' her dad has a partial interest.

Reason to believe? There can be no taxpayer Bill of Rights in America without changing the burden of proof. Taxpayers should at least be treated like a common criminal, by God.

Let me say this: It is time for the Congress to give the devil his due. That is the IRS. It is time to straighten this mess out. I want your support on H.R. 3, and I know the IRS is getting to all of the big people around here and scaring them that they are not going to be able to raise taxes.

Let us get on with our business.

A ROUGH DRAFT MADE BETTER

(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, yesterday the gentlelady from Colorado said the Constitution was not a rough draft. I agree that the bedrock principles upon which this Nation was founded are not in need of refinement. But 27 times—on 25 different issues if you subtract out the on-again/off-again concept of prohibition—the sons and daughters of our Founding Fathers revised the Constitution to better adapt those principles to the times. I am sure the gentlelady agrees that the Bill of Rights, the 13th amendment abolishing slavery, the 15th amendment affirming the right of all races to vote, the 19th amendment granting women's suffrage, or even the 22d amendment—which embodies term limits for the President of the United States—have improved upon the Founding Fathers' work. No, the Constitution was not a rough draft—it was a living document and it can withstand prudent modifications to reflect the march of time. Support term limits.

The author of the first Bill of Rights in this country said: ''Nothing so strongly impels a man to regard the interests of his constituents as the certainty of returning to the general mass of the people from whence he was taken.''

So said George Mason, IV, who refused to sign the Constitution because term limits was not in it.

TERM LIMITS

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

Mr. DEFAZIO. Mr. Speaker, Speaker GINGRICH's whip organization has been awesome as he has rolled up victory after victory no matter how controversial his legislative agenda.

He rolled up a large majority of Republicans to push GATT through a lame duck Congress. Speaker GINGRICH did yeoman's work behind the scenes to deter any congressional scrutiny of the $40 billion Mexico bailout, and when we finally forced a vote on the floor the Republican leader threatened committee assignments, subcommittee chairs and other retaliations if his minions did not toe the line.

Just last week they flexed their leadership muscle gain on welfare and nutrition reform, but the muscles of the Speaker's whip organization have suddenly gone flaccid with the prospect of term limits.

The Speaker has constructed a bizarre rule and amendments that are designed to fail. It is time for supporters of the Republican contract to sue for breach of contract, or maybe to invoke the ultimate term limits in November 1996 and vote the rascals out.

TERM LIMITS

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

Mr. LOBIONDO. Mr. Speaker, since the 1st day of the 104th Congress, I have been proud to join with my colleagues on both sides of the aisle to change the way Congress does business.

This week, we will vote on the most important reform yet—term limits. Opponents argue that we do not need term limits since we have elections.

Yet from 1976 through 1994, 9 out of every 10 incumbents were re-elected. Even in 1994, the re-election rate was still 90 percent.

Term limits will give the American people more elections in open seats. They will bring new Members to Congress who have different experiences and fresh ideas.

That is what the American people want. Recent polls consistently show that two-thirds of the American people support term limits.

And the American people will be watching to see who supports real congressional reform, and who votes for the status quo. I urge my colleagues to vote ''yes'' for final passage of term limits.

TERM LIMITS FOR INCUMBENTS

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

Mr. GUTIERREZ. Mr. Speaker, last week, we heard about the cycle of dependency and people living off the taxpayers' money.

And who was saying it?

The same Republicans who have been getting a Government salary for 20 or 25 years, and today are going to talk about fake and phony 12-year term limit.

Last week, Republicans said ''you get 2 years to learn job skills on your own, no job training.''

But, the gentleman from Florida, sponsor of a 12-year limit, says he needs a longer learning curve to master this job.

Last week, they pointed to pictures of alligators and said that is a welfare recipient.

And then they got a pat on the back.

This week, I have pointed out the hypocrisy of Republicans who support term limits as long as it does not cut into their career, and I am lucky if I don't get whacked over the head.

Last week, I heard about tough love.

Well, this week I want to offer that same kind of tough love to my Republican friends who are having a tough time kicking the congressional habit. If you love this place, tough.

Vote for term limits that are retroactive. If you have been here 12 years, you are out.

□ 1115

AMERICAN COMPETITIVENESS BENEFITS FROM MULTILINGUAL SOCIETY

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

Ms. ROS-LEHTINEN. Mr. Speaker, America has a secret weapon in the dog-eat-dog world of global, economic competition: language.

If you don't believe me ask the Japanese. When asked what was the most important language for world trade, a Japanese businessman once replied, ''The most useful international language for world trade is not necessarily English, but rather the language of your client.'' It makes perfect sense. Customers would much rather buy a product from someone who speaks in a language they can understand.

America's secret weapon is the 9.9 million children who come from homes where a language other than English is spoken. These children can help America crack Japanese, Russian, and Latin American markets by speaking to global customers in languages they understand.

Our biggest mistake would be to waste our tremendous language resources by following the simplistic drumbeat of English-only narrow mindedness.

Support American competitiveness and reject English-only.

TERM LIMITS

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

Mr. FIELDS of Louisiana. Mr. Speaker, I rise this morning to express my opposition to the constitutional amendment of term limits.

Mr. Speaker, term limits of Members are already in the Constitution. According to article II, subsection 1, the House of Representatives shall be composed of Members chosen by the people every 2 years. So we already have term limits, and for those people, I find it very ironic, Mr. Speaker, for the people who talk the most and the loudest about term limits are the people who have served in this body for over 12 years.

So if we really want term limits, I make the suggestion let us lead by example. I want every Member who supports term limits to sign the term-limits pledge to our contract, which provides they would serve ''x'' number of years and then resign from office.

So if you really are for term limits, then I suggest the Members of this body sign the pledge to say, ''I will voluntarily limit my term by a year certain,'' and if you really want to lead, lead by example and not by taking up some amendment that probably will not pass in the disguise of the Contract With America. Let us have a contract with our district and resign from office after 12 years.

CELEBRATING THE 25TH ANNIVERSARY OF THE MINE SAFETY AND HEALTH ACT

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

Mr. BALLENGER. Mr. Speaker, on Thursday of this week the Department of Labor will be hosting a ceremony to mark the 25th anniversary of passage of the Mine Safety and Health Act. Although I will not be able to attend that ceremony, I do want to call it to my colleagues' attention, and commend those in government, industry, the mining work force, and others, who have helped, over that period of time, to make our country's mining industry the safest in the world.

Anniversaries are a time not only to look back but to look forward. Clearly one of the major challenges over the coming years, in all Government programs, is to determine how can we assure the best use of the taxpayer's dollar. We know now what maybe Congress did not appreciate 25 years ago, that we cannot afford to do everything, and so we have to make sure that when Government spends money, it is getting the most value for the taxpayer's dollar.

In that regard, I would note for my colleagues that the Mine Safety and Health Administration spends over $550 per year per covered employee, while its sister agency, OSHA spends about $2.84 per covered employee. We should determine whether it is good use of taxpayer dollars to continue to duplicate many of the functions performed by these two agencies. Just as is true with OSHA, the Mine Safety and Health Administration spends too much time inspecting safe work sites and enforcing trivial requirements.

Over the coming weeks and months, I hope to examine those issues and see whether the answers given 25 years ago remain the right answers today for allowing our country's mining industry to be competitive in a tough world marketplace, while continuing the improvements that have been made in worker safety in this very important part of our Nation's economy.

PROPOSED CUTS TO STUDENT AID THREATEN AMERICA'S FUTURE

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

Mr. BALDACCI. Mr. Speaker, our colleagues on the Republican side are proposing to close the door to higher education for middle-income students in order to pay for a capital gains tax cut. Four major student aid programs—subsidized Stafford loans, work study programs, supplemental education opportunity grants and Perkins loans—are targeted for reduction or elimination.

Last weekend, I met with a group of college students in Maine. They were shocked and disappointed to learn of this proposal. In Maine, nearly 80 percent of all students attending the public university receive assistance from one or more of the targeted programs.

For the vast majority of these students, eliminating this aid will mean that attending college will become a dream turning bleak. Children of working families simply do not have the financial resources on their own to pay for higher education.

Who suffers as a result of this plan? Not just working-class families, but all Americans. Our country desperately needs an educated work force. Today's students are tomorrow's leaders. We cannot afford to deny access to education to all but the most privileged. We must defeat this ill-considered plan, and open education up to all.

AMERICA NEEDS TERM LIMITS

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

Mr. FOX of Pennsylvania. Mr. Speaker, we need to adopt term limits. Eighty-five percent of the American people support limits on the time a Member may serve in Congress.

The current system of entrenched power and almost perpetual incumbency has produced a political climate of cynicism and distrust among the American people. Term limits, with their built-in mandate for accountability, can move us toward restoring faith of a wary public in their government in Washington.

Mr. Speaker, this is not a partisan issue. While Republicans just won control of both Houses for the first time in 40 years, we are reaching across the aisle and urging our Democrat colleagues to join us in fundamentally changing the way Washington works. It is my hope that the voters' demand for change will not become just another electoral echo but will remain vivid and distinct in our ears.

The American people deserve a Congress that is answerable directly to them. This is the meaning of the 1994 election. Mr. Speaker, we want a Congress that is truly a reformed Congress; that demands term limits now.

SSI AND TRAINING CUTS

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

Ms. JACKSON-LEE. Mr. Speaker, I rise today to share with this body a story of individual courage and independence, the type of story that my colleagues from the other side of the aisle like to hold up as the American ideal.

Mr. Speaker, I had the privilege of meeting a very special young woman from my home State of Texas by the name of Beth. Beth, by her own description, is retarded. Now, with a low-skills job, she pays taxes. She is determined to get a better job and soon get her own apartment.

But the Republicans' tax cut will not help Beth. While she was growing up in Texas, Beth's working-class family cared for her with the help of supplemental security income, the SSI Program. She has had access to various Federal youth job training programs that gave her help so that she could get into the public schools.

The Republicans' tax cut will not help Beth. Beth and others like her, true Americans asking only for a hand in overcoming adversity, may now be slapped down by the Contract on America, to pay for symbolic tax cuts, tax cuts that do not do any for us any good.

The other side is ready to cut SSI, job training, and student loans designed to give the disadvantaged an opportunity. Mr. Speaker, the only way that we can help Beth is to make sure that we enhance the opportunities. Mr. Speaker, the tax cuts that the Republicans offered are not the right thing to do.

TO THE DEMOCRATS: JOIN US

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

Mr. LAHOOD. Mr. Speaker, where are the Democrats? We need you. We need you today.

It takes 290 votes. Twenty-two States, many of the States that you all come from, have passed term limits. Why do you not get the message?

Many of these people are Democrats in these 22 States. They need for you to come to the floor today and support the vast majority of Republicans that will vote for term limits.

Do not snub your nose at your people. Come and join us. Help us put the 290 on the board and give the people of the country a chance, an opportunity to debate term limits so it will go out to every State legislature, so all the people will have a chance to debate it.

Do not snub your nose at the voters. Give them a chance to have a say in this. Come and join us. Put the 290 on the board today. Join us.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. TORKILDSEN), The Chair will caution all visitors, you are guests of the Chamber, and we do not allow demonstrations for or against any statement made on the floor.

CONGRESSIONAL TERM LIMITS

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

Mr. ROEMER. Mr. Speaker, I have to respond to the previous speaker in saying that the Democrats must vote for term limits in order to pass it; I would just remind the gentleman from Illinois that he needs to get his leadership and his Republicans to vote for term limits, where the gentleman from Texas [Mr. DELAY] is not going to vote for term limits; the gentleman from Illinois [Mr. HYDE] is not going to vote for term limits, the chairman of the Committee on the Judiciary; the gentleman from Louisiana [Mr. LIVINGSTON], chairman of the Committee on Appropriations, is not going to vote for term limits.

It is not the Democrats that are refusing to vote for term limits. It is the Republicans as a body that are not totally endorsing term limits and will be responsible for this matter not going through the House of Representatives.

Now, term limits, they think, is the answer to everything. Mexico has very strict term limits for their President, their Senate, and their House of Representatives. It certainly has not solved all the problems in Mexico, and people like Mr. Madison and Mr. Jefferson served this country valiantly and with courage and responsibility for up to 43 years.

We should not remove that responsibility from people in this country.

URGING SUPPORT FOR TERM LIMITS

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

Mr. WHITE. Mr. Speaker, I have only been here for a short period of time, just 3 months, but in that short period of time I have learned something about term limits.

I have learned that there are lots of good people who have been in this House for a long period of time, people with experience who can add a lot to the debate, and if we pass term limits today, Mr. Speaker, some of those people will not be able to stay.

But, Mr. Speaker, for every single person we will lose because of term limits, there are thousands and thousands of other Americans who could serve equally well in this House, because no matter how much experience we have in the House, no matter how many Rhodes Scholars we have in the White House, the genius of our country resides in the people of this country, not in professional politicians.

That is why I have limited my own term. That is why I will vote for term limits.

Mr. Speaker, I ask my colleagues to show some humility. We need the wisdom of the American people in this House, and term limits is how we are going to get it.

A HISTORIC DAY IN THE HOUSE OF REPRESENTATIVES

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

Mr. CLEMENT. Mr. Speaker, this is a historic day in the House. This will be the first vote in the House on term limits since the Framers of the Constitution rejected the idea over 200 years ago.

I believe term limits are not needed or necessary. Voters have the opportunity to limit our careers every 2 years. We have had a 52-percent turnover in the House of Representatives since 1990.

It is going to put much more power in the hands of the bureaucracy rather than the elected officials. And No. 5 is the large States really benefit at the expense of the smaller States such as Tennessee.

But with everything said and with my reservations about term limits, I will vote to let the people in Tennessee and the respective States decide whether term limits is in the best interests of the country. I will uphold the wishes of the people of my State and let them decide whether or not they wish to amend the Constitution even though I think it is a bad idea.

SUPPORT THE HILLEARY AMENDMENT

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

Mrs. MYRICK. Mr. Speaker, in my home State of North Carolina, stock car racing is a huge event.

In stock car racing the car driver has a pit crew. These are the guys who work on the engine, fill it up with gas, and keep the car running.

When a driver pulls into the pits to have his crew work on the car, the crew only has a few seconds to do their job.

They change the tires, fill it up, clean the windshield, and then they get out.

Mr. Speaker, the American public elected us to be their pit crew.

The 1994 elections attempted to put America back on the right track. Hard working Americans are driving this country, but they have chosen us to come up here, do a job and get out.

I am a proud sponsor of House Joint Resolution 76, the Hilleary amendment which would impose a maximum 12-year limit on the terms of House and Senate Members.

However, this amendment would also respect term limits already established by 22 States nationwide, most of which are stricter.

Mr. Speaker, like many other freshman Republicans, I have also signed on to Mr. INGLIS' 6-year term limit amendment on House Members.

I have purposefully signed on to more than one amendment to help ensure that term limits pass this House.

Mr. Speaker, let us put America back on the right track and pass term limits.

FIGHTING TO PRESERVE STUDENT LOAN PROGRAMS

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

Ms. DELAURO. Mr. Speaker, last night, Republicans refused to crack down on billionaire tax evaders who renounce their citizenship to avoid paying their fair share of taxes. But, preserving tax loopholes for billionaires is just the latest installment of the great tax giveaway of 1995. And, who is paying for this windfall to the wealthy? Middle class, working families.

Just look at what is next on the GOP agenda: Republicans want to cut student loan programs to help finance their tax cuts to the wealthy. Four crucial student aid programs are on the GOP chopping block. Together, these programs account for 75 percent of the financial aid currently awarded to college students.

In Connecticut, 39,176 students rely on Stafford loans. The average debt of these students is $13,835. The Republican proposal would increase the average debt by $4,547 per family. That means monthly payments will soar, from $164 a month to $202 a month. This may not sound like much to Speaker GINGRICH, but it is real money to a 24-year-old in his or her first job.

Many Members of this body took out student loans to pay for their education. It is wrong to deny that same opportunity to the students of today. Democrats will fight to preserve student loans programs, not tax loopholes for the wealthy.

□ 1130

MAJORITY OF AMERICANS WANT TERM LIMITS

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

Mr. HOKE. Mr. Speaker, in his 1992 campaign for the White House, Mr. Clinton had this to say about term limits: ''I am against term limits because I think it takes choices away from the voters.'' But the American people did choose. They chose by an overwhelming majority that they want term limits. It was their choice. Twenty-four and half million Americans have chosen term limits.

When you talk about choices for the voters, let us look at what happened in California. In California, the number of candidates running for office has increased by 40 percent since passage of term limits. That gives voters an awful lot more choices, does it not? Does it not increase the choices dramatically?

Mr. Speaker, the American people clearly want term limits. Republicans cannot do it alone. We need only half of the Democrats, we just need half of your caucus to vote for term limits. And the gentleman from Michigan's [Mr. DINGELL] own bill, we just need half of the Democrats to give the American people what they want, a more accountable citizen legislature and an end to legislative careerism.

STUDENT LOANS

(Ms. MCKINNEY asked and was given permission to address the House for 1 minute.)

Ms. MCKINNEY. Mr. Speaker, as the Republicans continue their class war on behalf of the junk bond traders of this country, the poor and the middle class are once again going to face their social Darwinist guillotine.

Education is the single most important factor in determining whether or not a person will live in poverty. With this in mind, the GOP is now going to slash student loans which allow working families to send their children to school. Going to school is expensive enough as it is, yet now the Republicans want to make it almost impossible.

While NEWT GINGRICH plans a $500 per child tax credit for people who can afford to send their kids to Yale, the working people in my district now will even have the money to watch his bogus college course on TV.

Mr. Speaker, the Republicans not only want to deny a future for the poor of this country, they also want the middle class to keep them company.

OUR NATION IS BEST SERVED BY HAVING TERM LIMITS

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

Mr. NORWOOD. Mr. Speaker, I would like to point out that I bow to the will of this body, my term-limits badge inside my coat, not on the outside.

Mr. Speaker, I ask my colleagues to consider the words of George Mason, a man whose vision was critical to our Bill of Rights. Mason said;

> In order to restrain public officials from oppression, they should at fixed periods, be reduced to a private station and return into the body from which they were originally taken * * * where they might feel and participate in the burdens of the people.

Mr. Speaker, that means people here should be responsible for the payroll, their production should warrant what their income is, and people who have lived under the oppressive rules and regulations of the Federal Government.

Mr. Speaker, Congress should be of the people, not its permanent representative. Mason knew that this Nation would be best served by having individuals who have lived as private citizens representing them in Congress. I urge my colleagues to vote for term limits.

EDUCATION IS PART OF THE AMERICAN DREAM

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

Mr. WATT of North Carolina. Mr. Speaker, getting an education is part of the American dream. For generations, the Federal Government has helped average, everyday, working-class, and middle-class Americans secure this American dream through financial aid programs for college.

Well, this key component of the American dream is on the chopping block also. Let us be absolutely clear: This is not welfare we are talking about; we are talking about Federal financial aid that goes to working-class and middle-class kids. We are talking about programs that average, everyday working, and middle-class Americans help to finance through their tax dollars. We are even talking about work study, that is, work for money to pay for education.

But make no mistake about it, we are talking about programs that the wealthy string pullers who control the Republican Party do not care one iota about. They can pay for their kids' education. Can you?

EIGHTY PERCENT OF AMERICANS SUPPORT TERM LIMITS

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

Mr. KNOLLENBERG. Mr. Speaker, polls estimate, as everybody knows, that 80 percent of Americans support term limits. Yet I know there are some Republicans who do not, but there are some Democrats who, frankly, oppose, and have actively done so, for some time. Frustrated by 40 years of Democratic inaction and blatant obstruction to term limits, the American people were forced to take this battle to the ballot box, State by State, in a grassroots effort to circumvent an arrogant Congress that thought it knew better than those people it represented.

The makeup of today's Congress is very different, in large part because of the term-limit movement. The new majority believes the people have a right to be heard, and that is why this GOP-led Congress is bringing a historic first ever vote on term limits to the floor of the House today.

For those Democrats sitting on the fence on term limits, just talking about those on the fence, look back at last year's election. Many of your colleagues who fought against the will of the people, about 35 of them, are not here. They are now watching this debate as observers instead of Members of Congress.

The way I see it, we either get your vote on term limits today or we will get your seat in 1996. Think about it.

A TRIBUTE TO THE UCONN HUSKIES WOMEN'S BASKETBALL TEAM

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

Mrs. KENNELLY. Mr. Speaker, this weekend I was lucky enough to be one of 8,000 people at Gampel Pavilion cheering the UCONN Huskies Women's Basketball Team on to their latest victory. We in Connecticut are thrilled that this dream season continues as this dream team advances to the final four.

Rebecca Lobo, the Naismith player of the year and Husky coach, Geno Auriemma, Naismith coach of the year, led this team to an almost unbelievable undefeated season. Although their most recent victory was not quite the 35-point average margin of victory that they were used to, the proved to themselves and to us that through their composure, grit, and drive, they were able to overcome the nerves and the pressure that come with the final big games.

This performance showed us just what a world-class team looks like. On behalf of myself and the entire State of Connecticut best of luck to the UCONN women as they follow their dream to Minneapolis. Go Huskies.

MEMBERS OF CONGRESS SHOULD RETURN HOME AND MIX WITH THE PEOPLE

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

Mr. BRYANT of Tennessee. Mr. Speaker, another world-class women's team is the University of Tennessee. Go Vols.

Mr. Speaker, I rise to speak in favor of term limits as a freshman Congressman who has been here 2 months and who has pledged to my district that I will limit my stay to 12 years. I have taken voluntary term limits.

Mr. Speaker, the case for term limits is a simple one. As one of the Founding Fathers, Roger Sherman of Connecticut, put it, members of the legislature, ''ought to return home and mix with the people.'' He warned that if they did not, ''they would acquire the habits of the place, which might differ from those of their constituents.''

How right he was. Once in office a survival instinct takes hold and nothing becomes as important as winning the next election. Members forget why they were sent to Washington.

Mr. Speaker, term limits have been bottled up for years by the Democratic leadership, but it will finally come to the House floor today. But it will not pass unless we convince about half of the Democrats to vote with the over 80 percent of the Republicans to support term limits.

I would hate to see term limits fail because of a lack of support from my colleagues on the Democratic side. We need only 50 percent of them to vote with us on this. Let us not let term limits fall victim to a lack of bipartisan effort. Let us seize the moment. Let us pass term limits.

GOLDEN GRAB AWARD TO BE ANNOUNCED TODAY

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

Mr. DINGELL. Mr. Speaker, some days back I announced an award which I give from time to time. It is entitled ''The Golden Grab,'' a hand extended outward with palm up. This is an award which I will be giving to people in the defense business who are unfaithful to their contracts, who charge too much, who fail to be responsible in terms of meeting their deadlines; to Government officials who fail to properly carry out their responsibilities.

This is an award dedicated to those who disregard their responsibilities to the people of the United States.

I will give the first award on April 1, on April Fools Day. I will give it to a class of persons who are particularly deserving of this award. I will be shortly announcing the first honoree of honorees.

I urge my colleagues to be present to note who will be receiving the Golden Grab Award, a golden hand, palm up, hand outstretched to receive things to which the individual is not entitled at the expense of the public.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. TORKILDSEN). All time for 1-minute remarks has expired.

TERM LIMITS CONSTITUTIONAL AMENDMENT

The SPEAKER pro tempore. Pursuant to House Resolution 116 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the House Joint Resolution, House Joint Resolution 73.

□ 1141

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 joint resolution (H.J. Res. 73) proposing an amendment to the Constitution of the United States with respect to the number of terms of

office of Members of the Senate and the House of Representatives, with Mr. KLUG in the chair.

The Clerk read the title of the joint resolution.

The CHAIRMAN. Pursuant to the rule, the joint resolution is considered as having been read the first time.

The CHAIRMAN. Under the rule, the gentleman from Florida [Mr. CANADY] will be recognized for 1½ hours, and the gentleman from Michigan [Mr. CONYERS] will be recognized for 1½ hours.

The Chair recognizes the gentleman from Florida [Mr. CANADY].

Mr. CANADY of Florida. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this is a historic day. Since the convening of the first Congress on March 4, 1789, more than 180 term-limit proposals have been introduced. Until today, however, there has never been a debate or vote on a term limits measure in the U.S. House of Representatives. Today's debate is long overdue.

We are taking up this important issue today because an overwhelming majority of the public supports—and is demanding—term limits for Members of Congress. This past November, the voters of 7 States adopted or strengthened limits on terms for Members of the U.S. House and Senate, bringing the number of States with congressional term limits to 22. Twenty-one of those States have imposed term limits through ballot initiatives—with the people speaking directly and unequivocally in favor of term limits.

It is clear that voters want more than the party in power to change. The people want the power structure in Washington to change. The American people know that there is too much power here in Washington intruding upon their lives and restricting their ability to make intelligent common sense decisions about how best to solve their own problems.

The executive branch is huge and imposing. The judiciary is intrusive, and the Congress continues to create a larger body of law for the executive branch to enforce and the judiciary to interpret.

It is an unfortunate consequence of long-term service in Congress that Members, even those with the best of intentions, too often begin to think that the power of the Federal Government can be used to solve every problem. The longer a Member stays in Washington, the more likely the Member will view Washington as the fount of all wisdom.

There are enough people in Washington who think the Government can solve everyone's problems. This Nation needs representatives who have a fresh outlook and the necessary real-world experience to solve problems—many of which, ironically, have been created by the overreaching of the Federal Government.

Congress has become too much like a permanent class of professional legislators who can use the powers of the Federal Government to perpetuate their own careers. There are many incentives which combine to turn Members of Congress into career legislators. Term limits will break the power of entrenched incumbency. It will give us representatives who put serving the interests of the people and advancing the good of the Nation ahead of perpetrating their own legislative careers.

The American people want a more competitive electoral system. That is one important reason the public so strongly supports term limits.

While the 1994 elections changed the party in control of the Congress, the overwhelming power and the benefits of incumbency remained. Ninety percent of House incumbents who sought reelection were successful. Of those incumbents who lost, half had not gained the full advantages of incumbency because they had only served one term. In the Senate, 92 percent of the incumbents who ran for reelection were successful.

The American people also want to rein in the Federal Government. That's another major reason the people keep pushing for term limits on Members of Congress.

Term limits would reduce the power of the Federal Government by eliminating the permanent class of career legislators—reducing the power of incumbency and seniority and making legislators more responsive to the interests of the American people. Term limits would restore a sense of proportion to politicians, and therefore to the Federal Government.

Some argue that term limits will undermine effective and responsible Government—that term limits in effect will turn the Congress over to a gang of amateurs.

I believe that these critics misunderstand the true meaning of representation in a democracy such as ours. Their arguments are eloquently refuted by Daniel Boorstein, the historian and former Librarian of Congress, in an essay entitled, ''The Amateur Spirit and Its Enemies.'' Mr. Boorstein writes:

> The true leader is an amateur in the proper, original sense of the word. The amateur, from the Latin word for ''love'', does something for the love of it. He pursues his enterprise not for money, not to please the crowd, not for professional prestige or for assured promotion and retirement at the end—but because he loves it.
>
> Aristocracies are governed by people born to govern, totalitarian societies by people who make ruling their profession, but our representative government must be led by people never born to govern, temporarily drawn from the community and sooner or later sent back home.

Mr. Boorstein goes on to conclude:

> The more complex and gigantic our government, the more essential that the layman's point of view have eloquent voices. The amateur spirit is a distinctive virtue of democracy. Every year, as professions and bureaucracies increase in power, it becomes more difficult—yet more urgent—to keep that spirit alive.

By enacting term limits we will be doing our part to keep alive this distinctive virtue of democracy. We will make certain that representatives understand the needs and wants of the people because they will have been a part of their world—living and working among them—without the privileges and trappings which elevate and isolate career politicians.

Members will come to Washington knowing that they will not be able to establish permanent careers here. Members will come to Washington to serve their districts and the Nation—not to become part of the Washington establishment.

That is what the people of this country want. That's the kind of system they yearn for. And that is the kind of system they deserve.

As Members of this House it is our responsibility to listen to the American people. This is their Government. They pay the taxes. They fight the wars. How can we in good conscience turn a deaf ear to their demand for term limits? How can we ignore the unequivocal message that comes to us from all across this great land?

How can we stand in the way of the change that overwhelming majorities have supported in State after State?

The issue before this House today is this: Will we or will we not listen to the people of the United States?

I urge my colleagues to listen to the people and to support the constitutional amendment limiting congressional terms.

□ 1145

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

Mr. CONYERS. Mr. Chairman, for purposes of debate only, I yield 30 minutes to the gentleman from Connecticut [Mr. SHAYS], and I ask unanimous consent that he be able to control that time.

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

There was no objection.

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

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

Mr. CONYERS. Mr. Chairman and my colleagues, we have now reached that point in time in the plank of the Republicans' Contract With America which seeks to turn the Congress against itself. Like many of the other provisions of the much ballyhood contract, Mr. Chairman, the proposed term limits amendment has really very little to do with substance. Like the balanced budget amendment and the line-item veto, this debate concerns mere procedure more than anything else. It does nothing to create more jobs, nothing to increase our citizens' standard of living, and nothing to reduce our trade deficit.

Collectively these Republican procedural proposals say to the American

people in effect that we, the Congress, can no longer be trusted to govern this country, that we must give the courts the power to balance the budget, and the President the power to cut spending, and today the Republicans would have us say that we cannot even trust the Members of this body to handle what little legislative responsibilities may remain with us as the second branch of Government. The irony is that these transfers in power from the legislative branch are being proposed at the very time the Republicans have achieved majority status.

Well, I must respectfully disagree with those who say Congress is incapable of legislating, and, while this may be a radical idea, I continue to have faith in the scheme of Government that was laid out in our Constitution more than 2 centuries ago. The Founding Fathers considered this question, and they unanimously rejected term limits at that time. I fully agree with James Madison who wrote that term limits ''would be a diminution of the inducements to good behavior * * * [and the Nation would be deprived] of the experience and wisdom gained by an incumbent.''

Mr. Chairman, I ask, where else is experience trashed as it will be during this debate? Where else will people who have gained from working on the job, who are being reelected and confirmed in their office on 2-year-period intervals, would such a notion as this be considered worthy of all the attention and furor that it will shortly receive?

I also continue to have faith in the fundamental good judgment of the American voters who have already the power to impose term limits. We face the voters every 2 years; does anyone in this Chamber need to be reminded of that? The Senators, every 6 years. I do not think it a good idea to deny these voters the right to elect the person that they think best represents their interests, even though he or she may have received their support in years prior. This would turn the very basic principle of democracy on its head.

I think the voters of Texas knew what they were doing when they reelected Sam Rayburn year after year after year, and the people of North Carolina knew what they were doing when they repeatedly returned Sam Ervin to office. His wise counsel and well-reasoned judgments helped steer this country through a dangerous Constitutional crisis that I recall very vividly. And what Member would have wanted to deny the voters of Florida the opportunity to reelect Claude Pepper so that he could fight for Social Security and health care benefits?

May I also remind those who support term limits that the notion of a career Congress which they decry so vehemently is more myth than anything else. Membership in the House and the Senate is remade ever decade. In the early 1980's, a full three-fourths of Senators and Representatives had served less than 12 years, and more than one-half of the current Members of the House at this moment were elected on or after 1990.

So, the best safeguard we have against rampant special interest abuse are the Members who have been around long enough to know the ropes and know where the bodies are buried. If the voters understood that the effect of term limits would be a massive transfer of power to the permanent bureaucracy of congressional and executive branch staff as well as to corporate and foreign lobbyists, they might not be quite so enamored of the idea. Given a choice between an elected official beholden to the voters and an unelected bureaucrat, I think the voters would prefer to place their trust in the elected official every time.

Term limits are the worst possible example of cheap bumper sticker politics run amok. We have spent enough time kicking ourselves in the face and looking to other branches of government to solve our problems, and I say to my colleagues on both sides of the aisle, let's stop wasting time with these procedural distractions and return to the business of running the country and improving the lives of citizens that we claim to represent.

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

Mr. CANADY of Florida. Mr. Chairman, I yield 4 minutes to the gentleman from Tennessee [Mr. DUNCAN].

Mr. DUNCAN. Mr. Chairman, I rise to speak against term limits, and I thank the gentleman from Florida for yielding me this time.

I realize that term limits are very popular, and that they will receive a very large vote in favor here today.

I realize that in some ways I am tilting at windmills here. But I also know that very few people realize how much turnover is already occurring in this body.

The people have elected 203 new Members in just the last 2 years. Let me repeat that: 203 Members—almost half the House—have begun their service just since January 1993.

There were 110 freshmen elected 2 years ago—and 6 more in special elections in between—and 87 more freshmen in the last election.

If ever there was a proposal that corrected a problem that does not exist, term limits must be that proposal.

Of all the truly serious problems this country faces, turnover in the Congress is not one of them.

Not only are we having record turnover in the Congress, that same thing is happening in the elective offices all across the Nation. So I emphasize once more—term limits correct a problem that does not exist.

Second, term limits simply fly in the face of common sense. In no other area do we regard experience as a bad thing.

Does it make sense to go to a great teacher, or nurse, or architect, or whatever, and say, ''We know you are doing a great job, but you have been here 6 years, or 8 years, so your time is up.''

Electing good new people to office makes sense. Re-electing people who are doing good jobs makes sense.

Establishing arbitrary term limits—which everyone admits will force many outstanding people out of office—just does not make sense.

Third, we would have lost some of the greatest service ever performed for this Nation if we had already had term limits.

Senator Howard Baker from my State could not have served as the leader of the Senate—probably some of his greatest service to the country.

NEWT GINGRICH could not now be Speaker, because he is in his 17th year of service.

Roll Call, the newspaper that covers the Congress, pointed out Monday that Great Britain would have been deprived of the service of Winston Churchill during World War II.

Fourth, term limits were specifically considered and rejected by our Founding Fathers.

I am one of the most conservative Members of this House. I know that most conservatives support term limits.

But there is nothing conservative about term limits. These are very radical proposals. They would change over 200 years of constitutional history and precedent.

More importantly, they are very undemocratic—with a small ''d''. They really take away another right of our people—the right to vote for whomever they please.

Fifth, and finally, term limits will strengthen the power of the unelected—the bureaucrats, the lobbyists, the committee staffs.

We already have a Government that is of, by, and for the bureaucrats, instead of one that is of, by, and for the people. Term limits will make this situation worse.

Term limits have risen as an outcry against a big, wasteful, intrusive, bureaucratic Government.

The people have the intelligence and good sense to know who is voting for big Government and who is not.

The best way to bring about effective change is the old-fashioned way—through our electoral process that has served this country so well for so many years.

The worst possible thing to do now, during a time of great change anyway, is to try out some radical, arbitrary gimmick like term limits, which corrects a problem that does not exist.

□ 1200

Mr. CONYERS. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from Illinois [Mr. GUTIERREZ], who, although he is not a member of the committee, has done an outstanding job in working on this subject.

Mr. GUTIERREZ. Mr. Chairman, I rise this morning aware of the fact

that there are many different audiences listening.

There is the audience in this House—Members who have various opinions about this issue, who feel strongly about the debate we are having, who have studied the pros and cons.

There are some—like my friends on this side of the aisle like Mr. CONYERS—who have gone about it the right way.

They have taken a close look at the legal opinions.

They have taken a close look at the Constitution that we live by.

And, more importantly, they have taken a close look within themselves and their own conscience to decide whether they support term limits.

Like them, I have decided that I cannot support term limits as they have been written by the Republicans.

Unfortunately, there are others in this Chamber—mostly on the other side of the aisle—who have decided to look at public opinion polls rather than look at the Constitution.

They have watched focus groups rather than focus on the real impact of this resolution.

They have decided to listen more closely to the angry voices of talk radio rather than the subtle, eloquent, and ancient voices of our Founding Fathers who thought that the people had the right to decide whom to elect to Congress.

In fact, the Founding Fathers did—in their wisdom—write term limits into the Constitution. Term limits that work.

Every 2 years, your term is up. You want an extension, you go to the people—the people—and ask for their approval.

Now, it is obvious that the Republicans understand that reality. They realize that they need to be reelected. Otherwise, we would not have the ranting and raving and pandering and posturing that you are going to hear from them today.

So I very much want to speak to my colleagues here today, and engage with them in a meaningful debate.

Meanwhile, thanks to the magic of cable television, there is an audience all around the country with whom I can speak this morning. There are people in my district in Illinois listening and watching.

And for them I am taking a stand against fake phony term limits.

But, there are also people in districts far away whom I would also like to address.

I would like people in districts like Florida's Eighth District to listen closely. Not just to my words, but to those of your own Representative.

Now, I hope you do not think I am picking on your Congressman, Mr. MCCOLLUM. I trust that you sent him here with some good reason.

But, Mr. MCCOLLUM has thrust himself into this term limits debate. He has done so with some intensity.

And all I can say is, when you do that—when you start slinging arrows, do not be surprised when one comes back at you.

So, here it comes.

He, MCCOLLUM, is a chief sponsor of a bill to limit Members to term of 12 years.

He, MCCOLLUM, was elected in 1980.

It is now 1995.

Now, you do the math, and you figure out that if Mr. MCCOLLUM really believed what he said, there would be a very simple way for him to enact the 12-year term limits. Walk away.

Now, you might be inclined to think that Mr. MCCOLLUM will at least support the amendment that I will speak on later today to make term limits retroactive.

Nope. Not him.

Even so, let us just listen to the words of Mr. MCCOLLUM, who today is proud to tell us that he sponsors a resolution for a 12-year term limit.

He said: ''Those of us who believe in term limits * * * need to stay longer, unfortunately, because the system is the way it is.''

If you have been here that long, you are the system. You are the system that you say needs changing.

Now, let us go on, because there is also an audience in the Sixth District of Georgia listening to me.

Today I want to send a special message to them.

I want to inform you that your Congressman, Mr. GINGRICH—whom you first elected in 1978—supports limiting members to 12 years of service.

In a press conference endorsing the 12-year limit, the Speaker, now in his 17th year, said: ''The balance of power in favor of professional politicians as incumbents * * * has made a mockery of the process of open elections.''

So, that must mean that each election held in Georgia's Sixth District since 1990—when Mr. GINGRICH's 12 years were up—has been a mockery.

If I lived in Georgia, I would be concerned to hear that I had voted in a mockery of an election. In fact—three of them, since 1990.

Now, I have heard a lot of people talk about the Speaker and his problems with GOPAC.

Well, today, I am not going to talk about GOPAC.

But I am going to say go back, as in go back to Georgia, because the 12-year limit that you want to impose on everyone else has long ago passed for you.

Go back, as in how do you go back to your district every week—and I know that he does, because I see him on t.v. teaching that course on ''Saving the Western World'' or whatever it is called—but, how do you go back to your district every week and tell folks that you support a 12-year limit, but you are going on serving well beyond that.

No, I am not going to say GOPAC but I am going to say go back—as in how do you go back on your word, Mr. Speaker?

Mr. GINGRICH said that without these changes, the congressional campaigns are a ''mockery''.

Well, thanks to his Republicans and their empty term limits rhetoric, they are making mockery of Congress.

What is a mockery?

The dictionary says ''an action of ridicule * * * false * * * and imitation.''

That is what today's debate is.

Ah, but there is an answer.

A way to ensure that the political power in this country is given back to the people who deserve to have it. The men and women who work hard and play by the rules.

And that is with serious, substantive campaign finance reform.

Campaign finance reform insures that an incumbent must earn—and continue to earn—his or her seat in the body, rather than act like they own it.

Nobody owns a seat in this House.

But, as long as we debate phony issues like term limits, and avoid real issues like campaign finance reform, we make it possible for lobbyists and big-dollar contributors to own Members.

In their contract, this was part of the Republicans' so-called Citizen Legislature Act.

You want a legislature that belongs to the citizens? Good. Let us put limits on the time we spend raising money and hustling for votes.

Campaign finance reform is the answer.

Term limits is not.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. The Chair wishes to remind our visitors in the gallery that no expressions on their part are allowed.

Mr. SHAYS. Mr. Chairman, to begin the debate, I yield 4 minutes to the distinguished gentleman from New York [Mr. KING], one Member who is strongly opposed to term limits.

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

Mr. Chairman, I rise in total opposition to term limits. I oppose term limits because they are undemocratic and because they represent the ultimate in elitism.

For someone from some other part of the country to come to my district and tell my voters they cannot vote for me just because I happen to have been in office for 6 years or 8 years or 12 years is the ultimate insider mentality. They are saying that they know more than the average voter in the average district around this country. Perhaps in their districts people want to elect part-time farmers or barnyard philosophers. That is fine. Let them elect those people. Let them send them here to Congress. But my point is that it is up to each voter in each district to decide what person they want to elect to Congress.

I must say that while it is very seldom that I agree with my friend, the gentleman from Illinois [Mr.

GUTIERREZ], there is a lot to be said for the logic of retroactivity. My feeling is that we should only amend the Constitution if it represents an ultimate truth, something about which there can be no debate. For instance, the 13th amendment abolished slavery. Now, would those who favor term limits have followed the logic in the 1860's of saying, ''I am opposed to slavery, but I'm not going to free my slaves until the amendment is adopted'' or ''I'm going to continue being a slave holder because the 13th amendment isn't adopted yet''?

Of course not. If it is wrong, if it is immoral, if it somehow tears away at our country not to have term limits, then lead by example—go home, because otherwise what you are saying is that this is just a political issue that we use to get elected. And as a Republican, I am very, very concerned about this entire pernicious pattern of pandering and posturing by Members who seem to have an unquenchable quest or an unquenchable thirst for self-flagellation. It is part of an overall pattern where they are denouncing everything about the Congress, denouncing being a politician, denouncing being a person committed to making change in government.

My feeling or my strong belief is that those of us who say we want change, what we are really doing, those of us who support term limits are saying that the voters in the districts are not smart enough to elect the proper Members to Congress. and what could be more elitist, what could be more anti-democratic, what could be more of an inside-the-beltway mentality than to be denying the voters of individual districts the right to elect the Members of their choice?

Just think, I say to the Republicans, my fellow Republicans, of some of the outstanding Members who would not have been elected if we had had term limits. The voters of Ohio would not have been allowed to reelect Robert Taft to his third term in the U.S. Senate. The voters of Illinois would not have been able to elect Everett Dirksen. The voters of Kansas would not have been allowed to reelect ROBERT DOLE. And on the Democratic side, outstanding leaders such as Sam Rayburn would not have been allowed to return to Congress because someone in Washington said that it is wrong for the people in Texas or Ohio or Illinois to select the person they want to represent them in Congress.

I am probably the last person in this body who could be accused of being an Anglophile. However, the point is made about Winston Churchill. He was a man who served over 40 years in the British Parliament. Are we saying it was wrong or that it was immoral for Winston Churchill to be in the Parliament at the time of World War II?

Who among us would be better qualified? Would it have been that part-time farmer from some State? Would he have been a better Speaker? Maybe he would have, but let the voters in that district decide.

Also one of the main arguments that we have used against Congress in our incessant campaigns against Congress has been the fact that staffs are too powerful. Nothing could make staffs more powerful than to have Members rotating in and out and having a permanent unelected body of staff deciding the legislation, deciding the procedures, deciding the process.

I strongly believe that for a Congress to be effective we need a whole range of Members in this Congress. We need the institutional memory of someone like a HENRY HYDE or a JOE MOAKLEY.

The CHAIRMAN. The time of the gentleman from New York [Mr. KING] has expired.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield 30 additional seconds to the gentleman from New York [Mr. KING].

Mr. KING. Mr. Chairman, I will take the 30 seconds from Mr. SHAYS.

Mr. FRANK of Massachusetts. Mr. Chairman, I would point out to the gentleman that Mr. SHAYS got the 30 seconds from us, so if he wants to go through the middleman, he is entitled.

Mr. KING. I have enough trouble with my own party. It is easier if I get it from Mr. SHAYS.

Mr. Chairman, I thank the gentleman from Massachusetts [Mr. FRANK] very much for his munificence.

In conclusion, Mr. Chairman, to be a real representative body what we need is a wide range of elected officials, but we should not be imposing our will on who those elected officials are. It should be the genius of the American people to decide that we need a person of experience like a HENRY HYDE and we need a person like my good friend, the gentleman from South Carolina, Mr. BOB INGLIS who is going to be gone in 3 years. But that is up to the people to decide, not for us to say who should be changed or who should not be changed. Let the American people decide that. They decided that in 1994 when they overwhelmingly rejected Democrats and elected Republicans. We are our own best argument against term limits.

Mr. CANADY of Florida. Mr. Chairman, I yield 5 minutes to the gentleman from South Carolina [Mr. INGLIS].

Mr. INGLIS of South Carolina. Mr. Chairman, I thank the gentleman for yielding me the time, and I rise today to mark this historic occasion of finally having the opportunity to discuss, debate, and vote on term limits on the floor of the House of Representatives.

What a wonderful day it is. After a long time working for this, we finally get the opportunity. It is a great thing. What a difference an election can make.

In the last Congress we had a Speaker who sued us in the State of Washington to prevent us from enacting term limits. This time we have a Speaker who is working with us to bring this to a vote.

I rise today, Mr. Chairman, to point out the basic case for term limits and then to answer several of the objections.

First, the basic case: The average American, as the Members can see here by my chart, keeps his or her job 6 years. The average Member of Congress keeps his or her job 8 years. That is not terribly long, and a lot of speakers will point out that some 200 Members are relatively new.

But here is the critical statistic: The average Members of the leadership who we all know run this place have kept their jobs for an average of 22 years. This tells the story of why we need term limits.

Let me point out another chart that tells the story of why we need term limits. Of course, we had all this discussion, and we will hear plenty of it today from the opponents of term limits, about the fact that we have had such a massive turnover in this body. But let us ask where the turnover came from. The turnover came from open seat elections. Relatively few Members have lost their attempts to be elected, and let me show that to the Members by this chart.

□ 1215

In 1990, 96 percent of those who wanted to come back came back. In 1992, it went down a little bit. 88 percent of those who wanted to come back came back. In 1994, the election that got us this management change, and I am very thankful, as I just stated, for that management change, because now we have an opportunity to debate term limits, 90 percent of those of us who wanted to come back were reelected. That I think tells the story of a permanent Congress, a Congress that becomes out of touch with the people back home.

Now, about the issue of what the States have done, as you can see here, some 22 States have decided to limit terms. That I think is an indication of the strength of support out there and why it is that this is finally long overdue and now thankfully on the floor of the House of Representatives.

In the time that remains, let me address a couple of the major objections to term limits. First, the bureaucracy will run the place. Let me ask the other Members of Congress today to address this question. If you are talking civil servants, there is no way a Member of Congress can deal with a civil servant. How about your personal staff and how many do you have on your staff? I have got 15, and 2 part-time folks. The people at home direct a whole lot of people. In small businesses they may have 100 people they direct. In big corporations they may have thousands of people they direct. So we cannot make too much of our job here.

Let us not think too highly of ourselves. It is a relatively small operation. There are only 15 or so in our offices, 18 if you have the full complement and spending all the taxpayers' money and 4 part-time people. It is a small operation. Let us be honest.

So the bureaucracy, you cannot control the civil servants now, except by controlling their appropriations. You can control your own office, because there are so few people in there.

Now, second objection: We are going to lose talent. How are we going to lose the talent? If a talented Member of this House wants to run for Governor, nobody in the term limit effort begrudges them that. We would encourage them to run for Governor. If a talented Member of the Senate wants to run for President, we encourage them to run for President. We are not going to lose the talent; we are going to redirect it. All the folks we are hearing about we are going to lose, they might be the President of the United States if we forced them out of here, or might be a great Senator, or maybe a Governor. We will force them over there.

The third objection that my good friend just mentioned speaking before me is do not tell my people who they can vote for. Do not limit their choices. Well, who are you speaking for? Eighty percent of the American people want term limits. They told you that. They tell you every town meeting. They tell you in every poll taken in your district. Who are you speaking for? The 20 percent?

They are giving you a message. They want to limit you. They are just being fairly polite about it by not telling you to your face, but they are telling you in every opinion poll 80 percent of us want term limits.

So when you stand here and say do not tell my people how they cannot reelect me, they are trying to tell you they do not want to reelect you after a period of time.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield 2½ minutes to the gentleman from Maryland [Mr. WYNN].

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

Mr. Chairman, I would like to talk about term limits, and maybe debunk some of the myths that have been put out about why term limits are such a good idea.

Now, the first argument that you hear is that well, the majority of people like it. You just heard 80 percent of the people like term limits. Well, they have an easy solution. Do not vote for us. The fact of the matter is, the people right now have that option. All those people who do not like the incumbent can not vote for the incumbent. But if you think about it, ladies and gentlemen, the point of the matter is this is not a popularity contest. A lot of the majority at one point in time thought slavery was a good idea. You could probably get a majority today to abolish all taxes. That does not dispose of the issue. Clearly we need more thought on this issue.

Second, you hear what we need is a citizen legislature. We are all citizens. It does not matter whether you have been here 2, 10, or 20 years, we are all citizens. But my point is, being in the legislature is not a hobby. It is not a lark. It is a job with a tremendous amount of responsibility. I am going into my third year, and I have to tell you, it is an awesome responsibility, and there is a very high learning curve. You do not manage a multitrillion-dollar budget by walking in off the street.

People want to say, particularly on the Republican side of the aisle, well, you ought to run Government like a business. Ladies and gentlemen, you know, every business cherishes its talented people. There is no corporation in America that says after you have been here 6 years and begun to learn the business or after you have been managing for 12 years and things are going well, we are going to kick you out the door. It does not work that way. Yes, run Government like a business, keep talented people there. At least give them the opportunity to be retained.

Third, you hear about incumbency. First of all, there are 83 new Members in this body, so incumbents are not winning all the races. The gentleman says most of the incumbents still won anyway. Yes, people like me, who are incumbents the last time around, who were freshmen incumbents. There are over 100 in my class. Most of us did win. That is not an indictment of this system to suggest that incumbents win. That is the reasonable outcome.

Finally, there is the issue of career politicians. Let me state emphatically, there is nothing wrong with a career in politics, if you do a good job, if your people think you do a good job, and if they elect you.

Mr. Chairman, I think the people ought to have the right to select the person that they want. That is the only issue in this debate, the right of American people to decide in their individual district and their individual community if they want to retain someone or if they want to oust them. I trust the wisdom of the American people to make that decision on election day, and that is why I believe we do not need term limits.

Mr. CANADY of Florida. Mr. Chairman, I yield 4½ minutes to the gentleman from Wisconsin [Mr. SENSENBRENNER].

Mr. SENSENBRENNER. Mr. Chairman, I rise in opposition to this joint resolution, and I urge the membership to defeat each of the substitutes that will come before us later on today. Term limits, in my opinion, are a bad idea. They are anti-democratic, and I think that they will upset the balance of power and checks and balances that the Framers of our Constitution so delicately devised and which have served the United States of America so well for over 200 years.

The Constitution of the United States should not tell the voters who they cannot vote for. That is a Government law that limits the choice of the voters and tells the voters that if someone has served for 6 or 8 or 12 years, they are no longer qualified to serve in the Congress of the United States, no matter how distinguished their service has been, no matter how much they represented the viewpoints of the majority of their constituents, and no matter how honest and forthright they are. I think that is wrong.

Second, term limits will end up strengthening the hand of the executive and judicial branches at the expense of Congress. Many of the more ardent supporters of term limits say that they support limiting terms because they wish to weaken the legislative branch of Government, the Congress of the United States. But if one stops and thinks about that argument, it weakens the only branch that is completely elected by the people of this country. Every Senator and Representative is an elected official. But in the Executive and Judicial Branches, only the President is elected, and those are the two branches of Government that will become stronger proportionately as Congress is weakened by term limits.

In fact, term limits will actually make Representatives and Senators more distant from their constituents, because they will no longer have the incentive to go back home and face their people and find out what their people are thinking in order to win reelection.

The third problem with term limits is that it will effectively place control of the House of Representatives in the hands of the four largest State delegations. That means that those who represent the other 46 States, no matter how talented they are, are not going to be able to achieve the respect, to get on good committees, and to achieve the knowledge that goes with being on the strong and powerful committees, and will be relegated to serving on the committees that are of much lower priority.

I just look at my own State, where Les Aspin and DAVID OBEY, Henry Reuss and Clement Zablocki on the Democratic side, and Melvin Laird and John Byrnes and William Steiger on the Republican side have served with distinction. Buy they were never able to hit their prime until they had been here for 10 or 12 years, because they had not gotten the respect and the chits from their other colleagues in order to get into positions of influence.

Finally, term limits and changing the Constitution will not change human nature. Human beings are those who are elected by the people to represent them in the Congress of the United States. The reward for doing a good job in this business is reelection, and that is an incentive that drives us to represent our people and to go back

home and listen to what the people are saying.

I am afraid that with term limits we would become much like Mexico, which is a government that has a term limit of one term on all of their elected officials. If you do not have to go back home, then you start looking for the next job right away. Every contact with the lobbyists then becomes a contact with a potential future employer. As it stands now, no Senator or Representative starts looking for the next job until they decide to retire or the voters decide that question for them. With term limits, you are going to have people looking forward to the next job right from the very beginning. That is going to end up corrupting the system of government that we have to an even greater extent than it is now.

Please vote against term limits, uphold the Constitution of the United States, and uphold the checks and balances which have served our country so well.

Mr. FRANK of Massachusetts. Mr. Chairman, at her request, I yield 30 seconds to the gentlewoman from Oregon [Ms. FURSE].

Ms. FURSE. Mr. Chairman, I am rising in support of the term limit bills. I introduced a term limits bill identical to the one that Oregon passed. I want to say to my Republican colleague, the gentleman from New York [Mr. KING], he said Washington should not dictate. No, Washington should not. And it is not Washington who is dictating, it is the voters. The voters of Oregon overwhelmingly voted in favor of term limits, and I support the term limits bill.

Mr. SHAYS. Mr. Chairman, I yield 3 minutes to the gentleman from Illinois [Mr. PORTER].

Mr. PORTER. Mr. Chairman, it is amazing to me that anyone can believe that if only we can correct the faulty Constitution our Founders gave us by adding term limits, all our problems will be solved.

In 1787, the American Constitution was a revolutionary document, placing, for the first time in human history, its faith in the individual judgment of ordinary people as our governing force.

Now some would abandon faith in the judgment of the people and urge an artificial restraint.

The Founders debated the issue of term limits at the constitutional convention and ultimately decided that the sole responsibility for choosing the people who would represent them should be left to the people, and not be controlled or limited by the Government. Thomas Jefferson said it best in a letter to William Charles Jarvis on September 28, 1820:

> I know no safe depository of the ultimate power of the society but the people themselves; and if we think them not enlightened enough to exercise their control with a wholesome discretion, the remedy is not to take it from them, but to inform their discretion.

Our problems do not lie with a poorly written Constitution. They lie with our failure to live up to the trust placed in us by the Founders. The solution is not to remove the trust, but for the people to fully inform themselves and fully participate in the electoral process as the Founders envisioned. That has happened with a vengeance in the last two elections. Today, over half the House of Representatives has served less than 4 years. Congress is today a dynamic body, responsive to the people—without changing the Constitution.

Those who today urge support for term limits have it wrong. The Founders, who debated term limits extensively in 1787, got it right the first time. Leave it to the people.

Mr. CANADY of Florida. Mr. Chairman, I yield 6 minutes to the gentleman from Florida [Mr. MCCOLLUM].

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

Mr. Chairman, this is truly a historic day, the first time in the history of the U.S. House of Representatives that we are here to have a debate and vote on limiting the terms of Members of the U.S. House and Senate. It is something a lot of us have wanted to do for a long time, but we have never had that opportunity under the previous administration and the 40 years of Democrat control. But we have it here today. Now we need to take advantage of it.

We need to answer in this term limit debate two questions: Are congressional term limits a good idea; and, if so, what version is best to place in the U.S. Constitution?

The answer to the first question is clearly yes. The fact that nearly 80 percent of the American people favor term limits may alone be reason enough to enact them. But this begs the question. While there are numerous reasons for the support, the most profound go to the need to change the institution of Congress itself and the attitude of those who serve. When the Founding Fathers wrote the Constitution, they could not have foreseen the full-time year-round Congress of today. They never envisioned a Federal Government as large and complex as it is now. They viewed Congressmen as citizen legislators who spent only a couple of months every year legislating and the rest of the time at home conducting their personal business.

□ 1230

Indeed for over 100 years, most House Members served two terms or less and only in this half century has Congress become a year-round, full-time job.

The chart that I have here explains this pretty clearly. We have had a number of speakers this morning talking about the fact that we have had turnover recently in the last two elections. The problem is historically, if you look at the chart, you can see the first 100 years of the Nation, we had very few Members who served nearly as long. Now they are serving a lot longer and those in the blue line on this chart who run for reelection are being reelected overwhelmingly, very high percentages today on the far end of that chart. So statistical norms show that we are in a period of time far different from what the Founding Fathers could have envisioned.

With these fundamental institutional changes has come a change in the attitude of Members serving in Congress. Most Members have no outside earned income, and many are prohibited by law from practicing their professions. As a consequence, it is only natural that a great many Members view Congress as a career and are motivated to protect themselves from reelection challenges by far more than the simple desire to continue to serve their country. They see these facts: A seniority system which generally rewards length of service and the power of incumbents seeking reelection. Consequently many vote with the primary concern being how the vote will affect their reelection chances rather than what is best for the country.

This concern with reelection frequently translates into votes to please every interest group. Virtually every budget item has a constituency in each congressional district. The Congressman knows that if he or she votes against the wishes of that constituency he risks their votes in the next election and that the best way to get reelected is to avoid displeasing any interest group no matter its size. Votes, not campaign contributions, are the real issue. Hence, no amount of campaign finance reform will solve this problem.

Enactment of term limits is the only way to alter this attitude. With term limits in place, those coming into Congress will know that they have only a limited period of time in the House or Senate. Most will not come with a career attitude. While still concerned with reelection, inevitably there will be less conscious or subconscious pressure to vote to please every interest group. This cannot help but make balanced budgets more likely and lead to decisions more favorable to the citizenry as a whole than to a collection of interest groups.

Term limits will also mean a permanent end to chairmen who can control a committee for 15 or 20 years. It will guarantee fresh new faces and ideas regularly coming to Washington.

Of course, there will be some loss of experience and institutional wisdom. It is a necessary tradeoff. With thousands of talented Americans available to fill the shoes of those departing, the loss will not be nearly as great as term limits critics will say.

As to the choices among the term limit alternatives, the most rational approach, in my judgment, is embodied in House Joint Resolution 73 which I have offered and is the base text before us today. It provides a permanent 12-year limit on both the House and Senate with no retroactivity and silence on State preemption. To provide lower limits for the House than for the Senate would mean that the House would become a weaker body vis-a-vis the

Senate. Furthermore, a 6-year House limit does not provide sufficient time for a Member to become experienced enough to do a good job in serving as a chairman of a full committee or in a major leadership position in Congress. Shorter limits validate the critics' argument that term limits will lead to staff domination whereas 12 years virtually eliminates it.

Those who want to set a 12-year cap and leave it to the States to decide lesser limits are asking for a permanent hodgepodge of 6-, 8-, and 12-year limits throughout the Nation which in the long run cannot help but be bad public policy. It is naive to assume that all States would eventually reach a uniform norm under the 12-year cap. Political reality says that some States would always have lower limits than others. If the Supreme Court rules in favor of the States in the current pending case, such a hodgepodge could exist even under House Joint Resolution 73, but others want to give the States such a right regardless of the Court interpretation in the constitutional language. This simply does not make sense.

Some term limits supporters genuinely favor retroactivity, but most understand that in the current debate retroactivity is a mischievous tool of those who are opposed to limits. None of the 22 States that have adopted term limit initiatives have retroactivity. In Washington State where it was featured, the initiative lost, and a later one without it succeeded. As a practical matter retroactivity will cost votes on final passage and every vote is going to be needed to get to the 290 necessary to pass term limits in the House today. The retroactivity amendment will kill term limits. And I urge a vote against it.

Though the merits of each term limit proposal should be thoroughly debated, every Member of the House who truly supports term limits should put aside their differences.

And when we get, after the amending process, to vote on final passage, we need a yes vote. Better than 80 percent of the American people favor term limits, Democrats and Republicans alike are evenly divided. We are going to have 80 to 90 percent of the Republicans voting for it. If we just get 50 percent of the Democrats to do it, we can pass term limits today.

We need to have this healthy debate. Term limits are overdue. I urge a favorable vote for the final passage of term limits and this great historic debate.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield myself 15 seconds.

I am sorry my friend did not yield to me. As he described the terrible things that happen to the attitude of Members who have been here too long and if they have been here, especially after 12 years, I was going to ask him when in his 15 years of service this terrible thing happened to him. But I guess I will have to wait for my answer until later.

Mr. Chairman, I yield 5 minutes to the gentleman from Wisconsin [Mr. OBEY].

Mr. OBEY. Mr. Chairman, I thank the gentleman for the time.

I think the greatest disservice that any public official can pay to the people he represents and to the democratic system is to cynically manipulate public frustrations and to then give their voters the impression that they are pretending to be for something which they really are opposing.

I think that is happening today. I think the greatest honor a public official can do to the people he represents is to deal honestly with them, especially when he has an honest disagreement with them.

In my view, voters are being treated to a cynical charade by the way this term limit proposition is being handled in the House today. For many years, many in the Republican leadership have told the public that they are for term limits in order to get votes, but then they unexpectedly came into power. They find themselves now in control, and they now have to produce what they promised.

Does anybody really believe that a Member who has served 16 years is sincere in saying that he is for term limits when he continues to file for reelection every 2 years? If they were sincere, it seems to me all they would have to do is to demonstrate that sincerity by simply deciding not to run again.

The process today, in my view, is designed to kill term limits. It allows Members to pretend that they are opposed to term limits by voting for any one of the four propositions before the House. But because there are four propositions rather than one, procedurally you virtually guarantee that there will be insufficient votes for any one of the four, thus enabling people to go home and say, ''Oh, I voted for term limits, but * * *''

It just seems to me that that is a charade which does the public no great service.

I would also point out that the main term limits amendment does not even apply to most senior Members of this House, such as myself. It is a ''let's pretend'' term limit. It takes place only in the hereafter. It does not take place in the here and now. To me that is a measure of its unreality.

I oppose the concept of term limits because I took an oath to uphold the Constitution. I take that oath seriously. I honestly believe that if these proposals pass, from the day Members walk into this institution they will be on the lookout and they will be shopping for their next job. As my colleague, the gentleman from Wisconsin [Mr. SENSENBRENNER], said, every time a lobbyist walks into their office, they will be looking at that lobbyist as a potential employer in a few short years. I do not think you want to do that to this institution.

I believe the public ought to have a right to vote for anybody they want, without the benefit of social engineering by would-be constitutional scholars in this House.

I believe term limits would allow bureaucrats whose favorite weapon is inertia to simply try to out wait any aggressive committee chairman. Whenever they are in conflict with the committee, they will simply say to their agency people: ''Do not worry about it, just stall and we will out wait them.'' Most of the time they would win under these propositions.

I also believe that small States like mine would very seldom be able to see Members of their delegation rise to chairmanships because if there were no long-term development of seniority, I think the large States would simply divide up the major chairmanships and the major committee assignments for themselves.

I would like to pay tribute in this debate to people like the gentleman from Illinois [Mr. HYDE], not because he agrees with me but simply because he is true to his conscience and is not engaged in a cynical double game. He does the country honor by playing it straight. And in my view, he does that on virtually every issue that is before the House. That is why I think he is a very valuable Member for the House and that is why I believe that if we had more like him, we would not be engaged in this charade today.

So I would simply say, let us not really even give credibility to this ''let's pretend'' process. We all understand that many of the sponsors of this proposal are in a very uncomfortable position. They promised something they never dreamed they would have to deliver on, and now I think we have an elaborate charade to pretend that they tried.

I do not think that does any real service to the American people. I think we ought to play it straight and lay out our views on this issue honestly. That is what I think the gentleman from Illinois has done today.

Mr. CANADY of Florida. Mr. Chairman, I yield 3 minutes to the gentleman from Ohio [Mr. HOKE].

Mr. HOKE. Mr. Chairman, I thank the gentleman from Florida for yielding time to me.

I stand up in strong support of term limits. I want to address some of the remarks that I have heard here this morning, specifically the suggestion that this is a cynical attempt on the part of House Republicans to fulfill something that they never intended to have happen in the first place.

Nothing could be further from the truth. The fact is there is a cynical amendment that will be on the floor today, a very cynical amendment. And the reason that it is cynical is that it has been brought by Members, the gentleman from Michigan [Mr. DINGELL], the gentleman from Massachusetts

[Mr. FRANK], by individuals who have very publicly stated they are absolutely opposed to term limits. And they are bringing this amendment with retroactivity in the belief that it will somehow embarrass and that it will somehow create problems for our side.

But the reason that it is cynical is that they have absolutely no intention whatsoever of voting for it on final passage. Let us say that under these queen of the hill rules the Dingell amendment actually gets the most number of votes. The question is, are they going to then vote for it on final? I wanted to be able to ask that question of the gentleman from Illinois [Mr. GUTIERREZ]. I looked for Mr. GUTIERREZ, he spoke glowingly of the Dingell amendment. He spoke disparagingly of all three of the Republican amendments. Is Mr. GUTIERREZ going to vote on final in favor of the Dingell amendment if that gets the most number of votes?

Mrs. SCHROEDER. Mr. Chairman, will the gentleman yield?

Mr. HOKE. I yield to the gentlewoman from Colorado.

Mrs. SCHROEDER. Mr. Chairman, if the gentleman from Illinois [Mr. GUTIERREZ] were, would that change the gentleman's opinion of what is going on?

Mr. HOKE. Mr. Chairman, it would change my opinion with respect to Mr. GUTIERREZ, sure, it would. I would think that that is not cynical. That is not hypocritical. . . .

Mr. DINGELL. Mr. Chairman, I demand that the gentleman's words be taken down.

The CHAIRMAN. The Clerk will report the words objected to.

□ 1243

Mr. HOKE. Mr. Chairman, I ask unanimous consent to withdraw those specific words.

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

Mr. DINGELL. Reserving the right to object, Mr. Chairman, what words was it the gentleman would like to withdraw?

Mr. HOKE. Mr. Chairman, I ask unanimous consent to withdraw the word hypocritical.

Mr. DINGELL. What about the word cynical?

Mr. HOKE. In reference to you directly, Mr. DINGELL, ''cynical.''

Mr. DINGELL. Did the gentleman also wish to apologize?

Mr. HOKE. No, I did not.

Mr. DINGELL. He did not wish to apologize. Then I object.

The CHAIRMAN. Objection is heard.

The Clerk will continue.

The Clerk will report the words.

The Clerk read as follows:

I had specific conversation with the gentleman from Michigan, and he stated to me very clearly that it is his intention to vote against this bill on final. Now, if that is not a cynical manipulation and exploitation of the American public, then what is? What could be more cynical? What could be more hypocritical.

The CHAIRMAN. The Committee will now rise.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. TORKILDSEN) having assumed the chair, Mr. KLUG, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the joint resolution, (H.J. Res. 73) proposing an amendment to the Constitution of the United States with respect to the number of terms of office of Members of the Senate and the House of Representatives, certain words used in debate were objected to and on request were taken down and read at the Clerk's desk and he does now report the same to the House.

The Clerk will report the words objected to in the Committee of the Whole House on the State of the Union.

The Clerk read as follows:

I had specific conversation with the gentleman from Michigan, and he stated to me very clearly that it is his intention to vote against this bill on final. Now, if that is not a cynical manipulation and exploitation of the American public, then what is? What could be more cynical? What could be more hypocritical?

The SPEAKER pro tempore. In the opinion of the Chair, ascribing hypocrisy to another Member has been ruled out of order in the past, and is unparliamentary.

Without objection, the words are stricken from the record.

There was no objection.

Without objection, the gentleman may proceed in order.

Mr. DINGELL. Reserving the right to object, Mr. Speaker. I have been waiting for an apology from the gentleman. I know he wants to apologize and does not want to leave these things on the record, because I am sure he realizes that it reflects unfavorably upon him, as it does upon me, so I am waiting for the apology. I know the gentleman wants to give it to me.

Mr. HOKE. Mr. DINGELL, I very clearly stated that I ask unanimous consent to withdraw my words, and I requested that that be done. You objected to that.

Mr. HOKE. I have told you on the Record that I will not apologize.

Mr. DINGELL. Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard.

The question is: Shall the gentleman be allowed to proceed in order?

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

Mr. CONYERS. Mr. Speaker, I object to the vote on the grounds that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 212, nays 197, answered ''present'' 2, not voting 23, as follows:

[Roll No. 273]

YEAS—212

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

NAYS—197

Abercrombie
Ackerman
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Barton
Becerra
Beilenson
Bentsen
Berman
Bevill
Bishop
Bonior
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (OH)
Bryant (TX)
Cardin
Chapman
Clayton
Clement
Clyburn
Coleman
Collins (MI)
Condit
Conyers
Costello
Coyne
Cramer
Danner
Deal
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Durbin
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Foglietta
Ford
Frank (MA)

Frost	Martinez	Rose
Furse	Mascara	Roukema
Gejdenson	Matsui	Roybal-Allard
Gephardt	McCarthy	Rush
Geren	McDermott	Sabo
Gibbons	McHale	Sanders
Gonzalez	McKinney	Sawyer
Gordon	McNulty	Schroeder
Green	Meehan	Schumer
Gutierrez	Meek	Scott
Hall (OH)	Menendez	Serrano
Hall (TX)	Mfume	Shays
Hamilton	Miller (CA)	Sisisky
Harman	Mineta	Skaggs
Hastings (FL)	Minge	Skelton
Hefner	Mink	Slaughter
Hilliard	Mollohan	Spratt
Hinchey	Montgomery	Stark
Holden	Moran	Stenholm
Hoyer	Murtha	Studds
Jackson-Lee	Nadler	Stupak
Jacobs	Neal	Tanner
Johnson (SD)	Oberstar	Tauzin
Johnson, E.B.	Obey	Taylor (MS)
Johnston	Olver	Tejeda
Kanjorski	Ortiz	Thompson
Kaptur	Orton	Thornton
Kennedy (MA)	Owens	Thurman
Kennedy (RI)	Pallone	Torres
Kennelly	Pastor	Torricelli
Kildee	Payne (NJ)	Towns
Kleczka	Payne (VA)	Traficant
Klink	Pelosi	Tucker
LaFalce	Peterson (FL)	Velazquez
Lantos	Peterson (MN)	Vento
Laughlin	Pickett	Visclosky
Levin	Pomeroy	Volkmer
Lewis (GA)	Poshard	Ward
Lincoln	Rahall	Waters
Lipinski	Rangel	Watt (NC)
Lofgren	Reed	Wilson
Lowey	Reynolds	Wise
Luther	Richardson	Woolsey
Maloney	Rivers	Wyden
Manton	Roberts	Wynn
Markey	Roemer	

ANSWERED ''PRESENT''—2

Gunderson	McHugh

NOT VOTING—23

Archer	Hilleary	Scarborough
Bliley	Horn	Schaefer
Brown (FL)	Jefferson	Souder
Clay	Lazio	Stokes
Collins (IL)	Moakley	Waxman
de la Garza	Oxley	Williams
Gekas	Parker	Yates
Hayes	Saxton	

□ 1308

Mr. MURTHA, Mr. EDWARDS, Ms. KAPTUR, and Mr. HILLIARD changed their vote from ''yea'' to ''nay.''

Mr. MCHUGH changed his vote from ''nay'' to ''present.''

So the gentleman from Ohio [Mr. HOKE] was allowed to proceed in order.

The result of the vote was announced as above recorded.

PARLIAMENTARY INQUIRIES

Mr. DURBIN. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state the nature of his parliamentary inquiry.

Mr. DURBIN. Mr. Speaker, I would like the Chair to clarify the vote that was just taken. It is my understanding that words were taken down, words uttered by the gentleman from Ohio [Mr. HOKE] and those words were determined by the Speaker to be out of order. At which point, if I recall correctly, the words were stricken, and the Chair stated a unanimous-consent request that the gentleman be able to proceed.

There was objection to that unanimous-consent request, at which point, if I am not mistaken, the Chair then stated a motion to give the gentleman the opportunity to proceed and speak.

Is my recollection correct, is that the motion which we just voted on?

The SPEAKER pro tempore (Mr. TORKILDSEN). The gentleman's recollection is correct.

Mr. DURBIN. Mr. Speaker, I would like to ask this of the Chair then; it is my understanding that the Chair has the right under the rules to make a unanimous-consent request that an individual be allowed to proceed after his words have been stricken, but in this case I wonder if it is the prerogative of the Chair to make such a motion, or whether it should have been made by a Member of the body?

The SPEAKER pro tempore. The Chair has the right to entertain unanimous-consent requests. Under previous rulings of the Chair in 1991, the Chair does have the right to put that question to the body.

Mr. DURBIN. Beyond the unanimous-consent request?

The SPEAKER pro tempore. Beyond the unanimous-consent request, since it is ultimately the House's decision, no Member sought to question the ruling of the Chair, the question was put to the House.

Mr. DURBIN. If I might conclude, I would take exception to the Chair's statement, and I of course defer to the Chair's authority on this question.

But it would strike me that under these circumstances, once the Chair has put the unanimous-consent request and there has been objection, that at the very minimum there should be a motion made by a Member of the floor. It does not appear to me to be the Chair's right or prerogative to try to reinstitute the rights of the individual Member to proceed and to speak, once his words have been stricken and objection has been voted.

I also find it unfortunate, I have to say, for both sides of the aisle. I will conclude, I find it unfortunate on both sides of the aisle that these motions which really go to the decorum of the House have been partisan motions, and I understand that in the past our side has been guilty as your side has. But if we are to maintain decorum in this body I hope we can take a second look at this type of question.

Mr. FRANK of Massachusetts. A parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The Chair will state these rules and precedents have been developed over time while both parties have been in the majority and those precedents were followed today.

The gentleman from Massachusetts [Mr. FRANK], for what purpose does the gentleman rise?

Mr. FRANK of Massachusetts. Mr. Speaker, I understand the explanation was that the Chair had the right to make a motion, is that, because that is what the Chair did.

The SPEAKER pro tempore. Is the gentleman rising for a parliamentary inquiry?

Mr. FRANK of Massachusetts. Yes, I said, parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state the nature of his parliamentary inquiry.

Mr. FRANK of Massachusetts. Mr. Speaker, I understand that the ruling the Chair had the right to make a motion in this case. My question is, may the Chair make any other motion as well? I mean, in the middle of the debate if we had an open rule, could the Chair make an amendment during the 5-minute rule?

The SPEAKER pro tempore. The Chair does not have the right to make a motion. Under this circumstance the Chair has the right to put the question to the body.

Mr. FRANK of Massachusetts. I have another parliamentary inquiry, Mr. Speaker. There was no question if the Chair had not put the question. Someone made a unanimous-consent request. But then I do not understand the ruling. No one made the motion. so how can the Chair put a question on an unmade motion? There was a unanimous-consent request which was objected to. Unanimous consent requests have never, in my experience, transmogrified into motions unless someone makes them. So the question is, may the Speaker make a motion?

The SPEAKER pro tempore. The gentleman's point of parliamentary inquiry, to the extent the Chair understands it, is whether or not the Chair made a motion. The Chair cannot make a motion in the circumstance. Under a previous ruling of the Chair, the Chair can put the question to the Members without a Member asking that the question be put.

Mr. FRANK of Massachusetts. A parliamentary inquiry, Mr. Speaker. What question? If no one had made a motion, what is the question?

The SPEAKER pro tempore. And the question is solely limited to whether or not the Member can proceed in order.

Mr. VOLKMER. A parliamentary inquiry. I have a parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will state the nature of his parliamentary inquiry.

Mr. VOLKMER. The parliamentary inquiry is whether the Chair now plans to go back into the Committee of the Whole or the Chair plans to recognize the gentleman from Ohio at this time, and it has a lot to do with what the gentleman from Missouri that is now speaking does.

□ 1315

The SPEAKER pro tempore (Mr. TORKILDSEN). If the gentleman from Ohio seeks recognition at this point, the Chair will recognize the gentleman from Ohio.

Mr. VOLKMER. Mr. Speaker, I would suggest, and I would hope, so we can move on, that the gentleman from Ohio would request permission to speak.

The SPEAKER pro tempore. For what purpose does the gentleman from Ohio [Mr. HOKE] rise?

APOLOGY FOR MISUNDERSTANDING OF REMARKS

Mr. HOKE. Mr. Speaker, I ask unanimous consent to address the House.

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

There was no objection.

Mr. HOKE. Thank you, Mr. Speaker.

Mr. Speaker, I would like to just say to the gentleman from Michigan that I think it is unfortunate what has occurred and has taken place. It was not my intent under any circumstances to direct my remarks in a way that you would be personally offended, and if that is the case, my remarks are directed at the larger debate with respect to term limits, specifically the parliamentary maneuvering that is taking place with respect to it and the substance of the debate.

And certainly, there was no intent on my part, not now, not during the debate, not in the future to make comments that would be taken personally by you in an offensive way, and to whatever extent you perceived them in that way, I am sorry, and I apologize.

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

Mr. HOKE. I am happy to yield to the gentleman from Michigan.

Mr. DINGELL. Mr. Speaker, I accept the apologies of the gentleman, and I thank him.

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

□ 1316

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the joint resolution (H.J. Res. 73) proposing an amendment to the Constitution of the United States with respect to the number of terms of office of Members of the Senate and the House of Representatives, with Mr. KLUG in the chair.

The Clerk read the title of the joint resolution.

The CHAIRMAN. When the Committee of the Whole rose earlier today, the following time remained in debate: The gentleman from Florida [Mr. CANADY] had 61½ minutes remaining; the gentleman from Michigan [Mr. CONYERS] had 39½ minutes remaining; and, finally, the gentleman from Connecticut [Mr. SHAYS] had 24 minutes remaining.

The Chair recognizes the gentleman from Ohio [Mr. HOKE] for the final 1 minute.

Mr. HOKE. Mr. Speaker, I thank the gentleman from Florida for yielding.

I would like to conclude my remarks simply by saying that I rise in strong support of term limits today.

We have waited for many, many years to get this vote to the floor. We have had over 24 million Americans already choose in favor of term limits. Seventy-five to eighty percent of the Americans that have had the opportunity to vote on this have voted in favor of it. They voted ''yes.''

Clearly our constituents are saying, ''We want term limits. We want term limits now.''

I urge you to vote in favor of them, and what I would say is if this does come down to a partisan fight, what we need is just 50 percent of the Democrats to vote in favor of this. We are going to get 90 percent of the Republicans. If we can get 50 percent of the Democrats voting in favor of it, we are going to pass term limits. We are going to get 290 votes. That is all we need.

I urge you to vote in favor of it. If we do not, then so be it. The people, the voters, will make this decision in November 1996, and they will have the opportunity to decide whether or not they want term limits.

Mr. CONYERS. Mr. Chairman, I yield 30 seconds to the gentleman from Illinois [Mr. GUTIERREZ].

Mr. GUTIERREZ. Mr. Chairman, I understand that when I left, the gentleman from Ohio [Mr. HOKE] was wondering where I was it. I was back in my office doing the people's business and ensuring that things are carried out.

We speak here, and then we go about our other duties and responsibilities, but I understand he had a question, and the question may be the motives behind my speech.

And let me just be very clear with the gentleman from Ohio that he can sleep and rest assured that if a term-limit bill comes before this House that includes retroactivity, that is, immediacy, 12 years, that this gentleman intends to vote for it, and is encouraging and working with others to vote for it.

Mr. CONYERS. Mr. Chairman, I yield 2 minutes to the gentleman from Massachusetts [Mr. MEEHAN].

Mr. MEEHAN. Mr. Chairman, I rise as a supporter of term limits, and I have to say, P.T. Barnum launched the Greatest Show on Earth with the idea that a sucker is born every minute.

Well, it looks like the circus is coming to town a little early, because the Republican Party is applying that same philosophy to term limits.

In the Big Top we call the Capitol, there are Members of Congress who promise lower taxes, higher defense spending, and a balanced budget all at the same time. Now, these career politicians say that they support term limits, only if they are not retroactive and do not have a chance of passing.

The long and the short of it is they support term limits as long as there is no chance that their own terms might be limited.

I have news for the political contortionists of NEWT's three-ring circus, the voters are not as dumb as you think. They believed you when you ran on the Contract With America and said you were not interested in a career in Washington and would limit your term in office. They know the House would pass the Sanford-Deal term-limits statute if it were put to an up-or-down vote today, and when you go home and tell them that you were for term limits, they will know that it was just a show.

Let me also make it clear I hear a lot of Republicans blaming Democrats in case term limits does not pass. The Democrats did not run on the Contract With America. Democrats did not say that there is a revolution in this country and term limits will be the cornerstone. The Republicans did.

And now there is too much party discipline to get one of the term-limits bills passed. Well, look, party discipline was not a problem when it came to cutting school lunches or preventing Congress from passing real lobbyist reform. So we all know the Republican leadership can get the votes when they want to.

The American people who support term limits are about to find out the dirty little secret around here: The vast majority of Republicans support term limits, but only if it does not apply to them.

Mr. SHAYS. Mr. Chairman, I yield 4 minutes to the gentlewoman from New Jersey [Mrs. ROUKEMA].

(Mrs. ROUKEMA asked and was given permission to revise and extend her remarks.)

Mrs. ROUKEMA. Mr. Chairman, I think it is about time we had some straight talk on this subject, and I am opposed to the term limits.

As a former teacher of history and government, I consider myself a constitutionalist. The Constitution is a document that stood the test of time for two centuries and is the model for emerging democracies throughout the world.

You know, the Founding Fathers got it right. They established term limits when they wrote the Constitution. They are called elections. Yet here we are today in this debate, and we have heard that the majority of the American people, fueled by radio talk shows and pollsters, support term limits.

I believe their instincts are right, but they have come up with the wrong solution. We do need congressional turnover experience fresh ideas, but we also need that combined with experience and expertise and institutional memory for more senior Members.

Mr. Chairman, there is a learning curve to every job. The same is true for new Members of Congress. To impose automatic term limits would generally increase the power of paid congressional staff, unelected lobbyists, unelected government bureaucrats and regulators. This is something the people have not figured out yet.

I would also submit that term limits will only exacerbate the so-called revolving-door syndrome, elected officials spending their time and energy while in office paving the way for a lucrative job in the private sector with the special-interest groups they have been serving after they leave office. Automatic term limits will intensify

and institutionalize the resume-building that already occurs all too often in this Congress.

Voters already have the power to limit the terms of elected officials by exercising that right in the voting booth.

The most graphic evidence of this was seen in the last two congressional elections. As you know, large numbers of sitting Members, people right in here in this room, were elected to the point where nearly one-half of all House Members here today have served less than 3 years. The public spoke in the ballot box in the best tradition of democratic government.

And finally, I want to say that I recognize and I share the widespread public concern regarding the inevitable advantage congressional incumbents enjoy over their election challengers. I know something about this, because I had to defeat an entrenched incumbent to get here.

But congressional term limits are not the answer. The answer is genuine campaign finance reform, abolition of PAC's, limits on out-of-State fundraising, a ban on corporate soft money, and free access to radio and television time.

Mr. Chairman, we need reform, but term limits are not the solution. I urge a ''no'' vote on this resolution.

Mr. SMITH of Michigan. Mr. Chairman, will the gentlewoman yield?

Mrs. ROUKEMA. I yield to the gentleman from Michigan.

Mr. SMITH of Michigan. Mr. Chairman, would the gentlewoman be aware the Founding Fathers were aware of term limits and actually, in the articles, there was term limits that was not enacted?

Mrs. ROUKEMA. I have read the article as well. That is not my reading of the Constitution, and finally, the Constitution was adopted with 2-year terms.

Mr. GONZALEZ. Mr. Chairman, will the gentlewoman yield?

Mrs. ROUKEMA. I yield to the gentleman from Texas.

Mr. GONZALEZ. Mr. Chairman, I rise in strong support of the gentlewoman's very trenchant observations—and historically correct.

Mrs. ROUKEMA. I thank the gentleman.

Mr. CANADY of Florida. I yield 3 minutes to the gentleman from New Jersey [Mr. LOBIONDO].

Mr. LOBIONDO. Mr. Chairman, I thank the gentleman from Florida for yielding me this time.

I respectfully disagree with my colleague from New Jersey and the opponents of term limits.

Mr. Chairman, I rise in support of term limits.

Mr. Chairman, we have all seen the faces of angry voters. They want a change. They are tired of the status quo. They want Congress to work.

As a freshman Member who came here to change the status quo, I was proud to join with my colleagues to change the Rules of the House on our opening of the 104th Congress.

Back in January, we voted for term limits for the Speaker of the House. And on that first historic day, we voted for term limits for our committee chairmen.

Now, it is time to vote for term limits for the rest of us.

This will be the first time on this floor that we have had the opportunity to vote on term limits. And just as we voted overwhelmingly to reform Congress on that opening day, I urge my colleagues to vote yes on term limits.

Term limits is about changing Congress—it is about changing the status quo. That is why I ran for office in the first place, and changing Congress is why I am here today.

Opponents say that we don't need term limits. That the elections in 1992 and 1994 show that the people can change Congress anytime they want to.

Yet from 1976 through 1994, 9 out of every 10 incumbents were re-elected. Nine out of every 10 Members of Congress can pretty much count on having a political career in Congress as long as they want it.

Term limits will change that. It will create elections for open seats. It will ensure that we have new Members of Congress, who come here with different backgrounds, different experiences, and fresh ideas.

The concept of our democracy is that real people—average citizens—make the decisions that will effect us as a nation. Term limits will ensure that more Members of the House and the Senate have that real world experience.

Mr. Chairman, the people who elected us are watching. At least two-thirds of the American people support term limits and they want to see what we are going to do.

There is no place to hide on this vote. Will we vote to keep business as usual? Or are we willing to accept term limits on ourselves in order to create a better Congress.

The American people will be watching to see who votes for congressional reform, and who votes to keep the status quo. And make no mistake, they will remember.

I urge my colleagues to vote ''yes'' on term limits, vote ''yes'' on final passage. And vote yes to end the status quo.

□ 1330

Mr. CONYERS. Mr. Chairman, I am delighted to yield 4 minutes to the ranking member of the Committee on Veterans' Affairs, the gentleman from Mississippi [Mr. MONTGOMERY].

Mr. MONTGOMERY. I thank the gentleman for yielding this time to me.

Mr. Chairman, I rise in strong opposition to these four substitutes which we will be voting on today.

As has been pointed out, we had term limitations on November 8, 1994, where the organizations of both the House and the Senate certainly were changed. Fifty-two percent of the members of the House of Representatives have been elected since 1990.

Mr. Chairman, excuse the personal reference, but talking about the Montgomery GI bill, which is an educational benefit for our active forces as well as the National Guard and Reserve.

Our forces in the 1970's were having problems. We were not getting the quality into the military. So we had to come up with something to attract these people into the Guard and Reserve and the active forces. We came up with educational benefits. We started working to help the military to get the motivated young men and women into the Service in the 1980's. Mr. Chairman, it took us 5 years to get the educated benefits enacted into law. We had the same bill number, H.R. 1400, and we used it from year to year. Finally, in 1985, we were able to get this legislation into law, which gave educational benefits to the military service.

After 1985 it took us 5 years to actually get the program implemented, to be used by the different Services. Now it is working well. Over 95 percent of the young men and women who come into the Service used these educational benefits.

My point is that major legislation, if you are in Congress, it takes longer than 4 or 8 years. It took 10 years to get this type of implementation of something that really helped our country.

So I say again that you cannot do major legislation in 6 years, it takes longer. You have to pass the bill, then you have to nurse it through the Congress of the United States.

Mr. Chairman, I am working on a 2-year contract with the people of the Third District of Mississippi. They have chosen to renew that contract over the years. They should continue to have that right without having a term limitation imposed upon them.

I ask you to vote ''no'' on the four substitutes and ''No'' on final passage.

Mr. CANADY of Florida. Mr. Chairman, I yield 1 minute to the gentleman from Arkansas [Mr. HUTCHINSON].

Mr. HUTCHINSON. I thank the gentleman from Florida for yielding this time to me.

Mr. Chairman, I point out to my colleague, the gentleman from Massachusetts [Mr. MEEHAN], that when you blame the Republicans for not passing term limits and just say, ''You have party discipline,'' I would remind him that, as best I know, we have 230 votes and it takes 290 on vote to pass a constitutional amendment. We simply cannot do it by ourselves. My home State of Arkansas has passed term limits. It has been a very positive development. It has meant new blood, it has meant fresh ideas. It has meant different perspectives. And it will mean the same thing for the U.S. House of Representatives.

In Arkansas, it strengthened the political system by increasing responsiveness and accountability. It will

move us in this body toward a true citizen legislature.

Long-term tenure too often results in Members becoming allies of big government, not checks on big government. Members lose touch with their constituents. Members become arrogant and, too often, they become elitist when they stay here for long tenures.

Mr. Chairman, since 1990, 22 States, including Arkansas, have passed laws respecting tenure of Federal legislators. Recent polls indicate that 70 to 80 percent of the American people support term limits. Critics say, ''Don't limit the choice the American people have by imposing limits.'' I say, don't thwart the choice of the American people by stopping term limits. That is their desire. We should pass it.

Mr. CONYERS. Mr. Chairman, I am pleased to yield 4 minutes to the gentlewoman from Colorado [Mrs. SCHROEDER].

Mrs. SCHROEDER. I thank the gentleman for yielding this time to me.

Mr. Chairman, I have a lot of difficulty with this issue because the Republicans have survived over 200 years without term limits mainly because everybody knows we have term limits every 2 years when we are up for election. That makes all the sense in the world to me. If you really think about it, the dream debate I wish we could have on this would be for everybody to have their ''spoil date'' on their foreheads; in other words, determining whether you are going to have 6 years, 12 years, figure out when you came and then put your ''spoil date'' cross your forehead.

Now, if it had been in effect when I got elected, my ''spoil date'' under 12 years would have been January 1985. If it had been 6 years, it would have been January of 1979. Those would have been my ''spoil dates.''

I do not really feel I was rotten at that time, and I do not feel I am rotten now. I think if you look at many, many people who would have ''spoil dates'' which would have expired long ago and have them talking about term limits, you begin to wonder what this is really all about.

Well, I think I am beginning to get a little idea of what it is about. You know, human nature is such that people love to make laws for other people but hate to have them apply to themselves. Of course, because Congress is made up of human beings, we have that same problem too. But I think it has been really interesting this year that we have been willing to limit school lunches, we have been willing to take on student loans and limit those. We have been willing to limit the number of children on foster care. We have been able to limit all sorts of things that did not affect us. And now we have a term limits bill that will be wonderful. We can pass it, pose for holy pictures, and, guess what, it still will not affect us, because here I would be standing with my ''spoil date'' of January 1985 if it had been in effect for 12 years after I got elected, and if it passes today I can still go for at least another 12 years plus how long it takes to adopt this thing.

Now, that is pretty remarkable. In other words, what we are talking about here are term limits that will only apply to other people, other people who will come in the future. So this is a great kind of reform. We will reform the new guys whom we know will never be quite as good as we old guys were.

Now, I just think that that really puts it down where everybody, hopefully, begins to understand it. We also hear people talking about the reason for this is the citizen legislature. Well, now, if you are really going to have a citizen legislature, the way you would do that is to say that you are going to run for only one office and that is it. Because the other thing term limits does, as we know from countries like Mexico that have it, you create a new professional class that hopscotches around the chairs of government. If you are a Member of Congress, you are going to be a mayor and you are going to be a Governor, and you go on and on and on and on and on.

The great thing about that is you never learn any of the jobs very well and you continually are trying to figure out how you could use the job you are in now to get the next job you want later.

So term limits do not do anything about citizen legislatures or citizen government, if you look at the countries that have tried it and found out they ended up with a more professional government than we ever dreamed of.

I think this is all about the relationship between the person and the district they come from. That district can have that option to reelect them or not reelect them. That is their choice under the Constitution. That is what it should be.

But to decide that some term limits should apply to every single person no matter how well off they are, I think is very artificial, it does not belong in the Constitution, and I certainly hope that we can have a little more thoughtfulness before we eagerly run out and do something that does not apply to us, it will only apply in the future, and call it reform and think that we helped.

Mr. SHAYS. Mr. Chairman, I yield 3 minutes to the gentleman from Illinois [Mr. FAWELL].

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

Mr. FAWELL. Mr. Chairman, politics is the science of government. Government reflects the people's interest or neglect. Too often it is the latter. In the last election roughly 50 percent of the people didn't vote—most of them, I suppose, because they didn't have enough interest in government to vote. But then enough people did have enough interest in government in the last election to vote a monumental change of control of the Congress.

Are we to now draw a conclusion that the people of this land can enjoy all the blessings of representative government in the future by giving up a significant portion of the most fundamental responsibility of citizenship—full participation in the choice of our political leaders? For more than 200 years we have changed people in office through elections. Why, in this generation, has it become such a burden that we must find some automatic, no-bother way to help us do the job? Doesn't freedom, personal responsibility, tradition, respect for experience, mean anything? These are values that ordinarily mean a lot to conservative people.

Do we believe that a competitive and accountable political marketplace can't work; that people can't decide for themselves when and who to vote out of office and who to keep? Do we really believe experience in Congress or, for that matter, in any other public office, is a handicap?

Didn't James Madison, one of our Nation's Founding Fathers, state a point when he observed that ''a few of the members (of Congress) * * * will possess superior talents; will, by frequent reelections, become members of long standing; will be thoroughly masters of the public business * * *''? Do we reject this?

Why should we now limit the democratic right of ''we the people'' to select their representatives in the House of the people—the U.S. House of Representatives?

I am not persuaded that term limits is a wise course for a free and democratic people; it subtracts—not adds—from the Bill of Rights of the people. The burden and responsibility for determining term limits belong fully and irrevocably to the people who care enough to vote.

I have examined whether a 12-year term limitation would be an effective long-term solution to Congress' problems. While at first glance term limits are an appealing quick and easy fix, I have always felt there are many problems with term limitations.

It is a little known fact that the great majority of Congress already turns over every 12 years. Of the 435 Members of the House of Representatives serving 5 years ago, less than one-half are serving today.

We already have a mechanism to ''throw the rascals out.'' It's called an election. All 435 members of the House face election every 2 years. At these intervals, incumbents must face the voters and win their active approval. Citizens who dislike their incumbent Congressman already have a powerful tool to remove them—the vote. Members of the House can be challenged twice every two years (in a primary and general election). And, this is precisely what happened last November 8, when voters imposed term limits on much of the 103d Congress.

One argument for term limits is that we will get enlightened amateurs—people who will leave top posts in commerce, industry, and other professions to spend a few years in

Washington before returning home. In practice, it is becoming increasingly difficult to attract and keep the best and the brightest, in part because of term limits.

Moreover, like anyone taking a new job, there is a learning curve. In Congress, it can be a long curve. As much as we desire simplified government and policy, it is impossible to imagine government getting less complicated, given the incredible complexity of the world economy, the enormity of a $6 trillion domestic economy, and the mind-boggling $1.5 trillion Federal budget and the thousands of programs it entails. As a result, I fear that term-limited members would be more dependent on staff and more influenced by special interests.

Term limitation advocates correctly point out that some incumbent Congressman use the advantages of their office unfairly—but there are ways to eliminate these unfair advantages without eliminating the fundamental democratic right of Americans to vote for the candidate of their choice.

I have cosponsored and/or voted for the following congressional reforms to: Sharply curtail unsolicited congressional mailings; reduce congressional staff; eliminate congressional perks and make Congress subject to the same laws it mandates on the private sector; fully enforce congressional ethics and disclosure rules; enact congressional finance reforms; and, mandate that members rotate House committee membership. The new House of Representatives has instituted a 6-year limit on committee and subcommittee chairmanships—this is the type of limit I support.

Along with internal congressional reform there are also reforms that could be made to the budget process that would be far more effective in controlling spending than term limits. For instance, I have cosponsored the following reforms: Legislation amending the Constitution of the United States to require that the Federal budget be balanced, and legislation giving the President the authority to line-item veto appropriation bills, thereby giving the President the power to veto pork barrel and other wasteful spending projects.

What concerns me most about term limitations is the implicit assumption that people cannot be trusted to make up their own minds about who should represent them. Term limit advocates presume that people are too easily influenced by incumbency, that they are too readily gulled by professional politicians. Term limit advocates seem to believe that free citizens are unable to make the changes they feel necessary in the political process.

I want to stress that my views of term limits do not result from my position as an incumbent in Congress. The fact is that I would not gain by voting for this measure; by the time the term limits would take effect, I will likely have retired from Congress.

I believe that most Americans know that Democracy is not easy. ''Eternal vigilance is the price of liberty,'' said Thomas Jefferson. Term limits are a false cure to a problem that can only be solved by an electorate willing to hold their representatives accountable. That is why our Founding Fathers twice rejected term limits.

I encourage my constituents to look into my record and hold me accountable. I believe my effectiveness in pursuing the objectives of the voters of the 13th district—cutting billions of dollars in wasteful spending, for instance—is increasing each year. This effectiveness is in large part due to what I've learned as a Member of Congress—about the budget process and the rules of the House, to name just two.

In the end, I believe that we the people should be the final arbiters of who should represented us. A set limit only curtails our choices.

Mr. CANADY of Florida. Mr. Chairman, I yield 3 minutes to the gentleman from New Jersey [Mr. ZIMMER].

Mr. ZIMMER. I thank the gentleman for yielding this time to me.

Mr. Chairman, the founding fathers did not intend for Congress to be a career. And Congress was not a career, by and large, for the first 150 years or so of our history.

But in recent decades it has come to pass that the people who run this institution are people who have been around for a long time. They get out of touch, become unresponsive, they are more a part of the Washington culture than the culture which elected them.

We are told this is not a problem because we have term limits in the form of a 2-year term in the Constitution for Members of Congress. But the fact is that incumbents have so many advantages in the late 20th century that that 2-year limit is meaningless in most instances for most incumbents.

Gerrymandering protects incumbents, particularly those with considerable seniority.

Campaign finance patterns protect incumbents, particularly those with considerable seniority.

Campaign finance patterns protect incumbents. In the 1992 election cycle, 50 percent of challengers received less than $90,000. The median receipts for incumbents were nearly $500,000. You cannot oust an incumbent if you do not have a minimal amount of money.

We have other benefits that come with out incumbency, such as the franking privileges. Even if it is not used for overtly political reasons, it allows us to keep in touch with our constituents in a way that a challenger would never be able to do.

□ 1345

We have a million dollars a year in staff allowances, and we have easy access to the press. Even if we do not use these assets in a way that is overtly political, if we simply do our job right, if we simply do the casework for the people who come to us with their problems, it will be very difficult for us to be defeated.

So, no wonder, even in a year when the gentleman from Illinois said that we had monumental change in the Nation, even in 1994, we still reelected as a Nation more than 90 percent of the incumbents who chose to stand for reelection. That is not a 2-year contract. That is a contract for life, barring an extraordinary local political upheaval or being caught in an ethical or legal problem. I think that that is not in keeping with the vision of the Founding Fathers who intended for Congress continually to reflect the views of the people who elected us. The only sure way to accomplish that objective in this age with this many incumbent advantages is through term limits.

Now I do support reforming redistricting law, I do support reforming campaign finance law, and I support franking reform. But even after we have accomplished all of those reforms one by one, we will not have dealt with a problem that still exists, which is that it is too difficult to oust an incumbent, it is too difficult to have a competitive election in this day and age. That is why, my colleagues, we should support term limits.

Mr. CONYERS. Mr. Chairman, I yield 4 minutes to the gentleman from Massachusetts [Mr. FRANK], the ranking subcommittee member from whose committee term limits came.

Mr. FRANK of Massachusetts. Mr. Chairman, I have heard some fascinating arguments today. My favorite though is the one where Republicans get up and say that they could pass this very important item in their contract if they only got 50 percent of the Democrats. Now that is a fascinating concept.

Mr. Chairman, the University of Massachusetts', my home State, basketball team did very well in a recent tournament, and they lost, but, if they had only gotten 50 percent of the points of their opponents, they would have won. I mean Massachusetts lost a congressional seat in the last redistricting, but, if we could have only gotten 50 percent of the population of our friends from Connecticut, we would have a couple more seats.

I say to my colleagues,

> I think this is a wonderful concept. You promised to do something, and then you say, ''By the way, my promise is conditioned,'' after the fact of course, after they get people to do what they want, they then say, 'Oh, by the way, if I can get 50 percent of the opposition to be with me, then I'll win.

Well, I think that is pretty good odds, and I will make this statement on behalf of the Democratic Party, and I do not, I do not often, speak for the whole Democratic Party, but anytime we get 50 percent of the support of the Republicans, we will accomplish our goal.

I say to my colleagues,

> Now, if this is your idea of a contract, that you tell people you're going to do something, you forgot to mention that you wouldn't be able to do it unless you got 50 percent of the opposition—if this is your idea of the contract, no wonder you don't like the Federal Trade Commission, no wonder you want to make it harder for people to sue, because you would be in serious difficulty, but let's get beyond this wonderful concept that I can do anything I promise you if 50 percent of the opposition would be with me.

We are told this is the first time this has come to the floor. Last year, what about a discharge petition? Well, finally toward the end they filed a discharge petition. They got about a hundred Republicans to sign it.

Mr. Chairman, there are more people in this body voting yes and praying no

on term limits than there are on pay raises.

Yes, term limits gets a lot of lip service, but there are not many teeth behind it. The people here got the longest extended lips I have ever seen, and I suppose, if they had 50 percent of our lips, they would go even further on that wonderful, give me half of what you got and I can have more than you have policy, which I think is a very attractive policy. I mean we would not have an export-import problem with Japan if Japan would give us half of their exports. Our balance of trade would be 100 percent. That would be very good.

I keep going back to that concept because I love it, and I am going to borrow from it from time to time, but it is also clear that the Republican Party's commitment to term limits is rather slender.

Now I understand the problem. They had to really break some arms to do welfare last week. They are going to have to break some arms to do taxes next week. Do my colleagues know the problem that the Republican leadership has? Their Members only have two arms. The grab one arm for welfare, they grab one arm for taxes. They got nothing left. But do my colleagues know what? If they would take 50 percent of our arms, then they would all have three arms, and then they could do it because they could twist three arms. That is the problem. Once again it is the magic 50-percent solution.

I say to my colleagues,

> If you could take one arm for welfare, and one arm for taxes, and then you could take 50 percent of our arms, then you could twist a third arm for term limits, but the term limits supporters should know that they're getting the third arm. That's what you're giving the term limits people; you're giving them ice in the winter. You are saying, yes, you'll give them some votes. There's very little energy on the other side.

By the way, I think that makes perfect sense because one of the things we would be doing wrong, if by some miracle we pass this, and no one, including their side, expects that—one of the things we would be doing wrong would be for the first time amending the Constitution in a way that detracted from popular choice. Constitutional amendments have expanded the options of the voters. Women have been allowed to vote. Blacks; we erased that terrible sin in America. Eighteen-year-olds. This would be the first time the Senate went to popular election. This would be the first time we took something back.

So, Mr. Chairman, I say, ''In this case I'm glad you don't have our 50 percent.''

Mr. SHAYS. Mr. Chairman, I yield 2 minutes to the gentleman from Virginia [Mr. BLILEY].

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

Mr. BLILEY. Mr. Chairman, my colleagues, term limits is a bad idea. Where I come from we have a saying, ''If the pump ain't broke don't fix it.'' Over 50 percent of the Members of this body have come since 1990. That is 4 years, or less, experience. Now that is turning them over pretty fast.

Who will challenge an incumbent? Everybody says it is tough to challenge an incumbent. I say, ''Well, if you know he's only going to be there for 6 years, who would bother to challenge? Who would go try to raise money? Who would contribute money and say, 'Well, wait your turn. he's going to be gone in 4 more years, and then you can run.'''

No, Mr. Chairman, it is a bad idea. It is a bad idea because today committee staff has too much say-so, and, if we do term limits, they will be omnipotent because they will be the only ones who know—with an institutional memory to know how this place works.

Finally, history. I am privileged to represent a district that was once represented by James Madison himself. As my colleagues know, under the Articles of Confederation, we had term limits. Under the Articles of Confederation the founders said, ''You cannot serve more than 3 years in a 6-year period,'' but in 1787, at the Constitutional Convention in Philadelphia, after a long argument, they took it out.

Robert Livingston said, ''This is not democracy, term limits. You're limiting the voters' choice.''

James Madison said, ''Frequent elections; that's the answer, that a voter should be able to decide whether he wants somebody new or whether he wants somebody with experience,'' and that is the way it ought to be today, and that is the way it ought to be tomorrow.

Please vote this down.

Mr. Chairman, the public's disdain is the people's greatest check on Congress. The power unleashed by the people on November 8, 1994, was another chapter in history's greatest example of man ruling man: democracy in America. As the current occupant of the congressional seat once held by James Madison, the father of the Constitution, I oppose congressional term limits.

Term limits are not consistent with freedom and the political institutions that make it possible to live free—the rule of law, democracy, and individual liberties. Term limits proponents hypothesize that shortened tenures in Congress will revitalize American democracy, but the consequence of term limits would actually be a limitation of democracy.

Term limits do more than limit the terms of public officials. They limit the choices of the voters. Why should we deny American citizens the full democratic principles our Nation was established upon?

When the Founding Fathers met in Philadelphia in 1787, they gathered for the purpose of revising the Articles of Confederation. During that summer, James Madison and the Founding Fathers' concept of democracy was far more limited than it is today. The concept of rotation in office was embodied in the Articles of Confederation, which provided that delegates to Congress could serve for no more than 3 years in any 6-year period. After extensive debate, the Founding Fathers rejected these term limits, citing the right of the people to freely elect and the importance of experienced legislators. Robert Livingston stated during the debates:

> The people are the best judges who ought to represent them. To dictate and control them, to tell them whom they shall not elect is to abridge their natural rights * * * We all know experience is indispensably necessary to good government. Shall we, then, drive experience into obscurity? I repeat that this is an absolute abridgement of the people's rights.

The Founding Fathers made a conscious decision to do away with term limits. They left this matter to the judgment of the people; not only because they trusted the people but because it was the logically proper place to leave it. In view of the deliberate rejection by the Founding Fathers, it appears that the Constitution's qualification clauses can only be interpreted as a prohibition on the States from limiting the reelection of their congressional delegations. Thus, the policy of State-imposed term limits was rejected.

How did Madison propose to protect the society—especially the supreme values of liberty and property—against the encroachment of a potentially ignorant majority which could be swayed by demagogues? Madison knew from history that such a peril did exist. But the answer, Madison argued, lay not in depriving the people at large of any voice in the Government but in increasing group interest and participation.

From 1776 on, Madison was almost continuously in public life until his retirement from the Presidency in 1817. James Madison served in the Virginia House of Delegates, Continental Congress, the Constitutional Convention, four terms in the U.S. House of Representatives, Secretary of State, and President for 8 years. In the name of returning power to the people, term-limit proponents would have denied the Nation Madison's wisdom and experience in the early days of the Constitution and the Bill of Rights.

In Federalist No. 57, James Madison queried: ''Who are to be the electors of the Federal representatives? The electors are the great body of the people of the United States,'' Madison responded. Madison studied the bond between the people and the elected representative. Madison found this bond ''involving every security which can be devised or desired for their fidelity to their constituents.'' The citizens would have distinguished the representative with their preference in the electoral process. Second, the adulation of victory would have produced an ''affection at least to their constitutions'' as they enter public service.

Madison also observed:

> All these securities however would be found very insufficient without the restraint of frequent elections. The House of Representatives is so constituted as to support in the Members a habitual recollection of their dependence on their people.

The majesty of democracy is an informed electorate, and the ballot box is the cornerstone of a free and democratic society. To deny the people's basic democratic right to have whoever they choose to serve at their pleasure is a vote of no confidence in American democracy. Why should we deny the voters this right? They possess both the ability to throw out representatives who are ineffective and keep those who serve them well.

Mr. CANADY of Florida. Mr. Chairman, I yield such time as he may

consume to the gentleman from Iowa [Mr. GANSKE].

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

Mr. GANSKE. Mr. Chairman, I am pleased to rise today as a strong supporter of term limits.

For too long, the U.S. Capitol has been filled with career politicians and the special interests to which they are beholden. I campaigned for term limits and am pleased that I will be able to fulfill that pledge this week. On my own, I have promised the people of the Fourth District that I will serve no more than five terms, and I intend to keep that pledge, too.

Our action this week is significant, because the American people have long been ahead of Congress on the issue of term limits. In the last 5 years, 22 States have adopted term-limits legislation.

Career politicians have become the norm in Washington, with turnover in this body running at only 10 percent. And the prevalence of career politicians have created the tremendous debt problem we face today. According to the National Taxpayer's Union Foundation, House Members who have been here more than 8 years supported an average of 55 percent more spending than Members with less than 8 years of service. The numbers in the Senate are even more stark, as those in their first term voted for 8.5 times less spending than their more senior colleagues.

Limiting the terms of Members of Congress will open our Government to more citizen involvement and will make the legislature more responsive to the American people. Term limits are strongly supported by the vast majority of the American people. And those who stand in the way of term limits will have to answer for their arrogance at the polls next November.

Mr. Chairman, I urge my colleagues to join me in voting in favor of term limits. I urge them to heed the wishes of their constituents. And I urge them to have the courage to make Congress a legislature which is truly of the people.

Mr. CANADY of Florida. Mr. Chairman, I yield 2 minutes to the gentleman from Michigan [Mr. SMITH].

Mr. SMITH of Michigan. Mr. Chairman, as my colleagues know, being in Congress is a good job by anybody's standard, the pay at $130,000 a year, good retirement benefits, good health benefits. But I ask, ''What happens when you're a career politician, and you don't have those job opportunities outside, and you want to stay with this job that you've decided is the way you want to live and raise your family?''

Mr. Chairman, I will tell my colleagues what my observation is. It is: ''You become somewhat more susceptible to those forces that might threaten that job, so, as you look at the special interest lobbyists, and when they come to you with threats and money for your next election, I would suggest that you're a little more considerate of their point of view if you think they have the opportunity to discharge you from what's a good job here in Congress.''

Career politicians that want to perpetuate themselves in office have become abusive with their power to the extent that we have jeopardized the future of this economy. Look what we have done:

We have increased the Federal debt by $5 trillion. We spent $5 trillion on a welfare program of putting poor people into their own sect and making them worse off.

As far as what the history is of the Founding Fathers, certainly American democracy starts with the Athenian democracy, but a lot of it comes from John Locke, the British philosopher who says government is simply a nuisance that we have to put up with to deal with some of the inconveniences. His position was that we should not have to have the kind of giant government for people to interact and deal with themselves in society, and I call to the Members' attention what happened when we reexamined the Constitution in the year 1788 and thereabouts.

It was George Mason that said, ''Nothing is going to make that legislator more conscious of the decisions that he or she makes than having to return to his home community and live under the laws which he passed.''

Mr. CONYERS. Mr. Chairman, I yield 4 minutes to the gentleman from New York [Mr. NADLER], a member of our Committee on the Judiciary.

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

Mr. NADLER. Mr. Chairman, I rise in opposition to the popular, but misguided, idea of term limits. The push for term limits is profoundly antidemocratic. It takes away the right of the people to choose whomever they want as their Representatives in free elections.

What arguments have we heard for limiting the right of people to choose their Representatives? We are told that incumbents are too entrenched and that challengers do not have a fair chance of unseating them. Well, nearly half of this House has been elected for the first time since 1992, and I am part of that new wave. Senior Members, committee chairmen, even the Speaker, have been voted out of office. Entrenched incumbency just does not seem to be what it used to be.

Still, Mr. Chairman, it is true that incumbents often do have an unfair advantage in elections. We should remedy that unfair advantage by passing meaningful campaign finance reform, including giving challengers access to the publicly owned airwaves so the voters will have an opportunity to learn more about them. That is how to battle the problem of entrenched incumbency, by making elections more fair and more democratic, not by making them less democratic, carelessly casting aside the right to vote for which Americans have struggled and died for more than two centuries.

Besides, if term limits is my colleagues' solution to making elections more fair, what they are really saying is, ''Let's have a fair election once every 12 years; once every 6 years let's have a fair election. The others, let them be one sided.'' That is ridiculous. Every election should be a fair and free election. Campaign finance reform, not term limits, is the way to make that happen.

We are told that politicians who have to worry about reelection often fail to do the right thing and, therefore, term limits would promote better government. What a vile, elitist idea. We have elections precisely because we want our Representatives to be always mindful of what the people want. The word for that is ''accountability,'' and accountability to the people is what good government in a free society is all about.

A lame duck, who is more likely to be thinking about his or her next job instead of thinking about representing the people as they wished to be represented will be more accountable to the special interests with jobs to offer than to the people whose ballot will be debased to irrelevance.

□ 1400

Let us not replace the ballot box with the revolving door as the symbol of our democracy. We will always have Representatives who believe they know better on a given matter than their constituents, and from time to time they may be right. They have the responsibility to do and vote as they believe to be right, and then to try to persuade the voters that they were right or that they nonetheless merit reelection. But a free people has the ultimate right and responsibility to control its own destiny and to live with the consequences of their judgments. We should not take away or restrict that freedom.

There is one final argument that must be answered, that Congress should be composed solely of people serving relatively short stints before returning to their real careers, that a career in service to one's community and country is somehow dishonorable.

I reject that. We have elections to ensure that the people retain the power to judge the quality of their representation. But if they deem that representation to be good and honorable, then they should be permitted to continue it if they want. Are we to deny the people the right to choose modern-day Henry Clays or Daniel Webster if they want to? The proponents of term limits would say yes. I say no. I believe we should be about democracy and accountability, and I therefore oppose this dangerous, antidemocratic, and fundamentally elitist constitutional amendment.

Mr. CANADY of Florida. Mr. Chairman, I yield 2 minutes to the gentleman from Oregon [Mr. BUNN].

Mr. BUNN of Oregon. Mr. Chairman, it is interesting to hear over and over that somehow this is anti-democratic, yet through the Democratic process

State after State after State has adopted term limits. Now, many States are not as fortunate as we in Oregon are because we have an initiative and referendum process that allows us to do that. Other people do not. So we need to step forward as Congress and make that happen.

One of the things that is very, very clear today is that this has to be bipartisan. There simply are not enough Republicans. With 230 Members, every Republican voting for this cannot make it happen.

Mr. FRANK of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. BUNN of Oregon. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. I do not have my copy of the contract. Would you show me the footnote in the contract where it says this one is dependent on getting 50 percent of the Democrats?

Mr. BUNN of Oregon. Mr. Chairman, reclaiming my time, if you read the contract, you would know very clearly the contract commits to bring this to the floor, have an open debate and a vote for the first time. Now, I am a Republican that did not sign the contract, but at least I know what it says. It says we will get this to the floor, which we have done, and we will give it a vote.

Mr. FRANK of Massachusetts. If the gentleman will yield further, simply by having this brought up and defeated you have satisfied the contract?

Mr. BUNN of Oregon. Absolutely not. By finally bringing it to the floor, we have given the American people the opportunity, and if the Democrats will cooperate, we will deliver to the American people what they deserve.

Now, I am willing, if the Democrats can get their version through, I will vote for it. And if the Republicans can get their version through, I challenge you to vote for it. There are four versions coming to us today, every one of which is better than the status quo, and I am willing to support any one. Whether they are retroactive or prospective, whether they are in the 6 or 12 years, the people have a right to term limits.

We are going to deliver two-thirds of the Republican votes and better. Can you deliver two-thirds of the Democrat votes? I do not think so. And if term limits fail, it is going to be once again the Democrats have thwarted the will of the American people. It is about time that you line up and support term limits, support a unified bipartisan effort. we can make a difference.

Mr. CANADY of Florida. Mr. Chairman, I yield 1½ minutes to the gentleman from Massachusetts [Mr. TORKILDSEN].

Mr. TORKILDSEN. Mr. Chairman, today the Republican majority is keeping its promise to take the historic step of bringing term limits to the floor for a full and fair vote.

Never in history has a proposal to limit congressional terms been allowed to come to the floor.

When I first ran for Congress in 1992, I pledged to live by self-imposed term limits. Some of my colleagues wondered why, especially since I was one of the youngest Members elected. There was one very simple and direct answer.

It is important to lead by example.

I will lead by example, with a self-imposed limit.

Serving in Congress should not be a lifetime job. Any Member elected should work for whatever change he or she deems important, and then move on. If you haven't changed things within 12 years in the majority, chances are you never will, and you should step aside to let someone else try.

Voters in 22 States have approved term limits, and chances are that, if the other States had an initiative petition process, the voters there would approve term limits too.

I urge all my colleagues, Republican, Democrat, and anyone else, to support term limits. The voters will demand nothing less of this and any future Congress.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, before yielding, I just want to note for trend watchers, today a lot of Republicans are talking about how we must do what the public wants. Next week when we are dealing with the tax cut, which I believe public opinion polls will show is much less popular, look out for a change. We will be told then that it is important to stand up for what is right no matter what a temporary poll shows. So enjoy the allegiance to the short-term popular vote. It will pass with the weekend.

Mr. Chairman, I yield 5 minutes to the gentleman from Michigan [Mr. DINGELL].

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

Mr. DINGELL. Mr. Chairman, I want to begin by paying respect to all of my colleagues. Members here are said to represent their people. We are sent to go home and to justify what it is we do and what we have done and how we have served our people.

I regard public service as an honorable calling. I have heard talk about citizen legislators and lack of citizen legislators. Under our system, we have seen people like Washington, Jefferson, Madison, Clay. We have seen Rayburn, we saw Michel, we have seen NEWT GINGRICH, we have seen Tom Foley, we have seen all of the other leaders, GEPHARDT. We have seen my friend HENRY HYDE. No one is going to tell me these are not citizen legislators.

There is a huge turnover in this place. If you look, better than 50 percent of the Members are new. Very few remember Watergate. Virtually none remember World War II. We need to have people here who are able to understand history, some who can recall it, some who can understand what it is we did and why, and why it was right, and why it was wrong, and why we should have done it, and why we should have not.

That is what makes this institution great, the fact that we do produce people who are able to go home year after year and justify to the people the propriety of their service, what they have done, how they have done it, and why, and then come back and assist us by providing us with a corporate memory and an understanding of what it is.

I regard public service as a great calling, as an honorable calling, as something in which we give back to the people we serve something for what they give us. And we work together as their spokesman, as their voice, as their representative in the Congress, to do what it is that they would like to have done.

Government is an honorable calling. It exists to enable the people to rule themselves, to keep order, to see to it that we have a just society, to address all of the proper responsibilities of government, such as the national defense, or seeing to it that we have a just society which sees to it that no one suffers unduly in times of distress or hardship, to take care of the old, to educate the young. These are great callings, and these are callings in which we are at the center.

It cannot be said that Members will not seek this job under the current situation. Look and see the number. Look at the number of new Members who have come here. There has been a turnover. But it is necessary to have people who understand what it is, why it is, how this institution works, and why, and where the public interest lies. Those are the real things which are important.

According to the Congressional Research Service, the average length of service in the 104th Congress is 7½ years in this body, 10 years in the other body, well under the 12 years that we are talking about here in some of these amendments. Throughout history only 13½ percent of all House Members have served for more than 6 years. I would observe that in the 19th century, the total percent was only 2.6 percent.

It is important we recognize not only the honor of this calling, but we recognize the right of the citizens to choose who it is will serve them. That is why we have elections. We go home to talk to our people, to tell them what we did. I have a home in Michigan. I live there. I stay there. I talk to my fellow citizens. I find out what their concerns are. And were that not so, I can assure you, I would not still be serving in this institution.

One thing that has to be observed, I oppose term limits. I think they are unwise and I think they rob the people of a choice. However, if we are to do something about term limits, they should commence immediately.

Mr. INGLIS of South Carolina. Mr. Chairman, will the gentleman yield?

Mr. DINGELL. I yield to the gentleman from South Carolina.

Mr. INGLIS of South Carolina. Mr. Chairman, I thank the gentleman for yielding. I would make two points, observations, if you could underscore them.

One, am I correct you are opposed to term limits?

Mr. DINGELL. Mr. Chairman, reclaiming my time, absolutely, and I have made no bones about it, and I have told my people so. By the way, I was elected by a very large majority.

Mr. SHAYS. Mr. Chairman, I am delighted to yield 3 minutes to the gracious gentlewoman from Connecticut [Mrs. JOHNSON].

Mrs. JOHNSON of Connecticut. Mr. Chairman, I thank the gentleman.

First, Republicans have done exactly what we promised to do in the Contract With America. We have brought the term limits debate to the floor of the House so that the arguments can be publicly and thoroughly aired. That is what we promised, and that is what we are delivering.

I believe the interest in term limits reflects people's belief that Congress has been out of touch, that we have not in recent years debated the issues that people felt were at the heart of their concerns, and in that I agree with them. I agree that this body has been out of touch, but it is not for lack of Member turnover.

More than 50 percent of the Members have been here less than 4 years. What great corporation with formidable responsibilities would seek greater turnover than that?

The problem has been the entrenched power structure that governs what this body is allowed to consider. That is the problem. The solution is the solution adopted by the Republican majority this term. We have limited the terms of committee chairmen, limited the terms of all of our leadership, so that we will assure that turnover in committee chair and in leadership positions will guarantee that indeed the agenda will change, that there will be no chairman that can limit the agenda to his interests and the interests of those who sent him to Congress.

Limiting the terms of committee chairmen and reforming our campaign finance laws so that challengers have a genuine opportunity to win are the answer. The solution is not term limits, because that simply transfers power to staff. They stay longer than Members, they get to know the law better than Members, and they end up steering Members and controlling the agenda when they are not elected and do not go home.

I do not want to transfer power to staff, but I also do not want to compromise the quality of the solutions that we develop here as this Congress. And if we limit terms, we will surely compromise quality. Limiting terms will not simplify the problems. The problems are complex because American manufacturing and agriculture now employ highly toxic chemicals to produce their products. That means we have to have clean air laws, clean water laws, and when we write those laws, we have to know a lot about industry, agriculture, and chemistry.

Our security depends on understanding what kind of conflicts we will be a part of in 20 years, and for that reason then we need to understand what force structure we will need, what armaments we will need, and what investments in research and development we must make now for the security of our children. These issues take time, they take study, they take years of understanding, knowledge, and work.

Our economic security depends on our success in the international market. Child and family security depends on getting rid of drugs.

The issues demand an intelligent, knowledgeable, and dedicated Congress. Vote against term limits.

Mr. CANADY of Florida. Mr. Chairman, I yield 15 minutes to the gentleman from Illinois [Mr. HYDE], the chairman of the Committee on the Judiciary.

□ 1415

Mr. HYDE. Mr. Chairman, I ask that no Member ask me to yield until I finish because I do not want to be interrupted.

I want to tell you how unpleasant it is to take the well in militant opposition to something that is so near and dear to the hearts of so many of my colleagues and Members whom I revere, but I just cannot be an accessory to the dumbing down of democracy. And I think that is what this is. I might also say, parenthetically, that it is a little amusing to see the stickers that have been worn by so many of my colleagues. It says, ''term limits, yes.'' It does not say, ''term limits now.'' It says, ''term limits, yes.''

I am reminded of the famous prayer of Saint Augustine who said, Dear God, make me pure, but not now.

If someone told you on election day you had to vote for a particular person, you would wonder if you were back in the Soviet Union. What is the essential differences if they tell you you may not vote for this person? They have limited your range of choices. You have narrowed the circle of possibilities. You have denied a fundamental right free people have in a free country. If this were a trial, I would call as my first witnesses the Founding Fathers who directly rejected term limits.

Chief Justice Earl Warren, in the famous case of Powell versus MacCormick, 1969, said, and I quote, ''a fundamental principle of our representative democracy is, in Hamilton's words, 'that the people should choose whom they please to govern them.' As Madison pointed out at the convention,'' still quoting Justice Warren, ''this principle is undermined as much by limiting whom the people can select as by limiting the franchise itself.''

In 1788, in New York, in debating ratifying the Constitution, Robert Livingston asked a haunting question: ''Shall we then drive experience into obscurity?'' He called that an absolute abridgment of the people's rights.

George Orwell, in a review of a book by Bertrand Russell, said it has become the task of the intellectual to defend the obvious. I make no pretense at being an intellectual, but defending experience against ignorance is certainly obvious.

Have you ever been in a storm at sea? I have, and I knew real terror until I looked up on the bridge and the old Norwegian skipper, who had been to sea for 45 years, was up there sucking on his pipe. And I can tell you that was reassuring.

When that dentist bends over with the drill whirring, do you not hope he has done that work for a few years?

And when the neurosurgeon has shaved your head and they have made the pencil mark on your skull where they are going to have the incision and he approaches with the electric saw, ask him one question, are you a careerist?

Is running a modern complex society of 250 million people and a $6 trillion economy all that easy? To do your job, to have a smattering of ignorance, in Oscar Levant's phrase, you have to know something about the environment, health care, banking and finance and tax policy, farm problems, weapons systems, Bosnia and Herzegovina and North Korea, not to mention Nagorno-Karabakh, foreign policy, the administration of justice, crime and punishment, education and welfare, budgeting in the trillions of dollars and immigration. And I have not scratched the surface.

We need our best people to deal with these issues. We in Congress deal with ultimate issues: life and death, war and peace, drawing the line between liberty and order. And do you ever really doubt that America will never again have a real crisis? With a revolving-door Congress, where will we get our Everett Dirksens, our Scoop Jackson, our Arthur Vandenbergs, our Hubert Humphreys, our Barry Goldwaters, our Sam Ervins? You do not get them out of the phone book. Where did Shimon Peres and Yitzak Rabin get the self-confidence to negotiate peace for their people with the PLO? I will tell you where: experience, bloody, bloody experience.

To those of you that are overwhelmed by the notion that this is a very popular cause, let me remind you of what Edmund Burke told the electors of Bristol, November 3, 1774. He said, a Member of Parliament owes to his constituency his highest fidelity. But he also owes them his best judgment and he does not owe his conscience to anybody.

I once told an incoming class of freshmen back when they let me speak to them at lunch that they have to know the issues to be prepared to lose

their seat over or they would do real damage here. To me, this is such an issue.

The unstated premise of term limits is that we are progressively corrupted the longer we stay around here. In answer to that I say, look around. You will see some of the finest men and women you will ever encounter in your life. The 12 apostles had their Judas Iscariot. We have a higher ratio than that. And I will tell you, I will not surrender. I will not concede to the angry, pessimistic populism that drives this movement, because it is just dead wrong.

Our negative campaigning, our mudslinging, our name calling has made anger the national recreation. But that is our fault, not the system's. America needs leaders. It needs statesmen. It needs giants, and you do not get them out of the phone book.

News is always better? What in the world is conservative about that? Have we nothing to learn from the past, tradition, history, institutional memory? Do they not count?

They have a saying in the provinces, Ignorance is salvageable, but stupid is forever.

This is not conservative. It is radical distrust of democracy. It is cynical. It is pessimistic, devoid of the hope and the optimism that built this country.

This corrosive attack on the consent of the governed stems from two sources. One is well meaning but misguided, and the other are those who really in their heart hate politics and despise politicians.

I confess, I love politics and I love politicians. They invest the one commodity that can never be replaced, their time, their family life, their privacy, and their reputation. And for what? To make this a better country.

Oh, incumbents have an advantage. I guess they do, although not necessarily. You have a record to defend. You have voted on hundreds of bills. And you get socked with them by your challenger who has nothing to defend, and you better be ready to explain how you voted back in 1988 on Gramm-Rudman or something like that.

But listen to me, it is 11:30 at night. And it is January and the snow is whirling outside the window. And I am in a banquet hall. I am at my one-millionth banquet. I am sitting there as we are honoring the mayor of one of my local towns, and they have not even introduced the commissioner of streets yet. And I am exhausted. And I look out the window at the snowstorm and I wonder where my opponent is.

He does not even know he is my opponent. He is home, stroking his collie dog, smoking a Macanudo, sipping from a snifter of Courvoisier and watching an R-rated movie on cable. But I am at that banquet.

Again and again, I will tell you why you have a leg up, good constituent service, accessibility, and availability. You ought to have a leg up. You have made an investment challengers never make. I will not apologize for that.

The case for term limits is a rejection of professionalism in politics. Career politician is an epithet. Careerism, they say, places too much focus on getting reelected and not on the public interest. That is a perfect nonsequitur. You get reelected by serving the public interest. Professionals, my friends, will run this Government. Only they will not be elected, they will be the faceless, nameless, try-to-get-them-on-the-phone, unaccountable permanent bureaucracy.

There are two contradictory arguments which support this term-limits issue. One is that we are too focused on reelection, not close enough to the people. Then you have the George Will theory that we are too close to the people, too responsive, and we need a constitutional distance from them.

I suggest any cause that is supported by two contradictory theories like this is standing on two stools which, as they separate, will give you an awful hernia.

Term limits limit the field of potential candidates. What successful person in mid life will leave a career at 50 and try and pick up the pieces at 56 or 62? This job will become a sabbatical for the well-to-do elite and bored retirees. And if you listen carefully, if this ever becomes law, that shuffling sound you hear is the musical chairs being played in every legislature in the country. So the question of 1788 recurs. Shall we then drive experience into obscurity? Shall we perpetrate this absolute abridgment of the people's rights?

Listen, last June 6, I had the honor of standing on the beaches at Normandy with BOB DOLE, Bob Michel, SONNY MONTGOMERY, SAM GIBBONS, and JOHN DINGELL. I guess you would call us old bulls today. But we were very young when we fought in battle 50 years ago. I guess we were citizen soldiers and citizen sailors back then. By some perverse logic, you withhold from us the title of citizen legislators today.

But I heard the mournful, piercing sound of big pipes from a British band, scattered among the sea of white crosses and the Stars of David, playing ''Amazing Grace.'' And with eyes not quite dry, I read some of the names on the crosses until I came to one that had no name. It just had a cross, stating ''Here Lies in Honored Glory a Comrade in Arms Known but to God.''

Then I saw another and another like that. No name, no family, just heroism buried thousands of miles from home. It occurred to me what an unpayable debt we owe these people because they died for freedom, and a part of that freedom is to choose who will govern you.

I can never vote to disparage that freedom. I pray you cannot either.

I presume to speak for SAM GIBBONS, BOB STUMP, JOHN DINGELL, SONNY MONTGOMERY, and yes, BOB DOLE. Fifty years ago our country needed us and we came running. I think our country still needs us. Why do you want to stop us from running? Why do you want to drive experience into obscurity? Have you forgotten the report card we got last November?

I have one piece of advice: Trust the people.

Mr. CONYERS. Mr. Chairman, after that remarkable performance by our chairman of the Committee on the Judiciary, the gentleman from Illinois [Mr. HYDE], I yield 2 minutes to the gentleman from New Mexico [Mr. RICHARDSON].

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

Mr. RICHARDSON. Mr. Chairman, let me say that that speech by the gentleman from Illinois made me feel proud to be a Member of Congress.

Mr. Chairman, we already have term limits. They are called elections. And every year the American people consider candidates and choose who they want to represent them. And the best argument against term limits is the 104th Congress. Fifty percent of the Congress has changed in the last 5 years. Term limits are an emotional response to political frustration. That is over. The voters spoke. We are the change, the 104th Congress.

Mr. Chairman, what happens if we have term limits? Staff, the bureaucracy, lobbyists would run the Government. Rural States will be hurt. How will a small State compete against the bigger States if they are not protected by the seniority of their Members?

□ 1430

How can New Mexico compete against New York and California when it comes to some basic interests?

Mr. Chairman, I saw the ad this morning by the term limits movement. They talked about the bank scandal, they talked about the midnight pay raise. That is over. That is years ago. There have been reforms in the Congress. Why do we keep beating ourselves up? There has been change. Why do we denigrate ourselves? What is wrong with experience?

Let us have campaign finance reform, Mr. Chairman. Let us have ethics reform. Let us have challengers have a better chance to defeat us, if that is the worry. Let us address the problems of the country. Mr. Chairman, let us not politicize this.

Members heard the gentleman from Illinois [Mr. HYDE], the gentleman from Louisiana [Mr. LIVINGSTON], the gentleman from Texas [Mr. DELAY], distinguished Members from the other side. There are going to be 40 Members from that side voting against this.

Mr. Chairman, let us not politicize this. Let us give it the slow death that this issue deserves. Term limits are wrong for this country, and I am proud to say that.

Mr. Chairman, we already have term limits. They are called elections. Every election year, the American people consider candidates and choose who they want to represent them.

I have two letters from my constituents with me. The first letter is from Nicole Beers from Los Alamos, NM. She states, ''This letter is sent with many thanks and great appreciation for the prompt and courteous treatment I received from you and your staff * * * I will certainly be pulling for you in the next elections, as will my family.''

The second letter is from Bill and Phyllis Gaedke from Clovis, NM, who state, ''We regret that you escaped the gigantic broom that swept socialist liberals out of government Tuesday * * *''.

My point, Mr. Chairman, is that both of my constituents were able to vote the way that they wanted to. Nicole for me and Bill and Phyllis against me. That is democracy. Term limits will only take away the rights of the American people to choose their best voice in the legislative process.

It is also hard for me to believe that supporters of term limits believe these limits are long overdue, yet they exclude themselves from such limits. There is one word to describe this, Mr. Chairman, and that word is hypocrisy.

If the Republican Contract With America promised that Congress should abide by the same rules that everyone else must follow, then the Republican bill on term limits breaks the contract.

LOS ALAMOS, NM,
August 16, 1994.

Hon. BILL RICHARDSON,
House of Representatives, Santa Fe, NM.

DEAR CONGRESSMAN RICHARDSON: This letter is sent with many thanks and great appreciation for the prompt and courteous treatment I received from you and your staff. Once I contacted your office, the speed with which my problem was resolved was astounding. The frustration and helplessness that I felt regarding the situation I was in with the University of New Mexico's scholarship office is gone. Instead, I received the scholarship that I worked so hard for.

Within one week of contacting your office, I was contacted by someone from the scholarship office who informed me that my scholarship was still intact and that I would soon be receiving an award letter. This was a dramatic change from the long minutes on hold and trying to schedule appointments that I had previously experienced.

Your staff was extremely cooperative and unbiased. I value that tremendously. I want you to know that I have relayed my experience and expressed my gratitude to just about anyone who would listen. Particularly, my family has heard the entire story, and everyone has agreed that having a congressman that is as close to the people of New Mexico is a rare and special thing.

I will certainly be pulling for you in the next elections, as will my family. Thank you again to your superb office staff and also to you, Congressman Richardson.

Sincerely,

NICOLE BEERS.

P.S. Juan Wecaro is the gentleman that worked directly with me.

CLOVIS, NM,
November 11, 1994.

Hon. BILL RICHARDSON,
Rayburn House Office Bldg., Washington, DC.

DEAR REPRESENTATIVE RICHARDSON: We regret that you escaped the gigantic broom that swept socialist liberals out of government Tuesday; however, we feel somewhat encouraged that the great event will serve as a very effective wakeup call that we will not tolerate business as usual in Washington, DC!

We know that you have already duly noted that you and your liberal policies were rejected here in Curry County and hope this fact serves as a guide to your getting into mainstream America.

You have been a very big spender; we hope now that you will be able to curb your insatiable appetite for our money.

Of course, we have been labeled obstructionist for many years; now we'll just have to see if anyone else wears that label.

[In percent]

Name	Curry County	Precinct 23
Bemis	50	60
Richardson	48	37

Sincerely,

BILL AND PHYLLIS GAEDKE.

Mr. CANADY of Florida. Mr. Chairman, I yield 3 minutes to the gentleman from Georgia [Mr. BARR].

Mr. BARR. Mr. Chairman, I thank my distinguished colleague from Florida for yielding time to me, to allow me to say a few words about an historic debate.

Mr. Chairman, as great as the debate is that we have already heard here today, most recently through the eloquence of the chairman of the Committee on the Judiciary, and Mr. Chairman, as great as the debates that have raged in these hallways over the ages have been, and as great as the debate will be that we will hear into the evening hours tonight on this issue, let us not forget where the greatest, where the most eloquent, where the most appropriate debate on this issue is and should be, and that is with the people.

Let us keep in perspective, Mr. Chairman, what it is that we are debating and will be deciding this evening. We will not be deciding whether or not the American people should have term limits. All we are deciding, the only issue that we are deciding, is whether or not the people of this country shall themselves be able to make that decision.

I do not think there is anybody here that would deny that that is precisely the method for making these decisions that our Founding Fathers had in mind. That is all we are deciding.

Let us not take from the people the ability to decide this fundamental issue. Let the debate go forward from this Chamber to the halls of our State legislatures and in the communities all across America, where it ought to be. Let us not here today stifle that debate. It is a vigorous debate, it is a great debate. Let it continue.

Mr. Chairman, also with regard to one of the specific proposals that we will be debating and voting on, and that is that proposal for a 12-year limit that would allow States to set lower limits, let me say that is a recipe for disaster. That is a recipe that guarantees that the issue will in fact be bottled up in our courts for decades or years to come.

Let us reflect back to the last time this body did decide a similar issue, and that is early in this century with the 17th amendment that provided for the direct election of Senators. Had those Members who voted for that, and had those States that voted to adopt that amendment at that time said, ''Let us have a national standard with an asterisk on it, and say some States can do it directly and some States can do it indirectly,'' is there anybody here that would disagree with the proposition that that would have thrown the issue into the courts and probably would have resulted in the rejection of the 17th amendment?

If we have the fortitude, if we decide that this is an issue that the people should decide, let us give it to them and say ''Do you want a national standard?''

Do we want to provide for that great process that brings us here today, for the people to decide that and set that standard based on the will of the people? Let this debate continue.

Mr. CANADY of Florida. Mr. Chairman, I yield such time as he may consume to the gentleman from Alabama [Mr. MCCRERY].

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

Mr. MCCRERY. Mr. Chairman, we limit the terms of the President, and we ought to limit the terms of Members of Congress.

Mr. Chairman, I rise in support of term limits for Members of Congress.

When I first arrived in Congress some 7 years ago, I had mixed feelings about term limits. But since arriving, I have witnessed the House Bank scandal, the House Restaurant scandal, and the House Post Office scandal. I believe all these sad events in the history of our legislative branch are due to the arrogance which results from human beings being in power for too long.

For those who contend that term limits run counter to our democratic principles and unduly restrict people's rights, I would point out that the people of this country, in their wisdom, chose to restrict their right to elect a President to only two terms. The people chose to so restrict their rights because they rightfully recognized the danger of allowing the executive branch to be controlled by any one person for too long. The same danger exists in the legislative branch. By not limiting terms of Members of Congress, we expose ourselves to the danger of a few men or women being in power, in positions of influence, in our legislative branch, for too long. We expose ourselves to the danger of the unbridled arrogance which can result from a set of human beings being in power for too long. I believe in the axiom, ''Power corrupts, and absolute power corrupts absolutely.''

Mr. Chairman, it is time to impose on our legislative branch the same kind of protection against the accumulation of power and the corruption which results from it that we have imposed on our executive branch of Government.

Mr. CANADY of Florida. Mr. Chairman, I yield 1 minute to the gentleman from Michigan [Mr. HOEKSTRA].

Mr. HOEKSTRA. Mr. Chairman, as I listen to the debate today, I believe once again we see that Congress just does not get it. There continues to be a huge disconnect between Congress and

the American people, between this beltway mentality in Washington and the rest of the country.

I enjoy listening to the philosophical debate about the pros and cons for term limits, but coming from a business background, I think it is also important to come back and take a look at reality.

Let us take a look at what performance this Congress has been giving to the American people: huge deficits; a process which has unempowered the people by developing a campaign process where Congress is forced to raise huge amounts for campaign war chests, and other failed programs. We have developed a huge welfare state, a dependency on Washington rather than the American people.

It is time that we move back, that we empower the American people, that we even the playing field. We have to recognize that the only change and real reform that is taking place, is taking place at the State level, where voters are empowered to make change.

Mr. CANADY of Florida. Mr. Chairman, I yield 3 minutes to the gentlewoman from Florida [Mrs. FOWLER].

Mrs. FOWLER. Mr. Chairman, the debate on term limits parallels the debate over giving women the right to vote.

It took Congress 32 years to catch up with the public's desire for women's suffrage. The first vote in Congress on a constitutional amendment to give women the vote took place in 1887, and it was defeated. It was defeated again in 1918 and once more in early 1919. It wasn't until later in 1919 that Congress finally approved the amendment and sent it to the States for ratification.

During the three decades that Congress was opposing women's suffrage, however, 30 of the 48 States went ahead and gave women the right to vote in some degree.

The same thing has occurred with term limits. During the last few years, when the Democratic leadership refused to even bring this issue to the floor, 22 States have passed their own congressional term limits laws. The term limits provision in the Contract With America and today's vote are signs that under our new Republican leadership Congress is finally catching up with the States.

The very first bill I introduced when I came to Congress was a term limits bill tracking Florida's 8-year limit, and I introduced the same bill again this year. I will support both the Hilleary and McCollum amendments because they would not supersede Florida's law, which passed in 1992 with 77 percent of the vote. National poll numbers show about the same percentage of support for term limits across the country.

Term limits will result in a Congress that is closer to the people. They will reduce the power of staff, since the most powerful staffers are always those who work for the most senior Members. And they will make the Congress more truly representative of America by resulting in a higher number of open seats, which are easier for women and minorities to win. Currently, 72 percent of the women and 81 percent of the minorities serving in Congress were elected to open seats.

Some say that we already have term limits in the form of elections. Unfortunately, voters are reluctant to oust their own incumbents—even in 1994, 90 percent of incumbents were re-elected. At the same time, however the voters in eight States enacted new term limits laws.

Others say that governing is too complicated to be left to citizen legislators. If our Government is too complex to be understood by its citizens, then we should be simplifying it, not creating a class of professional politicians to run it.

Take a look at the First Congress. That group of novices managed to rack up some pretty significant accomplishments. The Bill of Rights, for example.

I am sure there were a lot of lofty arguments put forward in this body 100 years ago as to why women's suffrage should not be written into the Constitution. But while Congress was debating, States were taking action.

It is no different this time around. To date, 25 million Americans in 22 States have voted for congressional term limits. When Members cast their vote today, I urge them to come down on the side of the American people. I urge them to vote ''yes'' on final passage of term limits.

Mr. CONYERS. Mr. Chairman, I am delighted to yield 2 minutes to the gentleman from Vermont [Mr. SANDERS].

Mr. SANDERS. Mr. Chairman, the American people are angry and frustrated about the Congress and its lack of responsiveness to their needs. The rich get richer, the poor get poorer, and the middle class continues to shrink. Congress does not act and the people are angry.

The standard of living of the average American continues to go down, down, down, and we continue to lose huge numbers of decent-paying jobs to desperate third-world countries. Congress does not act and the people are angry.

The United States today is the only major industrialized Nation on Earth without a national health care system. Congress does not act and the people are angry.

What are term limits going to do about any of this? Nothing, except perhaps make a bad situation worse. Mr. Chairman, the problem with American politics is not that we cannot force out every Member of Congress every 6 years. That is not the problem.

The problem is that the U.S. Congress today is dominated by big money interests, and that this institution works primarily for the wealthy and the powerful, and not the ordinary American. That is the problem, and all of the term limits in the world are not going to change that reality.

Mr. Chairman, if we are going to make the Congress responsive to ordinary Americans, we need campaign finance reform, not term limits. We need to stop millionaires from buying their own seats, and end the absurdity of 20 percent of the Members of Congress being millionaires themselves.

We need to stop corporations from putting huge amounts of campaign contributions into political parties as soft money. We need to stop powerful interests like the insurance companies from buying the air waves to prevent real health care reform.

Mr. Chairman, let us pass campaign finance reform, not term limits, and return power back to ordinary Americans.

Mr. CANADY of Florida. Mr. Chairman, I yield 1½ minutes to the gentleman from Virginia [Mr. GOODLATTE].

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

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

Mr. Chairman, I rise in strong support of term limits. I have a great respect for some of those here today who have argued against them, but I think they have missed the point and missed the point entirely. It has been claimed that term limits will give strength and power to the congressional staff, to bureaucrats, to lobbyists who will be here in Washington, DC perhaps forever to come.

I think that is entirely wrong. I think in fact the current system gives strength to those institutions of Washington, DC, because those who have been here for 20, 30, 40, and 50 years are the ones who have institutionalized themselves as part of that process. They have been unwilling to change. That is what has been seen when we have actually had some turnover here recently.

Conventional wisdom is not being accepted right now. The status quo is not being accepted. It is because of the fact that we have new Members bringing that about. Term limits is the only way to assure that we will have this constant turnover, this constant freshness.

Those who suggest that the only kind of experience in this Congress is the experience of warming a seat here for 20, 30, 40, or in the case of one individual who set the all-time record of 54 years, are wrong. I keep hearing Henry Clay's name being mentioned. Henry Clay was elected Speaker of the House in the early 1800's, not after he had been here for 20 years, in his very first term. Why? Not because of experience in the House of Representatives, but because of experience in life. It is time that we recognize that and return this institution to the people. I urge support for term limits.

Mr. CANADY of Florida. Mr. Chairman, I yield 1 minute to the gentleman from New York [Mr. QUINN].

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

Mr. QUINN. Mr. Chairman, later today the House will vote on the question of whether or not to assign term limits to all Members of Congress. This is truly an historic occasion.

I strongly support a 12-year term limit for both Senators and Representatives.

In fact, when I first ran for Congress in 1992, the need for term limits was item No. 1 on my 11-point platform for immediate congressional reform.

I will quote from that list:

''No. 1. Term limits: With incumbents winning re-election 90 percent of the time, America's electoral process is lacking the competition essential for true democracy. The life tenure of Members of Congress is the major contributing factor to most of the problems of Congress.''

Measures designed to effect congressional reform through term limitations appeared on ballots in eight States during the 1994 election, and, in all but one State, they were passed.

Congressional term limits would enhance the democratic nature of our national legislature by opening it up to a true, fair, and competitive election process.

□ 1445

Mr. SHAYS. Mr. Chairman, it gives me great pleasure to yield 3 minutes to the gentleman from New York [Mr. GILMAN], chairman of a committee that focuses its attention around the world.

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

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

Mr. Chairman, I am pleased to rise in opposition to the term limits amendments. Just last week, after a historic debate, the Congress debated and approved the Personal Responsibility Act, sending a clear message: Americans must take responsibility for their own actions.

Two weeks ago, our debate on commonsense legal reform also focused on the proposition that individual responsibility is the hallmark of our Nation.

Is it not ironic that we are now considering stripping Americans of the most basic, crucial responsibility of all: the responsibility to remain alert, active, and informed; the responsibility to monitor elected officials; the responsibility to cast an intelligent vote on election day.

Term limits are being proposed to solve a problem that does not exist. Over half the current Members of Congress began their service in this Chamber since 1990. During the 8 years that Ronald Reagan was President, the House experienced a 60-percent turnover of membership.

Those Americans who have chosen to exercise their responsibility in voting have been remarkably discriminating. It is an insult to their intelligence, and to their patriotism, to contend term limits are the only possible way to turn out representatives who they feel have outlived their usefulness.

Our Nation already has term limits: it's called ''voting.''

I do not subscribe to the theory that public service is the only job in our society in which experience is an evil.

Throughout my many years of service as a Member of this body, I have never experienced an unopposed election. Every 2 years, I have defended the positions I had taken, explained my voting record, and accounted to the people for my conduct in office. I believe that this was the way our Founding Fathers intended Congress to work, and I see nothing wrong with that proposition.

Today, we are asked, for the first time in our Nation's history, to turn the clock back on 208 years of progress. After two centuries of expanding the electorate and the rights of our citizens, for the first time, an amendment is proposed that would restrict the rights of Americans to make a free and open choice regarding their representatives, and which would absolve them of the responsibility of remaining alert and active.

Mr. Chairman, term limits is much more than just a bad idea. It is a threat to our system of Government. I urge my colleagues to strongly reject this amendment and to get on with the business of governing.

Mr. CONYERS. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from North Carolina [Mr. HEFNER].

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

Mr. HEFNER. First of all I would like to say that I witnessed today from the gentleman from Illinois [Mr. HYDE] one of the greatest speeches I have ever heard on the floor of this House of Representatives. I think we are talking about the wrong thing in this debate on term limits.

Let's try to put it in focus for the millions of people that are fortunate enough to hear this very high-level debate today. I believe that if you went to the American people and you said to the American people, ''What do you think about term limits for Members of Congress in the other body?'' they would say, ''We support term limits.'' But if you gave them the full facts and you said the amendment that we are considering today, a 12-year limit, and you said to them at the very best it is going to take 5 years for it to work its way through the States, so that makes 17 years and everybody that has spoken on this for and against has been here at least one term, which is 2 more years, so you are talking about term limits to get rid of all the riffraff here, you have got 17 years. Term limits for 17 years.

I happen to believe that public service is the most honorable profession that you can practice. I am going if you will permit me to be personal for one minute. I had open heart surgery about 4 years ago and the second day out of surgery, how I will never know, they put through a call from North Carolina to my room, and this little old lady said to me, ''BILL HEFNER, I just want to call you and thank you because your office and your staff saved me from losing my home.'' Our constituent service went to work for this lady, and I do not know what we did, but in her mind it enabled her to save her home and that was precious to her.

I would hope that we would not pass an amendment that would prohibit any member of this House from having some precious soul in their district exercise their God-given right and their constitutional right to vote for whoever they want to if they get into the electoral process legally that they could express their vote on confidence in that person.

I think when you go to the American people and tell them the truth, this is not a 12-year term limits, it is actually at best a 17-year term limit prohibition.

Mr. CANADY of Florida. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore [Mr. BARRETT of Nebraska] having assumed the chair, Mr. KLUG, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the joint resolution (H.J. Res. 73) proposing an amendment to the Constitution of the United States with respect to the number of terms of office of members of the Senate and the House of Representatives, had come to no resolution thereon.

CONFERENCE REPORT ON H.R. 831, PERMANENT EXTENSION OF THE HEALTH INSURANCE DEDUCTION FOR THE SELF-EMPLOYED

Mr. ARCHER submitted the following conference report and statement on the bill (H.R. 831) to amend the Internal Revenue Code of 1986 to permanently extend the deduction for health insurance costs of self-employed individuals, to repeal the provision permitting nonrecognition of gain on sales and exchanges effectuating policies of the Federal Communications Commission, and for other purposes:

CONFERENCE REPORT (H. REPT. 104–92)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 831), to amend the Internal Revenue Code of 1986 to permanently extend the deduction for the health insurance costs of self-employed individuals, to repeal the provision permitting nonrecognition of gain on sales and exchanges effectuating policies of the Federal Communications Commission, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and

agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment, insert the following:

SECTION 1. PERMANENT EXTENSION AND INCREASE OF DEDUCTION FOR HEALTH INSURANCE COSTS OF SELF-EMPLOYED INDIVIDUALS.

(a) PERMANENT EXTENSION.—Subsection (l) of section 162 of the Internal Revenue Code of 1986 (relating to special rules for health insurance costs of self-employed individuals) is amended by striking paragraph (6).

(b) INCREASE IN DEDUCTION.—Paragraph (1) of section 162(l) of the Internal Revenue Code of 1986 is amended by striking ''25 percent'' and inserting ''30 percent''.

(c) EFFECTIVE DATES.—

(1) EXTENSION.—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 1993.

(2) INCREASE.—The amendment made by subsection (b) shall apply to taxable years beginning after December 31, 1994.

SEC. 2. REPEAL OF NONRECOGNITION ON FCC CERTIFIED SALES AND EXCHANGES.

(a) IN GENERAL.—Subchapter O of chapter 1 of the Internal Revenue Code of 1986 is amended by striking part V (relating to changes to effectuate FCC policy).

(b) CONFORMING AMENDMENTS.—Sections 1245(b)(5) and 1250(d)(5) of the Internal Revenue Code of 1986 are each amended—

(1) by striking ''section 1071 (relating to gain from sale or exchange to effectuate polices of FCC) or'', and

(2) by striking ''1071 AND'' in the heading thereof.

(c) CLERICAL AMENDMENT.—The table of parts for such subchapter O is amended by striking the item relating to part V.

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply to—

(A) sales and exchanges on or after January 17, 1995, and

(B) sales and exchanges before such date if the FCC tax certificate with respect to such sale or exchange is issued on or after such date.

(2) BINDING CONTRACTS.—

(A) IN GENERAL.—The amendments made by this section shall not apply to any sale or exchange pursuant to a written contract which was binding on January 16, 1995, and at all times thereafter before the sale or exchange, if the FCC tax certificate with respect to such sale or exchange was applied for, or issued, on or before such date.

(B) SALES CONTINGENT ON ISSUANCE OF CERTIFICATE.—

(i) IN GENERAL.—A contract shall be treated as not binding for purposes of subparagraph (A) if the sale or exchange pursuant to such contract, or the material terms of such contract, were contingent, at any time on January 16, 1995, on the issuance of an FCC tax certificate. The preceding sentence shall not apply if the FCC tax certificate for such sale or exchange is issued on or before January 16, 1995.

(ii) MATERIAL TERMS.—For purposes of clause (i), the material terms of a contract shall not be treated as contingent on the issuance of an FCC tax certificate solely because such terms provide that the sales price would, if such certificate were not issued, be increased by an amount not greater than 10 percent of the sales price otherwise provided in the contract.

(3) FCC TAX CERTIFICATE.—For purposes of this subsection, the term ''FCC tax certificate'' means any certificate of the Federal Communications Commission for the effectuation of section 1071 of the Internal Revenue Code of 1986 (as in effect on the day before the date of the enactment of this Act).

SEC. 3. SPECIAL RULES RELATING TO INVOLUNTARY CONVERSIONS.

(a) REPLACEMENT PROPERTY ACQUIRED BY CORPORATIONS FROM RELATED PERSONS.—

(1) IN GENERAL.—Section 1033 of the Internal Revenue Code of 1986 (relating to involuntary conversions) is amended by redesignating subsection (i) as subsection (j) and by inserting after subsection (h) the following new subsection:

''(i) NONRECOGNITION NOT TO APPLY IF CORPORATION ACQUIRES REPLACEMENT PROPERTY FROM RELATED PERSON.—

''(1) IN GENERAL.—In the case of—

''(A) a C corporation, or

''(B) a partnership in which 1 or more C corporations own, directly or indirectly (determined in accordance with section 707(b)(3)), more than 50 percent of the capital interest, or profits interest, in such partnership at the time of the involuntary conversion,

subsection (a) shall not apply if the replacement property or stock is acquired from a related person. The preceding sentence shall not apply to the extent that the related person acquired the replacement property or stock from an unrelated person during the period described in subsection (a)(2)(B).

''(2) RELATED PERSON.—For purposes of this subsection, a person is related to another person if the person bears a relationship to the other person described in section 267(b) or 707(b)(1).''

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply to involuntary conversions occurring on or after February 6, 1995.

(b) APPLICATION OF SECTION 1033 TO CERTAIN SALES REQUIRED FOR MICROWAVE RELOCATION.—

(1) IN GENERAL.—Section 1033 of the Internal Revenue Code of 1986 (relating to involuntary conversions), as amended by subsection (a), is amended by redesignating subsection (j) as subsection (k) and by inserting after subsection (i) the following new subsection:

''(j) SALES OR EXCHANGES TO IMPLEMENT MICROWAVE RELOCATION POLICY.—

''(1) IN GENERAL.—For purposes of this subtitle, if a taxpayer elects the application of this subsection to a qualified sale or exchange, such sale or exchange shall be treated as an involuntary conversion to which this section applies.

''(2) QUALIFIED SALE OR EXCHANGE.—For purposes of paragraph (1), the term 'qualified sale or exchange' means a sale or exchange before January 1, 2000, which is certified by the Federal Communications Commission as having been made by a taxpayer in connection with the relocation of the taxpayer from the 1850–1990MHz spectrum by reason of the Federal Communications Commission's reallocation of that spectrum for use for personal communications services. The Commission shall transmit copies of certifications under this paragraph to the Secretary.''

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply to sales or exchanges after March 14, 1995.

SEC. 4. DENIAL OF EARNED INCOME CREDIT FOR INDIVIDUALS HAVING EXCESSIVE INVESTMENT INCOME.

(a) IN GENERAL.—Section 32 of the Internal Revenue Code of 1986 is amended by redesignating subsections (i) and (j) as subsections (j) and (k), respectively, and by inserting after subsection (h) the following new subsection:

''(i) DENIAL OF CREDIT FOR INDIVIDUALS HAVING EXCESSIVE INVESTMENT INCOME.—

''(1) IN GENERAL.—No credit shall be allowed under subsection (a) for the taxable year if the aggregate amount of disqualified income of the taxpayer for the taxable year exceeds $2,350.

''(2) DISQUALIFIED INCOME.—For purposes of paragraph (1), the term 'disqualified income' means—

''(A) interest or dividends to the extent includible in gross income for the taxable year,

''(B) interest received or accrued during the taxable year which is exempt from tax imposed by this chapter, and

''(C) the excess (if any) of—

''(i) gross income from rents or royalties not derived in the ordinary course of a trade or business, over

''(ii) the sum of—

''(I) the deductions (other than interest) which are clearly and directly allocable to such gross income, plus

''(II) interest deductions properly allocable to such gross income.''

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1995.

SEC. 5. EXTENSION OF SPECIAL RULE FOR CERTAIN GROUP HEALTH PLANS.

Section 13442(b) of the Omnibus Budget Reconciliation Act of 1993 (Public Law 103–66) is amended by striking ''May 12, 1995'' and inserting ''December 31, 1995''.

SEC. 6. STUDY OF EXPATRIATION TAX.

(a) IN GENERAL.—The staff of the Joint Committee on Taxation shall conduct a study of the issues presented by any proposals to affect the taxation of expatriation, including an evaluation of—

(1) the effectiveness and enforceability of current law with respect to the tax treatment of expatriation,

(2) the current level of expatriation for tax avoidance purposes,

(3) any restrictions imposed by any constitutional requirement that the Federal income tax apply only to realized gains,

(4) the application of international human rights principles to taxation of expatriation,

(5) the possible effects of any such proposals on the free flow of capital into the United States,

(6) the impact of any such proposals on existing tax treaties and future treaty negotiations,

(7) the operation of any such proposals in the case of interests in trusts,

(8) the problems of potential double taxation in any such proposals,

(9) the impact of any such proposals on the trade policy objectives of the United States,

(10) the administrability of such proposals, and

(11) possible problems associated with existing law, including estate and gift tax provisions.

(b) REPORT.—The Chief of Staff of the Joint Committee on Taxation shall, not later than June 1, 1995, report the results of the study conducted under subsection (a) to the Chairmen of the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate.

And the Senate agree to the same.

BILL ARCHER,
PHILIP CRANE,
WM. THOMAS,
CHARLES B. RANGEL,
Managers on the Part of the House.
BOB PACKWOOD,
BOB DOLE,
BILL ROTH,
JOHN H. CHAFEE,
CHUCK GRASSLEY,
DANIEL PATRICK MOYNIHAN,
MAX BAUCUS,
CAROL MOSELEY-BRAUN,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 831) to amend the Internal Revenue Code of 1986 to permanently extend the deduction for the health insurance costs of self-employed individuals, to repeal the provision permitting nonrecognition of gain on sales and exchanges effectuating policies of the Federal Communications Commission, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon

by the managers and recommended in the accompanying conference report:

The Senate amendment struck all of the House bill after the enacting clause and inserted a substitute text.

The House recedes from its disagreement to the amendment of the Senate with an amendment that is a substitute for the House bill and the Senate amendment. The differences between the House bill, the Senate amendment, and the substitute agreed to in conference are noted below, except for clerical corrections, conforming changes made necessary by agreements reached by the conferences, and minor drafting and clerical changes.

A. PERMANENTLY EXTEND DEDUCTION FOR HEALTH INSURANCE COSTS OF SELF-EMPLOYED INDIVIDUALS

(Sec. 1 of the House bill, sec. 1 of the Senate amendment, sec. 1 of the conference agreement and sec. 162(l) of the Code)

Present Law

Under present law, the tax treatment of health insurance expenses depends on whether the taxpayer is an employee and whether the taxpayer is covered under a health plan paid for by the employee's employer. An employer's contribution to a plan providing accident or health coverage for the employee and the employee's spouse and dependents is excludable from an employee's income. The exclusion is generally available in the case of owners of a business who are also employees.

In the case of self-employed individuals (i.e., sole proprietors or partners in a partnership), no equivalent exclusion applies. However, prior law provided a deduction for 25 percent of the amount paid for health insurance for a self-employed individual and the individual's spouse and dependents. The 25-percent deduction was available with respect to the cost of self-insurance as well as commercial insurance. In the case of self insurance, the deduction was not available unless the self-insured plan was in fact insurance (e.g., there was appropriate risk shifting) and not merely a reimbursement arrangement. The 25-percent deduction was not available for any month if the taxpayer was eligible to participate in a subsidized health plan maintained by the employer of the taxpayer or the taxpayer's spouse. In addition, no deduction was available to the extent that the deduction exceeded the taxpayer's earned income. The amount of expenses paid for health insurance in excess of the deductible amount could be taken into account in determining whether the individual was entitled to an itemized deduction for medical expenses. The 25-percent deduction expired for taxable years beginning after December 31, 1993.

For purposes of these rules, more than 2-percent shareholders of S corporations are treated the same as self-employed individuals. Thus, they were entitled to the 25-percent deduction.

Other individuals who purchase their own health insurance (e.g., someone whose employer does not provide health insurance) can deduct their insurance premiums only to the extent that the premiums, when combined with other unreimbursed medical expenses, exceed 7.5 percent of adjusted gross income.

House Bill

The House bill would retroactively reinstate the deduction for 25 percent of health insurance costs of self-employed individuals for 1994 and would extend the deduction permanently.

Effective date.—The provision would be effective for taxable years beginning after December 31, 1993.

Senate Amendment

The Senate amendment is the same as the House bill, except that the deduction would be increased to 30 percent for years beginning after December 31, 1994.

Effective date.—The provision generally would be effective for taxable years beginning after December 31, 1993. The increase in the deduction to 30 percent of health insurance costs would be effective for taxable years beginning after December 31, 1994.

Conference Agreement

The conference agreement follows the Senate amendment.

B. REPEAL OF SPECIAL RULES APPLICABLE TO FCC-CERTIFIED SALES OF BROADCAST PROPERTY

(Sec. 2 of the House bill, sec. 2 of the Senate amendment, sec. 2 of the conference agreement, and sec. 1071 of the Code)

Present Law and Background

Tax treatment of a seller of broadcast property

General tax rules

Under generally applicable Code provisions, the seller of a business, including a broadcast business, recognizes gain to the extent the sale price (and any other consideration received) exceeds the seller's basis in the property. The recognized gain is then subject to the current income tax unless the gain is deferred or not recognized under a special tax provision.

Special rules under Code section 1033

Under Code section 1033, gain realized by a taxpayer from certain involuntary conversions of property is deferred to the extent the taxpayer purchases property similar or related in service or use to the converted property. The replacement property may be acquired directly or by acquiring control of a corporation (generally, 80 percent of the stock of the corporation) that owns replacement property. The taxpayer's basis in the replacement property generally is the same as the taxpayer's basis in the converted property, decreased by the amount of any money or loss recognized on the conversion, and increased by the amount of any gain recognized on the conversion.

Only involuntary conversions that result from destruction, theft, seizure, or condemnation (or threat or imminence thereof) are eligible for deferral under Code section 1033. In addition, the term ''condemnation'' refers to the process by which private property is taken from public use without the consent of the property owner but upon the award and payment of just compensation, according to a ruling by the Internal Revenue Service (IRS).[1] Thus, for example, an order by a Federal court to a corporation to divest itself of ownership of certain stock because of anti-trust rules is not a condemnation (or a threat or imminence thereof), and the divestiture is not eligible for deferral under this provision.[2] Under another IRS ruling, the ''threat or imminence of condemnation'' test is satisfied if, prior to the execution of a binding contract to sell the property, ''the property owner is informed, either orally or in writing by a representative of a governmental body or public official authorized to acquire property for public use, that such body or official has decided to acquire his property, and from the information conveyed to him has reasonable grounds to believe that his property will be condemned if a voluntary sale is not arranged.''[3] However, under this ruling, the threatened taking also must constitute a condemnation, as defined above.

Special rules under Code section 1071

Under Code section 1071, if the FCC certifies that a sale or exchange of property is necessary or appropriate to effectuate a change in a policy of, or the adoption of a new policy by, the FCC with respect to the ownership and control of ''radio broadcasting stations,'' a taxpayer may elect to treat the sale or exchange as an involuntary conversion. The FCC is not required to determine the tax consequences of certifying a sale or to consult with the IRS about the certification process.

Under Code section 1071, the replacement requirement in the case of FCC-certified sales may be satisfied by purchasing stock of a corporation that owns broadcasting property, whether or not the stock represents control of the corporation. In addition, even if the taxpayer does not reinvest all the sales proceeds in similar or related replacement property, the taxpayer nonetheless may elect to defer recognition of gain if the basis of depreciable property that is owned by the taxpayer immediately after the sale or that is acquired during the same taxable year is reduced by the amount of deferred gain.

Tax treatment of a buyer of broadcast property

Under generally applicable Code provisions, the purchaser of a broadcast business, or any other business, acquires a basis equal to the purchase price paid. In an asset acquisition, a buyer must allocate the purchase price among the purchased assets to determine the buyer's basis in these assets. In a stock acquisition, the buyer generally takes a basis in the stock equal to the purchase price paid, and the business retains its basis in the assets. This treatment applies whether or not the seller of the broadcast property has received an FCC certificate exempting the sale transaction from the normal tax treatment.

FCC tax certificate program

Multiple ownership policy

The FCC originally adopted multiple ownership rules in the early 1940s.[4] These rules prohibited broadcast station owners from owning more than one station in the same service area, and, generally, more than six high frequency (radio) or three television stations. Owners wishing to acquire additional stations had to divest themselves of stations they already owned in order to remain in compliance with the FCC's rules.

In November 1943, the FCC adopted a rule that prohibited duopolies (ownership of more than one station in the same city).[5] After these rules were adopted, owners wishing to acquire additional stations in excess of the national ownership limit had to divest themselves of stations they already owned in order to remain in compliance with the FCC's rules. After Code section 1071 was adopted in 1943, in some cases, parties petitioned the FCC for tax certificates pursuant to Code section 1071 when divesting themselves of stations. These divestitures were labeled ''voluntary divestitures'' by the FCC. When the duopoly rule was adopted, 35 licensees that held more than one license in a particular city were required by the rule ''involuntarily'' to divest themselves of one of the licenses.[6]

[1] Rev. Rul. 58–11, 1958–1 C.B. 273.

[2] Id.

[3] Rev. Rul. 74–8, 1974–1 C.B. 200.

[4] Fed. Reg. 2382 (June 26, 1940) (multiple ownership rules for high frequency broadcast stations); 5 Fed. Reg. 2284 (May 6, 1941) (multiple ownership rules for television stations).

[5] 8 Fed. Reg. 16065 (Nov. 23, 1943).

[6] FCC Announces New Policy Relating to Issuance of Tax Certificates, 14 FCC2d 827 (1956).

Minority ownership policy

In 1978, the FCC announced a policy of promoting minority ownership of broadcast facilities by offering an FCC tax certificate to those who voluntarily sell such facilities (either in the form of assets or stock) to minority individuals or minority-controlled entities.[7] The FCC's policy was based on the view that minority ownership of broadcast stations would provide a significant means of fostering the inclusion of minority views in programming, thereby serving the needs and interests of the minority community as well as enriching and educating the non-minority audience. The FCC subsequently expanded its policy to include the sale of cable television systems to minorities as well.[8]

''Minorities,'' within the meaning of the FCC's policy, include ''Blacks, Hispanics, American Indians, Alaska Natives, Asians, and Pacific Islanders.''[9] As a general rule, a minority-controlled corporation is one in which more than 50 percent of the voting stock is held by minorities. A minority-controlled limited partnership is one in which the general partner is a minority or minority-controlled, and minorities have at least a 20-percent interest in the partnership.[10] The FCC requires those who acquire broadcast properties with the help of the FCC tax certificate policy to hold those properties for at least one year.[11] An acquisition can qualify even if there is a pre-existing agreement (or option) to buy out the minority interests at the end of the one-year holding period, providing that the transaction is at arm's-length.

In 1982, the FCC further expanded its tax certificate policy for minority ownership. At that time, the FCC decided that, in addition to those who sell properties to minorities, investors who contribute to the stabilization of the capital base of a minority enterprise would be entitled to a tax certificate upon the subsequent sale of their interest in the minority entity.[12] To qualify for an FCC tax certificate in this circumstance, an investor must either (1) provide start-up financing that allows a minority to acquire either broadcast or cable properties, or (2) purchase shares in a minority-controlled entity within the first year after the license necessary to operate the property is issued to the minority. An investor can qualify for a tax certificate even if the date of the interest occurs after participation by a minority in the entity has ceased. In these situations, the status of the divesting investor and the purchaser of the divested interest is irrelevant, because the goal is to increase the financing opportunities available to minorities.

Personal communications services ownership policy

In 1993, Congress provided for the orderly transfer of frequencies, including frequencies that can be licensed pursuant to competitive bidding procedures.[13] The FCC has adopted rules to conduct auctions for the award of more than 2,000 licenses to provide personal communications services (''PCS''). PCS will be provided by means of a new generation of communication devices that will include small, lightweight, multi-function portable phones, portable facsimile and other imaging devices, new types of multi-channel cordless phones, and advanced paging devices with two-way data capabilities. The PCS auctions (which began last year) will constitute the largest auction of public assets in American history and are expected to generate billions of dollars for the United States Treasury.[14]

The FCC has designed procedures to ensure that small businesses, rural telephone companies and businesses owned by women and minorities have ''the opportunity to participate in the provision'' of PCS, as Congress directed in 1993.[15] To help minorities and women participate in the auction of the PCS licenses, the FCC took several steps including up to a 25-percent bidding credit, a reduced upfront payment requirement, a flexible installment payment schedule and an extension of the tax certificate program for businesses owned by minorities and women.[16]

The FCC will employ the tax certificate program in three ways: (1) initial investors (who provide ''start-up'' financing or purchase interests within the first year after license issuance) in minority and woman-owned PCS businesses will be eligible for FCC tax certificates upon the sale of their investments; (2) holders of PCS licenses will be able to obtain FCC tax certificates upon the sale of the business to a company controlled by minorities and women; and (3) a cellular operator that sells its interest in an overlapping cellular system to a minority or a woman-owned business to come into compliance with the FCC PCS/cellular cross-ownership rule will be eligible for a tax certificate. In addition, as discussed below, the FCC will issue tax certificates for PCS to encourage fixed microwave operators voluntarily to relocate to clear a portion of the spectrum for PCS technologies.

Microwave relocation policy

PCS can operate only on frequencies below 3GHz. However, because that frequency range is currently occupied by various private fixed microwave communications systems (such as railroads, oil pipelines, and electric utilities), there are no large blocks of unallocated spectrum available to PCS. To accommodate PCS, the FCC has reallocated the spectrum; the 1850–1990MHz spectrum will be used for PCS, and the microwave systems will be required to move to higher frequencies. Current occupants of the 1850–1990MHz spectrum allocated to PCS must relocate to higher frequencies not later than three years after the close of the bidding process.[17] In accordance with FCC rules, these current occupants have the right to be compensated for the cost of replacing their old equipment, which can operate only on the 1850–1990MHz spectrum, with equipment that will operate at the new, higher frequency. At a minimum, the winners of the new PCS licenses must pay for and install new facilities to enable the incumbent microwave operators to relocate. The amount of these payments and characteristics of the new equipment will be the subject of negotiation between the incumbent microwave operators and the PCS licensees; thus, the nature of the compensation (i.e., solely replacement equipment, or a combination of replacement equipment plus a cash payment) is unknown at present. If no agreement is reached within the 3-year voluntary negotiation period, the microwave operators will be required by the FCC to vacate the spectrum; however, the timing of such relocation is uncertain because the relocation would take place only after completion of a formal negotiation process in which the FCC would be a participant.

The FCC will employ the tax certificate program for PCS to encourage fixed microwave operators voluntarily to relocate from the 1850–1990 MHz band to clear the band for PCS technologies.[18] Tax certificates will be available to incumbent microwave operators that relocate voluntarily within three years following the close of the bidding process. Thus, the certificates are intended to encourage such occupants to relocate more quickly than they otherwise would and to clarify the tax treatment of such transactions.[19]

Congressional appropriations rider

Since fiscal year 1988, in appropriations legislation, the Congress has prohibited the FCC from using any of its appropriated funds to repeal, to retroactively apply changes in, or to continue to reexamination of its comparative licensing, distress sale and tax certificate policies.[20] This limitation has not prevented an expansion of the existing program.[21] The current rider will expire at the end of the 1995 fiscal year, September 30, 1995.

House Bill

The House bill would repeal Code section 1071. Thus, a sale or exchange of broadcast properties would be subject to the same tax rules applicable to all other taxpayers engaged in the sale or exchange of a business.

Effective date.—The repeal of section 1071 would be effective for (1) sales or exchanges on or after January 17, 1995, and (2) sale or exchanges before that date if the FCC tax certificate with respect to the sale or exchange is issued on or after that date. The provision would not apply to taxpayers who have entered into a binding written contract (or have completed a sale or exchange pursuant to a binding written contract) before January 17, 1995, and who have applied for an FCC tax certificate by that date. A contract would be treated as not binding for this purpose if the sale or exchange pursuant to the contract (or the material terms of the contract) were contingent on January 16, 1995, on issuance of an FCC tax certificate. A sale or exchange would not be contingent on January 16, 1995, on issuance of an FCC tax certificate if the tax certificate had been issued by the FCC by that date.

Senate Amendment

The Senate amendment is the same as the House bill.

Conference Agreement

The conference agreement follows the House bill and the Senate amendment with a clarification that the material terms of an

[7] Minority Ownership of Broadcasting Facilities, 68 FCC2d 979 (1978).

[8] Minority Ownership of Cable Television Systems, 52 R.R.2d 1469 (1982).

[9] 52 R.R.2d at n. 1.

[10] Commission's Policy Regarding the Advancement of Minority Ownership in Broadcasting, Policy Statement, and Notice of Proposed Rulemaking, 92 FCC2d 853–855 (1982).

[11] See Amendment of Section 73.3597 of the Commission's Rules (Applications for Voluntary Assignments or Transfers of Control), 57 R.R.2d 1149 (1985). Anti-trafficking rules require cable properties to be held for at least three years (unless the property is sold pursuant to a tax certificate).

[12] Commission Policy Regarding the Advancement of Minority Ownership in Broadcasting, 92 FCC2d 849 (1982).

[13] Omnibus Budget Reconciliation Act of 1993, P.L. 103–66, Title VI.

[14] Fifth Report and Order, 9 FCC Rcd 5532 (1994).

[15] Omnibus Budget Reconciliation Act of 1993, P.L. 103–66, section 6002(a).

[16] Installment payments are available to small businesses and rural telephone companies.

[17] The PCS auctions for the 1850–1990MHz spectrum commenced in December, 1994.

[18] See, Third Report and Order and Memorandum Opinion and Order, 8 FCC Rcd 6589 (1993).

[19] The transaction between the PCS licensee and the incumbent microwave operator might qualify for tax-free treatment as a like-kind exchange under Code section 1031 or as an involuntary conversion under Code section 1033. However, the availability of deferral under these Code provisions may be uncertain in certain circumstances. For example, it may be unclear whether the transaction would qualify as an involuntary conversion under currently applicable IRS standards.

[20] Pub. L. No. 100–202 (1987).

[21] The appropriations restriction ''does not prohibit the agency from taking steps to create greater opportunity for minority ownership.'' H. Rept. No. 103–708 (Conf. Rept.) 103d Cong. 2d Sess. 40 (1994).

otherwise binding contract in effect on January 16, 1995, would not be treated as contingent on the issuance of an FCC tax certificate solely because the contract provides that the sales price is increased by an amount not greater than 10 percent of the sales price in the event an FCC tax certificate is not issued.

C. MODIFICATION OF CODE SECTION 1033

(Sec. 3 of the House bill, sec. 3 of the Senate amendment, sec. 3 of the conference agreement, and sec. 1033 of the Code)

Present Law

As described above (item B), under Code section 1033, gain realized by a taxpayer from certain involuntary conversions of property is deferred to the extent the taxpayer purchases property similar or related in service or use to the converted property within a specified period.

Under rulings issued by the IRS to taxpayers, property (stock or assets) purchased from a related person may, in some cases, qualify as property similar or related in service or use to the converted property.[22] Thus, in certain circumstances, related taxpayers may obtain significant (and possible indefinite or permanent) tax deferral without any additional cash outlay to acquire new properties. In cases in which a taxpayer purchases stock as replacement property, section 1033 permits the taxpayer to reduce basis of stock, but does not require any reduction in the basis of the underlying assets. Thus, the reduction in basis of stock does not result in reduced depreciation deductions.

House Bill

Under the House bill, a taxpayer would not be entitled to defer gain under Code section 1033 when the replacement property or stock is purchased from a related person. For purposes of the bill, a person would be treated as related to another person if the relationship between the persons would result in a disallowance of losses under the rules of Code section 267 or 707(b). The provision would be intended to apply to all cases involving relationships to the taxpayer described in Code section 267(b) or 707(b)(1), including members of controlled groups under Code section 267(f).

Effective date.—The provision would apply to replacement property or stock acquired on or after February 6, 1995.

Senate Amendment

Related-party transactions

Under the Senate amendment, subchapter C corporations would not be entitled to defer gain under Code section 1033 if the replacement property or stock is purchased from a related person. A person would be treated as related to another person if the person bears a relationship to the other person described in Code section 267(b) or 707(b)(1). An exception to the general rule would provide that a taxpayer could purchase replacement property or stock from a related person and defer gain under Code section 1033 to the extent the related person acquired the replacement property or stock from an unrelated person within the period prescribed under Code section 1033. Thus, property acquired from outside the group within the period prescribed by section 1033 and retransferred to the taxpayer member of the group within the prescribed time period, would qualify in the hands of the taxpayer to the extent that the property's basis or other net tax consequences to the group do not change as a result of the transfer.

[22] See, e.g., PLR 8132072, PLR 8020069. Private letter rulings do not have precedential authority and may not be relied upon by any taxpayer other than the taxpayer receiving the ruling but are some indication of IRS administrative practice.

Microwave relocation transactions

The Senate amendment would provide that sales or exchanges that are certified by the FCC as having been made by a taxpayer in connection with the relocation of the taxpayer from the 1850–1990MHz spectrum by reason of the FCC's reallocation of that spectrum for use for PCS would be treated as involuntary conversions to which Code section 1033 applies.

Effective date

The provision prohibiting the purchase of qualified replacement property from a related party would apply to involuntary conversions occurring on or after February 6, 1995.

The provision treating certain microwave relocation transactions as involuntary conversions would apply to sales or exchanges occurring before January 1, 2000.

Conference Agreement

The conference agreement follows the Senate amendment with a modification to provide that the amendments made to section 1033 will apply not only to C corporations, but also to certain partnerships. Specifically, the provision will apply to a partnership if more than 50 percent of the capital interest, or profits interest, of the partnership are owned, directly or indirectly (as determined under section 707(b)(3)), by C corporations at the time of the involuntary conversion. If the provision applies to a partnership under the above rule, the provision would apply to all partners of the partnership, including partners that are not C corporations. If a partnership is not described by the above rule, none of the partners of the partnership will be subject to the provision by reason of their interest in the partnership.

In addition, the conference agreement clarifies that the determination of whether or not a partnership is related to another party will be made at the partnership level.

D. UNEARNED INCOME TEST FOR EARNED INCOME TAX CREDIT

(Sec. 4 of the House bill, sec. 4 of the Senate amendment, sec. 4 of the conference agreement, and sec. 32 of the Code)

Present Law

Eligible low-income workers are able to claim a refundable earned income tax credit (EITC). The amount of the credit an eligible taxpayer may claim depends upon whether the taxpayer has one, more than one, or no qualifying children and is determined by multiplying the credit rate by the taxpayer's earned income up to an earned income threshold. The maximum amount of the credit is the product of the credit rate and the earned income threshold. For taxpayers with earned income (or adjusted gross income, if greater) in excess of the phaseout threshold, the credit amount is reduced by the phaseout rate multiplied by the amount of earned income (or adjusted gross income, if greater) in excess of the phaseout threshold. The credit is not allowed if earned income (or adjusted gross income, if greater) exceeds the phaseout limit. There is no additional limitation on the amount of unearned income that the taxpayer may receive.

The parameters for the EITC depend upon the number of qualifying children the taxpayer claims. For 1995, the parameters are as follows:

	Two or more qualifying children—	One qualifying child—	No qualifying children—
Credit rate	36.00%	34.00%	7.65%
Phaseout rate	20.22	15.98%	7.65%
Earned income threshold	$8,640	$6,160	$4,100
Maximum credit	$3,110	$2,094	$314
Phaseout threshold	$11,290	$11,290	$5,130
Phaseout limit	$26,673	$24,396	$9,230

The earned income threshold and the phaseout threshold are indexed for inflation; because the phaseout limit depends on those amounts, the phaseout rate, and the credit rate, the phaseout limit will also increase if there is inflation. Earned income consists of wages, salaries, other employee compensation, and net self-employment income.

The credit rates and phaseout rates for the EITC change over time under present law. For 1996 and after, the credit rate will be 40 percent and the phaseout rate will be 21.06 percent for taxpayers with two or more qualifying children. The credit rate and the phaseout rate for taxpayers with one qualifying child or no qualifying children will be the same as those listed in the table above.

In order to claim the EITC, a taxpayer must either have a qualifying child or must meet other requirements. A qualifying child must meet a relationship test, an age test, and a residence test. In order to claim the EITC without a qualifying child, a taxpayer must not be a dependent and must be over age 24 and under age 65.

House Bill

Under the House bill, a taxpayer would not be eligible for the EITC if the aggregate amount of interest and dividends includible in the taxpayer's income for the taxable year exceeds $3,150. The otherwise allowable EITC amount would be phased out ratably for taxpayers with aggregate taxable interest and dividend income between $2,500 and $3,150. For taxable years beginning after 1996, the $2,500 threshold and the $650 size of the phaseout would be indexed for inflation with rounding to the nearest multiple of $10.

Effective date.—The provision would be effective for taxable years beginning after December 31, 1995.

Senate Amendment

Under the Senate amendment, a taxpayer would not be eligible for the EITC if the aggregate amount of ''disqualified income'' of the taxpayer for the taxable year exceeds $2,450. Disqualified income would be the sum of:

(1) interest (whether or not subject to tax) received or accrued in the taxable year,

(2) dividends to the extent includible in gross income for the taxable year, and

(3) net income (if greater than zero) from rents and royalties not derived in the ordinary course of business.

Effective date.—Same as the House bill.

Conference Agreement

The conference agreement provides that a taxpayer is not eligible for the EITC if the aggregate amount of ''disqualified income'' of the taxpayer for the taxable year exceeds $2,350. Disqualified income is the sum of:

(1) interest and dividends includible in gross income for the taxable year,

(2) tax-exempt interest received or accrued in the taxable year, and

(3) net income (if greater than zero) from rents and royalties not derived in the ordinary course of business.

Tax-exempt interest is defined as amounts required to be reported on the taxpayer's return under Code section 6012(d).

Effective date.—The provision is effective for taxable years beginning after December 31, 1995.

E. EXTENSION OF RULE FOR CERTAIN GROUP HEALTH PLANS

(Sec. 5 of the conference agreement and sec. 162(n) of the Code)

Present Law

In general, present law disallows employer deductions for any amounts paid or incurred in connection with a group health plan if the plan fails to reimburse hospitals for inpatient services provided in the State of New

York at the same rate that licensed commercial insurers are required to reimburse hospitals for inpatient services of individuals not covered by a group health plan. This provision applies with respect to inpatient hospital services provided to participants after February 2, 1993, and on or before May 12, 1995.

House Bill

No provision.

Senate Amendment

No provision.

Conference Agreement

The conference agreement extends the present-law deduction disallowance for expenses in connection with certain group health plans through December 31, 1995.

Effective date.—The provision is effective on the date of enactment.

F. IMPOSITION OF TAX ON U.S. CITIZENS WHO RELINQUISH CITIZENSHIP

(Sec. 5 of the Senate amendment, sec. 6 of the conference agreement, proposed new sec. 877A, and secs. 877 and 7701 of the Code)

Present Law

U.S. citizens and residents generally are subject to U.S. income taxation on their worldwide income. The United States imposes tax on gains recognized by foreign persons that are attributable to dispositions of interests in U.S. real property. Distributions, including lump-sum distributions, that foreign persons receive from qualified U.S. retirement plans generally are subject to U.S. tax at a 30-percent rate.

A U.S. citizen who relinquishes U.S. citizenship with a principal purpose to avoid Federal tax may be subjected to an alternative taxing method for 10 years after expatriation (sec. 877). Under this alternative method, the expatriate generally is taxed on his U.S. source income (net of certain deductions), as well as on certain business profits, at rates applicable to U.S. citizens and residents.

The United States imposes its estate tax on the worldwide estates of persons who were citizens or domiciliaries of the United States at the time of death, and on certain property belonging to nondomiciliaries of the United States which is located in the United States at the time of their death. The U.S. gift tax is imposed on all gifts made by U.S. citizens and domiciliaries, and on gifts of property made by nondomiciliaries where the property is located in the United States at the time of the gift. Special rules apply to the estate and gift tax treatment of individuals who relinquished their U.S. citizenship within 10 years of death or gift, if the individual's loss of U.S. citizenship has as one of its principal purposes a tax avoidance motive.

House Bill

No provision.

Senate Amendment

Under the Senate amendment, a U.S. citizen who relinquishes citizenship generally would be treated as having sold all of his property at fair market value immediately prior to the expatriation. Gain or loss from the deemed sale would be recognized at that time, generally without regard to other provisions of the Code. Net gain on the deemed sale would be recognized under the bill only to the extent it exceeds $600,000 ($1.2 million in the case of married individuals filing a joint return, both of whom expatriate).

Property treated as sold by an expatriating citizen under the provision would include all items that would be included in the individual's gross estate under the Federal estate tax if such individual were to die on the day of the deemed sale, plus certain trust interests that are not otherwise includible in the gross estate and other interests that may be specified by the Treasury Department in order to carry out the purposes of the provision.

Certain types of property generally would not be taken into account for purposes of determining the expatriation tax: U.S. real property interests, interests in qualified retirement plans (other than interests attributable to excess contributions or contributions that violate any condition for tax-favored treatment), and, under regulations, interests in foreign pension plans and similar retirement plans or programs (up to a maximum amount of $500,000).

Under the amendment, an expatriate who is a beneficiary of a trust would be deemed to own a separate trust consisting of the assets allocable to his share of the trust, in accordance with his interest in the trust. The separate trust would be treated as selling its assets for fair market value immediately before the beneficiary relinquishes his citizenship, and distributing all resulting income and corpus to the beneficiary.

Under the amendment, a U.S. citizen who renounces his U.S. nationality before a diplomatic or consular officer of the United States would be treated as having relinquished his citizenship on the date, provided that the renunciation is later confirmed by the issuance of a certificate of loss of nationality (''CLN'') by the U.S. Department of State. A U.S. citizen who furnishes to the Department of State a signed statement of voluntary relinquishment of U.S. nationality confirming the performance of an expatriating act would be treated as having relinquished his citizenship on the date such statement is so furnished, provided that the voluntary relinquishment is later confirmed by the issuance of a CLN. Any other U.S. citizen to whom the Department of State issues a CLN would be treated as having relinquished his citizenship on the date the CLN is issued to the individual. A naturalized citizen is treated as having relinquished his citizenship on the date a court of the United States cancels his certificate of naturalization.

Under the amendment, an individual who is subject to the tax on expatriation would be required to pay a tentative tax equal to the amount of tax that would have been due based on a hypothetical short tax year that ended on the date the individual relinquished his citizenship. The tentative tax would be due on the 90th day after the date of relinquishment.

The amendment would provide that the time for the payment of the tax on expatriation may be extended for a period not to exceed 10 years at the request of the taxpayer, as provided by section 6161.

The amendment would authorize the Treasury Department to issue regulations to permit a taxpayer to allocate the taxable gain (net of any applicable exclusion) to the basis of assets taxed under this provision, thereby preventing double taxation if the assets remain subject to U.S. tax jurisdiction.

Effective date.—The amendment would be effective for U.S. citizens who relinquish their U.S. citizenship (as determined under the provision) on or after February 6, 1995. The tentative tax would not be required to be paid until 90 days after the date of enactment.

Present law would continue to apply to U.S. citizens who relinquished their citizenship prior to February 6, 1995.

Conference Agreement

The conference agreement does not include the Senate amendment.

The conference agreement, however, directs that the staff of the Joint Committee on Taxation undertake a study of the issues presented by any proposals to affect the tax treatment of expatriation, including an evaluation of (1) the effectiveness and enforceability of current law with respect to the tax treatment of expatriation, (2) the current level of expatriation for tax avoidance purposes, (3) any restrictions imposed by any constitutional requirement that Federal income tax apply only to realized gains, (4) the application of international human rights principles to the taxation of expatriation, (5) the possible effects of any such proposals on the free flow of capital into the United States, (6) the impact of any such proposals on existing tax treaties and future treaty negotiations, (7) the operation of any such proposals in the case of interests in trusts, (8) the problems of potential double taxation in any such proposals, (9) the impact of any such proposals on the trade policy objectives of the United States, (10) the administrability of such proposals, and (11) possible problems associated with existing law, including estate and gift tax provisions. The results of such study are to be reported to the Chairman of the House Committee on Ways and Means and to the Chairman of the Senate Committee on Finance by June 1, 1995.

ESTIMATED REVENUE EFFECTS OF H.R. 831 AS AGREED TO BY HOUSE AND SENATE CONFEREES—FISCAL YEARS 1995–2005

[Millions of Dollars]

Provision	Effective	1995	1996	1997	1998	1999	2000	1995–00	2001–05	1995–05
1. Extend self-employed health deduction: 25% for 1994 and 30% thereafter.	tyba Dec. 31, 1993	−514	−482	−527	−587	−649	−708	−3,467	−4,520	−7,987
2. Repeal section 1071 (FCC tax certificate program with transition)	Jan. 17, 1995	303	379	135	135	170	201	1,323	1,465	2,786
3. Modify section 1033 for corporations with transition rule for microwave relocation previously entitled to section 1071 (nonrecognition of gain on involuntary conversions not to apply to acquisitions from related persons).	Feb. 6, 1995	5	9	23	33	47	67	184	505	689
4. Deny earned income tax credit to individuals with interest, dividends, tax-exempt interest income, and net rental and royalty income over $2,350 (the threshold is not indexed for inflation) [1].	Jan. 1, 1996		22	436	487	521	556	2,023	3,515	5,538
5. Extension of rule for certain group health plans	DoE	−42	−11					−53		−53
Net totals		−248	−83	67	68	89	116	10	965	975

[1] Included in this estimate are decreases in EITC outlays of $18 million for FY 1996, $353 million for FY 1997, $397 million for FY 1998, $426 million for FY 1999, $449 million for FY 2000, $495 million for FY 2001, $529 million for FY 2002, $566 million for FY 2003, $605 million for FY 2004, and $647 million for FY 2005.

Note.—Details may not add to totals due to rounding. Legend for ''Effective'' column: tyba=taxable years beginning after. DoE=date of enactment.

Source: Joint Committee on Taxation.

BILL ARCHER,
PHILIP CRANE,
WM. THOMAS,
CHARLES B. RANGEL,
Managers on the Part of the House.
BOB PACKWOOD,
BOB DOLE,
BILL ROTH,
JOHN H. CHAFEE,
CHUCK GRASSLEY,
DANIEL PATRICK MOYNIHAN,
MAX BAUCUS,
CAROL MOSELEY-BRAUN,
Managers on the Part of the Senate.

TERM LIMITS CONSTITUTIONAL AMENDMENT

The SPEAKER pro tempore (Mr. BARRETT of Nebraska). Pursuant to House Resolution 116 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 joint resolution, House Joint Resolution 73.

□ 1453

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the joint resolution (H.J. Res. 73) proposing an amendment to the Constitution of the United States with respect to the number of terms of office of Members of the Senate and the House of Representatives, with Mr. KLUG in the chair.

The Clerk read the title of the joint resolution.

The CHAIRMAN. When the Committee of the Whole rose earlier today, the following time remained in general debate:

The gentleman from Michigan [Mr. CONYERS] had 9½ minutes, the gentleman from Connecticut [Mr. SHAYS] also had 9½ minutes, and the gentleman from Florida [Mr. CANADY] had 28 minutes remaining.

Mr. CANADY of Florida. Mr. Chairman, I yield 2 minutes to the gentleman from Tennessee [Mr. HILLEARY].

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

Mr. HILLEARY. Mr. Chairman, I rise in strong support of term limits today.

Members of the House will have the opportunity to vote on several versions of term limits. We all have our differences as to the one which we prefer. But in the end, Members will have a chance to stand up and have their voice counted, for the first time ever, either for or against term limits.

This will be an historic opportunity for this country to return to the citizen legislature envisioned by the Founding Fathers.

I am proud to be a part of this energetic class of freshman Members and I am proud of the bill we have crafted. Over the past several weeks we have helped pass legislation to make historic change in the way the rest of the Government works.

Today we are going to vote on helping make historical change to the way this institution works.

We have the opportunity to give back power to the people.

We have the opportunity to end the era of the career politician.

We might not achieve that goal today, but this is the first vote ever on term limits and it should be considered a win for the people no matter what happens.

If we garner the 290 votes we need, then we are going to send this bill over to the Senate with an incredible amount of momentum. If we fall short, we have still made a huge down payment on the concept of term limits.

I say this sadly, but I believe that those that vote against term limits may have themselves in peril the next time they stand for reelection. Their constituents may decide not to send them back. I say this with sadness because I have nothing but respect for the folks, men and women, who have labored here for many years in service to their country. But with all due respect, I firmly believe that none of us are irreplaceable and as proud as I am of our freshman class, none of us need to be here for the next 20 or 30 years.

Let's support the wishes of the citizens of this country by passing term limits today. Regardless of what emerges from the Committee of the Whole, let's support term limits on final passage.

Mr. CANADY of Florida. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania [Mr. FOX].

(Mr. FOX of Pennsylvania asked and was given permission to revise and extend his remarks.)

Mr. FOX of Pennsylvania. Mr. Chairman, term limits is an idea whose time has arrived. The people of the United States have said in record numbers, over 80 percent, that they want term limits. It may be the most popular item that we have in the Contract With America. If we vote today for any of these various proposals, such as the 6-year Inglis bill, the 12-year McCollum bill or the Hilleary States rights legislation, we will set in motion a chance for the people to decide.

The first step is the passage here in the U.S. House. The second step would be the passage in the U.S. Senate. The third step would be 38 States to adopt. California has already shown us that with issue and referendum, how fair it is to involve each of the citizens in the direct process of deciding the issues that affect their lives. This legislation before us will again give power to the people to decide just how long the terms in office should be.

With term limits, we bring to the Congress an infusion of new ideas, new enthusiasm, and a fresh perspective. By passing term limits, more people will have the chance to personally contribute their individual talent, their energies to the representative process. We have already seen how the public is looking to us to in fact come through with the promises from the Contract With America.

We have already seen the adoption of the Shays act, the accountability law, the balanced budget amendment, the line-item veto, the prohibition of unfunded mandates, legal reform, and now we are here on term limits. It is the responsibility for each Member of the House to decide which bill best fits their district or their view of how the United States should look at term limits. But in any event, term limits is certainly what the people in great vast numbers want across the United States.

It is our job tonight to vote in favor of those legislative items.

Mr. CANADY of Florida. Mr. Chairman, I yield 2½ minutes to the gentleman from Wisconsin [Mr. ROTH].

Mr. ROTH. I thank my friend the gentleman for yielding me the time.

Mr. Chairman, I am going to be voting for term limits today, but that does not mean I am in favor of term limits. The reason I am voting for term limits is because we have a Contract With America and I signed the contract. I do not want to renege on my word.

Last November 8, the American people voted and we had wholesale change in the House of Representatives. If I have to go in for open heart surgery, I don't want a man or woman just out of medical school, I want someone who has been there for awhile and knows what they are doing. But I did sign the Contract With America last September, and I told the people that I would vote for term limits, and that is why I feel honor bound and duty bound to vote for term limits.

I did survey the people of my district. In fact, I asked all the questions, all 10, on the Contract With America. It might be interesting that on term limits, we had some 15,534 people respond, 5,929 for, 9,605 against. So 61 percent of the people were against term limits.

□ 1500

Basically what I asked was whether they want a 6-year term or 12-year term, or neither. People should be able to vote whomever they want in the ballot box and 61 percent of the people did pick the third one.

In 1787 after our forefathers crafted a constitution at the Convention, it was not ratified immediately, it went to the States and there was a debate. And I feel that is what we are going to be doing with this amendment. We are going to be sending it to the States and let us have a debate, a national debate, and that probably it can lead to a national catharsis. We can debate this issue and allow the people to have an ultimate say and that is why I think this particular amendment is important. I think the people should have a say throughout the land.

So, for that reason I think it is important that we pass it. But I do feel that term limits should be extended to the bureaucracy too. Otherwise the bureaucracy is going to be much stronger or the Supreme Court.

Mr. FRANK of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. ROTH. I am happy to yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Chairman, I appreciate the gentleman's intellectual honesty, but my understanding of the contract was the contract simply called for this to be brought to the floor.

Mr. ROTH. I take back the balance of my time because I have only 30 seconds. That might be true, but I feel I signed the contract. I am talking for myself, I am not talking for others. I did sign the contract and I feel that I am honor bound to vote for term limits. But my heart is not in it because I do not think it is the right thing. But I do say let us send it to the States, let the American people debate it and then we can still have a round with it.

I thank the gentleman from Connecticut for yielding me the time.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield 2 minutes 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 thank the gentleman for yielding me this time.

Mr. Chairman, we were lectured a little while ago by the gentleman from Michigan who told us about when he was a businessman, and we do not know what we are doing when we are inside the beltway, and I guess that may be right about some folks.

But what is interesting to me is that he has indeed been a part of House Resolution 73, and the other substitutes before us, and we have a policy prescription that has no bearing in any of those substitutes, any of them, not a one in reality other than the Peterson-Dingell substitute. And the reason it has no bearing on reality is because it does not touch any one of us. Shame on all of you for telling the American people, ''Oh, this is term limits; it is going to affect us.'' It is not going to do any such thing.

The gentleman from North Carolina pointed out that it would take a number of years to pass a constitutional amendment. You are going to start by giving yourself a 12-year term, are you not? Is that not what the resolution says? Is that not what you put in the contract? Plus 7 years probably to get it enacted by the States makes it 19 years. Even freshman Members who are assured of long terms as career politicians know it is going to take that long before it takes effect.

I do not think that is what the voters had in mind when they urged some in Congress to support term limits. I believe the voters who support term limits want to see the effects of the amendment as soon as possible.

I expect to see all of the proponents of term limits leap at the opportunity to vote for the Peterson-Dingell substitute, because that makes it real. It makes it take place now, not in some 19 years.

So I expect to see a lot of people voting for that who do not plan on it because otherwise you are going to be—I am not going to use the term or I may get my words taken down—maybe not being totally candid with the voters who sent you here.

I would just suggest that those of us who oppose them, I do not think a lot of us Members believe very strongly that what needs to happen is our voting constituency does not know what it is doing. A lot of us think they do. We know that their terms are up. Of course, after they are passed, only we know that the people who know their terms are up, regardless of how meritoriously they serve, will hear the voice of the lobbyists growing greater in their ears, while the voices of the voters will become faint.

I urge Members to vote against term limits as a quick fix for what is wrong in America.

I rise today against all term-limit constitutional amendments including the Peterson/Dingell substitute. While the substitute takes the important step of making term limits retroactive, and it injects a vital dose of reality into this week's term-limits debate, it still limits the prerogative of the American people. We have all been talking about the effects of term limits on American democracy as if we are dealing with an abstract, academic concept. An in truth, under the terms of House Joint Resolution 73 and the other substitutes before us, we have indeed shaped the notion of term limits into a policy prescription that has no bearing on reality, because it will not touch any of us.

The resolution at hand will have a 7-year allotment for ratification. After that period, the 12-year clock will start ticking. This means that the term-limits amendment will not affect a single Member of this body for 19 years. Even freshmen Members are assured long terms as career politicians before the amendment takes effect.

I do not believe this is what the voters have in mind when they urge some in Congress to support term limits. I believe that voters who support term limits want to see the effects of this amendment as soon as possible. If they cannot support retroactive term limits because they are fearful of the possible effects on their Representatives and Senators, then perhaps they will focus upon the true repercussions of a term-limits amendment. The same applies to all of us. If we cannot support the outcome of a term-limits amendment that impacts upon us directly, then we have no right to impose similar restrictions upon future generations.

What will those effects be? Term limits will certainly decrease the power of the Congress. They will ensure that experienced Members cannot serve within the legislative branch. Unelected congressional staff members will thrive in an environment where they are more seasoned and more powerful than elected officials. Consequently, voters' input into the policymaking process will decline. Even more frightening is the prospect that lobbyists will in many cases exercise disproportionate powers over legislators with limited terms. Some Members may be quite willing to ignore their voting constituency if they know that their terms are up regardless of how meritoriously they serve. For such Members, the lure of the lobbyist will be great, and the voice of the voter will grow even fainter.

But term limits circumscribe democracy in an even more insidious way. They allow today's dissatisfied voters to dictate to future voters in all districts for whom they can and cannot vote. Under current law, voters dissatisfied with a Member's performance can vote that Member out. Those who are satisfied can vote to retain their Member. Under a term-limits amendment, satisfied voters will be restricted from reelecting their Member as a result of the current discontent of voters in some other districts. Right now, every voter has the power to limit terms with the passing of each election cycle. The term-limits amendment places new and unnecessary restrictions upon this tremendous power. If you truly believe that this is the way democracy works, you should let it start working now and support the Dingell substitute.

It is strange that congressional experience is automatically equated with being out of touch. Clearly, the Members of the Republican leadership seem to believe that they are still in touch with the voters in spite of the fact that their terms far exceed 12 years. Hence the notorious Contract With America. Why should they be allowed to assume that they are unique? If they truly believe that lengthy terms put Members out of touch, then let them support this substitute. If they do not believe it, then they should oppose a term-limits amendment altogether as I am doing.

There are those who argue that the supporters of the Peterson-Dingell substitute are those who oppose term limits, and therefore are backing a substitute that will not pass. This is simply not true. After all, if any Member is a genuine supporter of the principles of term limits, he or she will leap at the opportunity to impose them as quickly as possible. Those Members who do not have the conviction to vote for this substitute are merely masquerading as term-limits supporters. Those of us who have opposed term limits in the past support this substitute because we believe that we should all face the consequences of our vote. If we are willing to impose the restrictions of term limits on future Representatives and Senators, we should show our willingness to face these problems ourselves. If term limits prove to be a poor policy alternative, those who support it should be willing to deal with the consequences. If they are effective, then we should all reap the benefits as soon as possible.

The Peterson-Dingell substitute is important because it exposes the real views of term-limit supporters surrounding this debate. Anyone who votes against this substitute is voting to maintain the current system for another 19 years. No such Member can be considered a real supporter of term limits. Anyone who ran on a promise of enacting term limits—and this encompasses almost the entire Republican side of the aisle—must vote in favor of the Peterson-Dingell substitute. A vote against this substitute is effectively a vote against term limits. And if term limits aren't good enough for

you, why should you have the right to impose these restrictions upon future representatives?

Mr. CANADY of Florida. Mr. Chairman, I yield 2 minutes to the gentleman from Oklahoma [Mr. ISTOOK].

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

Mr. Chairman, I rise in support of enacting uniform national term limits on all Members of Congress, the House and the Senate. This country was founded by those who set aside, for so long as was necessary, their individual businesses and pursuits, but never intending to become a professional political class. They brought with them the variety of strengths, background, and insights which can only be gained from interaction with fellow citizens on a normal, everyday basis.

Since then our country has grown large and Government has grown even larger. It has created a system whereby too many people in politics know no other way to make a living. And too often they are isolated and unfamiliar with normal and everyday life.

This is not healthy for America. It is especially fascinating to read studies which show the longer somebody serves in Congress, the more they tend to vote for big government, and bigger taxes, and to oppose cutting spending and cutting the size of government. The system has become a narcotic for too many people.

Many States, including my own, have voted to limit the terms of their own Congressmen and Senators. They did so with the hope and expectation that this would create momentum to adopt term limits on a national level, to treat all States equally. Now we have the chance to adopt those term limits.

Although many may think it of themselves, nobody in this Congress is indispensable. We have term limits on Presidents, on Governors, on State legislators, even on city council members and others elected to public office. Congress needs to listen to the people and adopt uniform national term limits.

I urge support and final passage of the measure.

Mr. CANADY of Florida. Mr. Chairman, I yield 2 minutes to the gentleman from South Carolina [Mr. GRAHAM].

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

During the campaign I ran on four reform issues. I am the first Republican to get elected in 120 years in my district, and there are four things I talked about.

I want a balanced budget amendment so no party can spend beyond their limits. I do not trust Democrats or Republicans enough to come up here and spend responsibly. I want a line item veto to be able to strike out pork barrel projects from what we do here and make sure we do not spend each month getting reelected. I ran on the concept every law in America should apply to Members of this body, Republican or Democrat, so you know what it is like to live in America, not just Washington, DC.

And the fourth thing, I ran on term limits to make sure you come up here with a different motivation and your whole purpose of being here is not to get reelected and see how far you can go.

I support the Peterson-Dingell legislation for 12 years. I have been here almost 100 days and I find myself wanting to go vote for the 6-year version. I am going to vote for the Frank amendment. I may not believe in it, but I do if it takes retroactive term limits to get this place cleaned up. I am going to vote for it. I am going to vote for all four versions.

If we want to change America we need to send people up here with a different motivation for serving and it is not going to happen until we have term limits on this body.

I think I know why 80 percent of the American public wants term limits. I do not believe 80 percent of the people in here really understand that.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield 2 minutes to the gentleman from Indiana [Mr. ROEMER].

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

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

Mr. Chairman, Thomas Jefferson said that the price of democracy is eternal vigilance, and what he meant by that I think is there is a price for democracy. There is a price sometimes of people going to war and not coming back. There is a price of people going out and registering voters, and there is a price of being eternally vigilant. That means keeping up to date on where your Representatives and your Senators and your mayors stand on issues, and when you agree with those people that you go and you work and you vote for them. And when you disagree with those people, you get off your couch and out of your living room and you go to vote for change.

In the last three elections we have seen monumental change sweep across this country, 50 percent of the Members elected since my class in 1990 are now new; 50 percent of the U.S. Congress has turned over since 1990.

There is a study done by Dr. Robert Putnam of Harvard and he called it ''Bowling Alone.'' He said recently while bowling membership is up in the United States, people are bowling by themselves, Lions Club membership is down, voting is down, Little League is down.

We do not want him doing a study in 20 years saying nobody is voting. We want people to get out there and vote and not fix our country's problems by gimmicks and bumper stockers and quick fixes.

I proudly have hung a picture in my congressional office. It is a picture of the Capitol and it is a quote by Alexander Hamilton, and it says: ''Here, sir, the people govern,'' the people govern this great Nation, and let us not take the power of the ballot box away from the people of this country.

Mr. CANADY of Florida. Mr. Chairman, I yield 3 minutes to the gentleman from Nebraska [Mr. BARRETT].

(Mr. BARRETT of Nebraska asked and was given permission to revise and extend his remarks.)

Mr. BARRETT of Nebraska. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I rise in support of limiting service in both the House and Senate to 12 years.

I am proud that House Republicans have fulfilled yet another promise in the Contract With America, by bringing—and I stress bringing—before the American public a fair debate about limiting congressional terms.

Our contract did not guarantee passage of every item. Whether term limits pass tomorrow or not, this debate is a tribute to the Republican leadership, including Mr. MCCOLLUM, and it is a check mark in the success column. I hope the media gets that straight.

I am of the opinion that, as provided by our Founding Fathers, Members of Congress already serve limited terms—2 years in the House and 6 in the Senate—and that they can be dismissed by the voters at the end of those terms.

The 104th Congress is evidence of those existing limits; 52 percent of the House is serving only their third term or less.

But the voters are not happy with this result, and in response, we are here debating further limiting congressional service.

Understandably, voters are frustrated and dissatisfied with the performance of Congress—legislative gridlock, scandals of recent years, and the size and cost of Government are sample reason to earn the voters disdain.

We have also done our part to foster their contempt by our increasing tendency to legislate for the sound bite.

Nebraska is one of the 22 States that have voted to impose term limits on its congressional delegation. The issue was on the ballot in both 1992 and 1994, and my constituents knew both times that, while I would support certain term limits, I opposed the Nebraska ballot initiatives. My votes today and tomorrow will be fully consistent with that position.

I can realistically look at this point in my life, and service in the House, and say that should additional term limits be imposed, they'll not have an impact on me. So it's with no self-interest or self-preservation in mind that I say that there are serious drawbacks to term limits.

But I will vote to respect the will of the American people, who have given strong indication, that additional term limits is their desire. I will also exercise my personal judgment for the

country, however, that anything less than 12 years is unrealistic, and the same limits must be imposed on both House Members and Senators from all 50 States.

I urge my colleagues to join me in voting for the McCollum 12-year limit.

Mr. CANADY of Florida. Mr. Chairman, I yield 1 minute to the gentleman from Maryland [Mr. BARTLETT].

(Mr. BARTLETT of Maryland asked and was given permission to revise and extend his remarks.)

Mr. BARTLETT of Maryland. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I just want to make just one simple point. Some 80 percent of all of our constituents favor term limits. This is nonpartisan. It goes across party line, age, sex, and color; broad support for term limits. We need to respect the wishes of our constituents, and vote today for term limits and send this to the States. There the dialogue will continue in the State legislatures.

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There will be ample opportunity to debate, and ultimately the will of an even more enlightened electorate will prevail.

Term limits is not a new idea. We have term limits for our Presidents. For those who are so vociferously opposing these term limits, they ought to be equally adamant in looking for another constitutional amendment to remove term limits for the President. They are not doing that.

We need to respect the will of these 80 percent of all of our constituents, and today vote to send this to the State legislatures where the dialog can continue.

Mr. CANADY of Florida. Mr. Chairman, I yield 1 minute to the gentleman from New York [Mr. HOUGHTON].

Mr. HOUGHTON. Mr. Chairman, there is not much time. I want to get to the point.

And the point is that I believe in the concept of term limits, and I believe in the McCollum amendment.

Let me tell you why. I understand the arguments of brilliant orators like the gentleman from Illinois [Mr. HYDE] and others who feel very strongly about this issue. I understand there will be an overreliance on staff. People will not be able to understand the trends and how to get around here. There will be an absence of understanding of the silent language that takes place in every profession.

Let me tell you something, that I come from an area of business, and the CEO's of companies do not stay very long. College presidents do not stay very long. There is a concept now, because of the pressure of things, they must turn over and change and give it to new and different people. Furthermore, if I as a businessman or I as a doctor or a farmer or a college professor or whatever want to get in, I must be able to plan, because right in the middle of my career I am not sure when that person will get out.

It is a good idea. Let us support it. Its time has come.

Mr. SHAYS. Mr. Chairman, I yield 6 minutes to the gentleman from Kansas [Mr. ROBERTS], the distinguished chairman of the Committee on Agriculture, who is represented by two Senators who, if this resolution were to pass and would be in full operation, would not be allowed to serve, Mr. DOLE and Mrs. KASSEBAUM.

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

Mr. ROBERTS. I thank the gentleman for yielding.

Mr. Chairman, I rise in opposition to term limits. I think with an issue as important as this, one Member's warning flag in regards to the law of unintended consequences is another's banner of reform.

I know that each Member's conviction is such that everybody becomes an author of the best approach. I do appreciate that.

I associate myself with the eloquent and persuasive remarks of the gentleman from Illinois [Mr. HYDE]. I am for the term limit, as has been said that was put in by the Founding Fathers, a 2-year limit. It is called an election. If you utilize your constitutional voting rights, the voters can, has, will, continue to throw the rascals out—if they so choose.

What term limits basically say is that for the sake of change the voters should be denied the right to keep their elected Representative—if they so choose.

I am going to skip past all the pros and cons that have been highly featured in this debate and get to the basic point. The basic point is this: If this House of Representatives is in crisis to the extent that we deny the voters the right to reelect their representatives after six terms, then it follows the people responsible for this sorry state of affairs must be those Members who have served here over six terms. And, as Butch Cassidy and the Sundance Kid said, ''Who are these guys?''

Well, for one thing, after the briars and brambles of past scandals and resulting reform and the vote for change in the last election, there are not near as many as there were before. Over half of the Congress is new since 1990.

If you want to limit terms to 12 years, you better think about it. The average term of service is now 10. Less than one-third of the House has served more than six terms. What we have here is a mandate for term limits, but not for current Members. We have a terminal illness that is abound and rampant in the House, but we are going to wait 12 years before we take the medicine.

Why? I think the answer is pretty simple. General support for term limits is strong. It has been mentioned, 70, 80 percent. But if you say, ''Oh, it is your Member, your Congressman from your district?'' then that drops rather drastically. And proponents of term limits do not find it very pleasant telling fellow members they are part of the problem, and it is time for them to say ''adios.'' As a matter of fact, most of the term-limit proponents slide up to you and say, ''Don't worry, we are not talking about you. It won't affect you.'' And therein lies the truth of the matter.

I know there are proponents who believe a revolving-door Congress and change for the sake of change would restore a citizen legislature, but you do not get too far in the debate before it becomes obvious regarding the politics of this purge. It is the other guy that is the problem, not me, and not thee.

But if it is off with the public-service heads, whose heads are we talking about? Who in this Congress has been here too long? Using the automatic term limit theory, it appears as if we are talking about most of the Republican and Democrat leadership, the gentleman from Georgia [Mr. GINGRICH], the gentleman from Texas [Mr. DELAY], the gentleman from Missouri [Mr. GEPHARDT], the gentleman from Michigan [Mr. BONIOR]. Let's wipe out the leadership. That is the ticket. Or is it? My word, that is almost insurrection. So it must be somebody else that is at the root of this problem. I took the liberty of just going down the State delegations. Let us see, there is the gentleman from Alabama [Mr. BEVILL], he has been there for 30 years, a most respected Member. He cannot be part of the problem. Is it the gentleman from Arizona [Mr. STUMP], 24 years? I do not think it is BOB. The gentleman from California [Mr. DELLUMS] and the gentleman from California [Mr. LEWIS]? I do not think so. My friend from Colorado, Mr. SCHAEFER? I am not trying to single anybody out. The voters can. But term limits cannot.

It must be the gentleman from Florida [Mr. MCCOLLUM], that is who it is, 4 years over this term limit at 16 years. He is the author of one of the proposals. But BILL was unopposed in the last election. His voters just apparently did not get it. The gentlewoman from Hawaii [Mrs. MINK], the gentleman from Illinois [Mr. HYDE], the gentlewoman from Illinois [Mrs. COLLINS], the gentleman from Illinois [Mr. PORTER], the gentleman from Indiana [Mr. BURTON], the gentleman from Kentucky [Mr. ROGERS], the gentleman from Louisiana [Mr. LIVINGSTON], the gentleman from Massachusetts [Mr. FRANK], the gentleman from Massachusetts [Mr. MOAKLEY], the gentleman from Mississippi [Mr. MONTGOMERY]. There is a good one, ''SONNY'' MONTGOMERY, one of the most respected Members of the House. The gentleman from Missouri [Mr. EMERSON], the gentlewoman from New Jersey [Mrs. ROUKEMA], the gentleman from New York [Mr. SCHUMER], the gentleman from New York [Mr. RANGEL], the gentleman from Ohio [Mr.

OXLEY], the gentleman from Ohio [Mr. REGULA], the gentleman from Oregon [Mr. WYDEN], the gentleman from Pennsylvania [Mr. FOGLIETTA], the gentleman from Pennsylvania [Mr. SHUSTER], the gentleman from Pennsylvania [Mr. GEKAS], the gentleman from Pennsylvania [Mr. GOODLING], the gentleman from South Carolina [Mr. SPENCE], the gentleman from South Carolina who wants term limits. Tell FLOYD he is out and you are in. The gentleman from Tennessee [Mr. QUILLEN]; who is going to tell us when to vote if we term limit JIMMY QUILLEN? The gentleman from Texas [Mr. ARCHER], the gentleman from Texas [Mr. FIELDS], the gentleman from Virginia [Mr. BATEMAN], the gentleman from Virginia [Mr. BLILEY], the gentleman from Virginia [Mr. WOLF], the gentleman from West Virginia [Mr. MOLLOHAN], the gentleman from Wisconsin [Mr. PETRI], PAT ROBERTS, PAT ROBERTS? Now, quiet, no applause. All shapes and sizes and different stripes in regards to their politics.

But you know something, all of these Members received over 70 percent of the vote, or they were unopposed. Could these elected Representatives actually be doing a good job for their constituents and, depending on your point of view, for their country? Did Senators Everett Dirksen, Hubert Humphrey, or do SAM NUNN and BOB DOLE, did Congressman Bob Michel and Bill Natcher, our beloved Bill Natcher?

Every once in a while in a democracy there comes a time when we succumb to populist sentiment, and the emotion of the moment. We usually call it reform, and then we experience the law of unintended effects and spend the next several years trying to reform the reform.

This is different. This is different. This amends the Constitution. We do not need to go down this path in order to achieve reform and a House responsive to the people.

It is a paradox of enormous irony that in order to make the Congress more responsive to the people, we are recommending a limit on their voting rights.

The gentleman from Illinois [Mr. HYDE] is right. HENRY HYDE is right. Trust the people.

Mr. CANADY of Florida. Mr. Chairman, I yield 2 minutes to the gentleman from Michigan [Mr. CAMP].

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

Mr. CAMP. Mr. Chairman, for the first time in history, the House of Representatives will debate and vote on a constitutional amendment to limit the amount of time a Representative or Senator can serve. It is about time.

I support the McCollum amendment that provides a 12-year limit for both Houses, ensuring consistency and equality between this House and the Senate. It promotes a level playing field for all States.

Our Founding Fathers never envisioned a Congress made up of Members who would serve for a lifetime. They would be astonished to know that the leadership in the previous Congress had an average of 27 years in this House. Over the past 10 years, 90 percent of incumbents have been reelected. They saw a Congress where individuals would leave their careers for a time, serve, and then return to live under the laws they passed.

I support term limits not only because the people of my district and my State do, but because we have the opportunity to again make our Congress a citizen's legislature.

Throughout these first 100 days, we have worked some long hours to keep our promises. This is one of them. Many Members have spoke of their support of term limits, well when it is time to vote. I urge my fellow members to vote ''yes'' on the McCollum amendment.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield 2 minutes to the gentleman from Tennessee [Mr. TANNER].

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

Mr. TANNER. Mr. Chairman, may I just simply say something very, I hope, profound, but very simple. No matter what you call it, an attempt to diminish the right of an American citizen's access, unrestricted access, to the ballot box in a free country is wrong. It is not only wrong, it is dangerous.

These people are asking us to vote today to take away from an American citizen whom through the years people have fought and died to protect, defend, and honor, take away your right as an American citizen to vote for whomever you wish, whenever you wish, for as long as you wish. It is that simple. You can call it anything you want to. But it is a diminishment of an American citizen's right of unrestricted access to the ballot box.

The people on this floor are totally irrelevant to this question. They are all, everyone you see, all on this floor today, tomorrow, or the next day are all going to die, get beat, leave, or otherwise retire or quit. They are not even a part of the question.

The question today is: Are we going to, for the first time in this country's history, put a restriction on our citizens' right of unfettered access to the ballot box?

The only other place I know in recent times that has been done was in the Soviet Union where only one party appeared on the ballot box.

I want to ask the conservative constitutional scholars to speak up before we do something to the American people that is absolutely almost an outrage, to say the Government is going to tell you who you can vote for. That is what this is.

This is an attempt to muzzle the will of the American people, and it ought to be stopped today.

Mr. CANADY. of Florida. Mr. Chairman, I yield 1½ minutes to the gentleman from Maine [Mr. LONGLEY].

Mr. LONGLEY. Mr. Chairman, I think what we are talking about is giving the American public the opportunity to see some form of reasonable term limitation, and I think that is fully in respect to the Constitution. In fact, I think we need to go back to not only the Constitution but the Declaration of Independence.

And Mr. Jefferson made in that declaration the comment all men are created equal, but that to secure these rights, governments are instituted among men deriving their just powers from the consent of the governed.

I think we have confused what was intended by the Founding Fathers of this country. Our President over the weekend made the comment in his radio address that ''Government is our partner, that Government empowers us.'' And I think that is the great fallacy that has led to the difficulties that we are facing today as a Nation, that we allowed Government to become the preeminent institution in derogation of the rights and responsibilities of individuals, families, churches, schools, charities, every other institution of private society that has made this country great.

There is the real foundation of our strength is the power of the individuals and the aspects of our community, not just the Federal Government.

My State has spoken. My State has passed in referendum overwhelmingly a 6-year limitation on the service of Members or citizens in this Congress. I respect that vote.

I think they have a right to see the same vote brought to other States across the country, and I think that we need to give them that opportunity.

Mr. CANADY of Florida. Mr. Chairman, I yield 2 minutes to the gentleman from Florida [Mr. MICA].

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

Mr. MICA. Mr. Chairman and my colleagues, under the Articles of Confederation, there were term limits. If we look back in history when the Constitutional Convention met in Philadelphia in 1787, they did not consider any term limits. In fact, they wanted to preserve the experience and knowledge of Members who had provided prior service.

This book which I recommend to each and every one of you is entitled ''The Miracle at Philadelphia.'' It chronicles the proceedings of the Constitutional Convention, and it is really one of my favorite books, and again I recommend it for reading by every Member of Congress and every citizen.

In 1787 the Founding Fathers set 2-year terms for House Members. However, 1787 is not 1995.

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Justice Oliver Wendell Holmes, when reflecting upon the Constitution, said,

''The Constitution is an experiment, life is an experiment,'' he said.

We have had an opportunity for the past 200 years to reflect on this experiment provided by our Constitution.

In 1787 they came, they served, and they left. Today we have PACs, unlimited campaign spending, and media expenditures that distort the entire process. I do not support 6-year term limits or 8-year term limits—they leave the bureaucrats & lobbyists in charge. Because of that I believe the experiment and the experience we have says that 12 years can do it best. We have a different situation, we have experience and experiment to draw upon, and it is now our duty and responsibility to enact that provision into this document and into the laws of our land.

I support the 12-year terms in Mr. MCCOLLUM's amendment and ask my colleagues to do the same.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield 2 minutes to the gentlewoman from California [Ms. PELOSI]. Apparently, alligators are not subject to term limits, or we would have heard about that.

Ms. PELOSI. I thank the gentleman for yielding this time to me.

Mr. Chairman, I rise in opposition to the constitutional amendments before us which would limit the congressional terms of Members of Congress. I have three major objections to the constitutional term limits.

First of all, as a woman, I take issue with term limits because they represent an obstacle to the contribution that women can make to our country. Look around this capitol, and you will see in Statuary Hall the distinguished American men who have served here in this body and in the Senate. For over 200 years men in Congress have had the opportunity to develop standing and to become internationally recognized leaders on the great issues of the day. To limit congressional terms just as the number of women who are serving in Congress is increasing denies the Congress and the American people the benefit of the wisdom and experience of America's women. I do not think that is an intentional move on the part of the proponents of term limits, but it is an unintended consequence. Just as more women are coming into power, term limit advocates are saying, ''Not so fast. We have changed the rules. You will not have the same opportunity as men to make your contributions to America.''

Second, I oppose term limits because the real winners, if term limits pass, are the special-interest lobbyists in Washington, DC. They have no term limits and are not forced to step down after 6, 8, 10, or 12 years. Passage of congressional term limits, particularly in the absence of real lobbyist reforms, will pit seasoned lobbyists against rookie legislators.

Mr. Chairman, the clear winner would be Washington's professional lobbying corps while the American people will be the clear losers.

Third, the reason I oppose term limits, I heard some of my colleagues say that State legislators have term limits. Serving in the Congress of the United States is different. We not only deal with the domestic issues, we have to deal in the international scene. We have to understand the politics of the U.S. and foreign relationships involved in decisions that we make. We will have our rookie legislators competing against sophisticated legislators in other countries, putting our country at a disadvantage. This is no time for drive-by legislators. It is time to respect experience, it is time to oppose term limits, and I urge my colleagues to oppose all the constitutional term limits amendments.

Mr. CANADY of Florida. Mr. Chairman, I yield 5 minutes to the gentleman from South Carolina [Mr. INGLIS].

Mr. INGLIS of South Carolina. I thank the gentleman for yielding this time to me.

Mr. Chairman, one of the arguments made here today is it takes experience and a while to get used to this House. It should be pointed out that the gentleman who just yielded me time is a sophomore, as I am, and he is already a subcommittee chairman, doing an excellent job as chairman of the Subcommittee on the Constitution. There goes the argument for experience.

Let me make this point: Here is the observation that was made time and again here today by those who defend the current order. They say to us that this experience is what we need. We need people of experience here.

What I do not think the incumbents here are getting yet is that the American People say, ''Experience at what? Experience at what? Balancing the budgets?'' We are $4.7 trillion in debt.

The gentleman who came earlier with a long list of longtime incumbents, I ask, where were they when we ran up a debt of $4.7 trillion? Experience at what? Balancing budgets?

Maybe experience at running a savings-and-loan system that, because of the decision made in this body, created a savings-and-loan disaster. Now, not the scapegoats, let us be honest, not the scapegoats; the people who defrauded the savings-and-loans, not those folks. The decision here to increase the insured limit from $40,000 to $100,000.

Experience at what? Running a good business? I would say, rather than those kind of experienced people, what we need is an experienced businessman or woman at home who has balanced a budget year after year after year in their business. If they come here, maybe they can do a better job. You know what? The arrogance of this place is showing today. The arrogance of Members who would say, ''I am indispensable. You can't get rid of me.''

The American people are saying that is what we want to do, ''We want to get rid of you, but we can't because you have such enormous war chests. We can't because you have name identification higher then anybody in the district.'' They say, ''We want to get rid of you.'' That is what they are telling us in these term limits.

I also point out, what about the argument about the careerists, the argument of Mr. HYDE? I point out that we are not here looking for a brain surgeon. If I were looking for a brain surgeon, I would agree, I would go to the most experienced guy or go to the most experienced lady. But I must say, that is not what we are looking for. We are looking for somebody to represent us here.

I would submit to you that experience runs exactly contrary to representation. Experience here means experience at the PAC game, getting PAC money, more and more and more. So, more and more seniority so you can do the deals; more and more experience in this body removes you from the people out there. They want you to go home. They want you to run for something else if you choose, but submit yourselves to that risk.

Do not stay here in an insulated situation where you can time and again return to this place and, contrary to what the gentleman from Illinois said about his challenger being at home sipping brandy,I must say to you I ran against an incumbent in 1992. And while she was sitting home, I was down at the office doing billable hours between 12 a.m. and 3 and 4 a.m. To make up the billable hours because I did not have the luxury that we have here of running so hard.

And let us be honest, that is what we do; we run full-time.

We have a job that enables us to go to butchershop openings, as the chairman says, and to that meeting where we can speak to hundreds of people. A challenger does not have that. A challenger has to make a living while running for Congress against an entrenched incumbent with all his advantages.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. The Chair would remind our guests today who are with us in the Chamber that the rules of the House forbid any public demonstrations from the gallery.

The gentleman from Florida [Mr. CANADY] has 4 minutes remaining, the gentleman from Connecticut [Mr. SHAYS] has 3½ minutes remaining, and the gentleman from Massachusetts [Mr. FRANK] has a 1½ minutes remaining.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield 30 seconds to myself.

Mr. Chairman, the gentleman from South Carolina, or perhaps it may have been the gentleman from Maryland, raised the question about the 22d amendment, which prohibits the President from running for more than two terms. Several of us, I first cosponsored an amendment to repeal that with Mr. Vander Jagt several years ago under the Reagan administration, and several others to repeal that. So, yes, that is

also inconsistent, I believe, with this principle, and many of us have amendments here to repeal it.

Mr. Chairman, I yield the balance of our time to the gentleman from New York [Mr. ENGEL].

Mr. ENGEL. I thank the gentleman from Massachusetts for yielding this time to me.

Mr. Chairman, let me just say to the gentleman from South Carolina who spoke about arrogance, the only arrogance I see today is by people who say they are for term limits but they want it to start with the next generation. They do not want it to start right here, they do not want it to be retroactive.

If you are really for term limits, then you ought to be for term limits right now. And very soon we will have a chance to vote on that amendment.

Term limits, we have term limits; they are called elections.

I won in 1988, beating a 10-term incumbent entrenched. The voters in my district decided it was time for a change.

Let us let the voters decide. There has been a 50-percent turnover in 1992 and 1994 in this House. It shows that the American public does not need term limits to restrict terms. We have a permanent staff here. You know what we will get with term limits? We will get a permanent staff. This place will be even more staff-dominated than it is now. And it would be more bureaucratic, more bureaucracy-dominated than it is now.

Why would anyone stop their lives to come here for a temporary amount of time? Do you know what this place will turn into? This will be a plaything for millionaires who want to come here, this will be a plaything for mediocrity, people who cannot do anything else, who will take time out of their lives. But competent people are not going to want to do that.

Daniel Webster, John Quincy Adams, people like that served more than 12 years.

Our buildings, the Rayburn Building, the Longworth Building, and the Cannon Building, let us rename them as Cells 1, 2, and 3 because they would not have been here 12 years.

This is a bad idea, and it ought to be defeated.

Mr. SHAYS. Mr. Chairman, I yield myself such time as I might consume.

First, I would like to start off by thanking the gentleman from Michigan [Mr. CONYERS] and the gentleman from Massachusetts [Mr. FRANK] for yielding time to the Republicans who opposed term limits. I thank the gentleman. I also thank my colleague, the gentleman from Florida [Mr. CANADY], for his graciousness in yielding time against the amendment to the chairman of the Judiciary Committee. I would have loved that honor to yield to that gentleman, but I thank him for yielding time in that way.

Mr. Chairman, lots of things we could say. But I think we all speak from our hearts, and that is probably the best way. And then the people decide through their elected Representatives. I signed a Contract With America, and there were parts I liked a lot, parts I did not like much at all. There was one part I wanted not to be part of the contract, and that was the concept of the term limits. I did not particularly like the language used, because it did not describe the way I feel.

But what we said in our contract is:

> As Republican Members of the House of Representatives and as citizens seeking to join that body we propose not just to change its policies, but even more important, to restore the bonds of trust between the people and their elected representatives. That is why, in this era of official evasion and posturing, we offer instead a detailed agenda for national renewal, a written commitment with no fine print.

The last item that we promised to do, and it is very clear, we said, ''A first-even vote on term limits to replace,'' and this is the term I did not like, ''career politicians with citizen legislators.'' That is what we are doing. And Republicans can feel very comfortable that we are fulfilling our contract in having this debate.

As an opponent of term limits, I am very happy we have had this debate. I align myself with the remarks made by many on my side, the gentleman from Kansas [Mr. ROBERTS] and the gentleman from Illinois [Mr. HYDE]. I wish I could be as eloquent in terms of their message. I hope the American people have been listening to their comments.

I look at Mr. INGLIS and I say he is the best argument not to have term limits, because he defeated an incumbent. And I say to Republicans, in the late 1940's and early 1950's, ''You got Mr. Roosevelt, you got him good, real good. You punished Eisenhower, and you punished Ronald Reagan because they could not return to a third term.''

I have an amendment to repeal the 22d amendment. I say to the Republicans on my side of the aisle, you can really get at the Democrats, you can end 40 years of Democratic control. You thought we could not do it by beating them at the polls; so what we did was we limited their terms.

I had someone who said candidly they did not like HENRY WAXMAN, so they wanted me to support term limits. I said, wait a second, HENRY WAXMAN is in California, and they said, ''I know. I can't vote there. The only way I can get at HENRY WAXMAN is to vote for term limits.'' Think of what we are saying. We are saying that Americans are trying to vote in districts they are not even represented by. Mr. WAXMAN has been a very active Member. He was elected by his constituents because they want him here. We should not decide in another area whether he can run. I am in my 4th term. Since that time, 291 people have been elected, new Members; 254 of them are serving right now. There are times I would love to be home living with my family 7 days a week, having my weekends, and, yes, making more money, because I would. I serve here because I think I am of service and because I believe I am making a difference. I may not be. My constituents can tell me that in a brutal message. They can decide not to reelect me.

We need in this Chamber a mix, we need the young, we need the new, those who have served here for some time, and those who have served here for a long time. That mix will create the change 40 years of one-party control.

Mr. CANADY of Florida. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the issue before this House today is this: Will we respond to the will of the people whom we represent, or will we turn our backs on them in order to pursue our own institutional interests? We talked about many issues in this debate. We will be discussing those issues as we go forward in the debates on the individual amendments that will be presented. But that is the real issue. The American people are saying loudly and clearly that they want fundamental change, not just a change in the leadership of the Congress, but a change in the way the Government does business, a change in the way this institution is structured.

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The American people are demanding term limits because they want Government to be more effective and less intrusive. The American people are demanding term limits because they are tired of having their lives run by politicians in Washington who have lost touch with what it means to live and work in the real world. The American people are demanding term limits because they are tired of having Representatives who come to Washington and never leave. They are demanding more competitive elections and Representatives who will put the interests of the people and the interests of the Nation ahead of their own individual careers. The American people are demanding term limits and for good reasons.

Our most responsible course of action is, indeed it is our duty, to respond to their demand, to listen to the voices of the people, to vote in favor of limits on the terms of Members of Congress. To my colleagues I say, ''Listen to the voice of the people. Shut your ears to the voices of those who are defending the status quo.''

One other issue I think we must focus on here is I do not think this should be a partisan debate, but there, I believe, has been an attempt by some to confuse the issue and to avoid responsibility. But despite those efforts, the American people will now know who supports term limits. They will see how the Members vote. We are going to vote. There will be a final vote on this issue, yes or no, on what is left standing at the end of the day. What the American people will see is that Republicans overwhelmingly support term limits and that most Democrats,

sadly, are opposed to term limits. That is the undeniable truth. The American people also know that the Republicans have brought this issue to the floor for the first time in the history of the Republic while the Democrats kept it bottled up for years. I think the American people understand that.

The American people can count. They will see how the votes come down.

Mr. STOKES, Mr. Chairman, I rise strong opposition to House Joint Resolution 73, the term-limits constitutional amendment. While I am aware of the movement in the Congress to change the Constitution to suit any whim that comes to the current majority, I am also mindful of my duty as a Member of this great body 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 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 legislation will not only fail to ensure better representation of the American people in Congress, but will cruelly snatch from all Americans their ability to express their will through the ballot box.

The bill before us today, the term-limits constitutional amendment, attempts to curtail the ability of the American public to choose their Representative. It also weakens this Republic by subverting some of the most important Constitutional principles that represent the foundation of this Nation, the electoral process and representative Government. Such an abdication of congressional responsibility will certainly undermine many of our important efforts to enhance voting rights, civil rights, and our democratic system that is the envy of the world.

Mr. Chairman, the Republicans state in their Contract With America that the purpose of the term limits constitutional amendment is to provide for consideration in the House two different versions of a term limits constitutional amendment. The first version of the constitutional amendment would impose a limit of six terms on serving in the House and two terms on serving in the Senate. The second version would impose a limit of three terms on serving in the House and two terms on serving in the Senate. Both versions are designed to be applied prospectively.

House Joint Resolution 73, warps the Constitution to such an extent that the overall stability of the Constitution would be placed in question. While I agree that Congress should continue to make significant strides to enhance service to the people we represent, this proposed measure goes well beyond the legitimate objective of making the Government more representative. The power the American people have to select and elect representatives to Congress has been granted exclusively to the people by the United States Constitution and should not be abridged.

Mr. Chairman, removing from the American people the power to select who represents them in Congress is fundamentally antidemocratic. A term limits amendment to the U.S. Constitution in unnecessary. The fact is, term limits already exist. Every 2 years, Members of the House, and every 6 years, Members of the Senate, must submit their political lives to the will the people who first elected them. The American people have the right to determine who serves them and how long they serve.

Establishing an arbitrary length of time for Members of the House and Senate to serve the people is contrary to the Democratic principles upon which this Nation is based. Who are we to challenge the decisions of the people concerning who will represent them. It is the height of arrogance for Members of this body to attack the wisdom of the American people and the genius of the architects of this Nation.

So cherished by the American people is the right to vote and participate in our representative form of government that five historic constitutional amendments have been enacted by the Congress to ensure that all Americans have the right to select their representatives in Congress—the 15th amendment, 1870, prohibited States from denying the right to vote on account of ''race, color, or previous condition of servitude;'' the 19th amendment, 1920, enfranchised women; the 24th amendment, 1964, banned poll taxes; the 26th amendment, 1971, directed States to allow qualified citizens who were age 18 or older to vote and; finally, the equal protection and due process clauses of the 14th amendment, 1868, came to be read as preventing States from enacting suffrage laws that conflict with fundamental principles of fairness, liberty, and self-government.

Term limits will upset the delicate balance of powers crafted in the U.S. Constitution. The Constitution clearly places with the people the power to select and elect their representatives in Congress. The term limits constitutional amendment will transfer a significant portion of this constitutional power to the President and the judiciary. The weakening of Congress by arbitrarily prohibiting our most experienced legislators from serving this Nation in the Congress is unwise and tips the balance of powers against the legislature of this Nation.

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 exercise 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).

Mr. Chairman, I must also stress that the benefits of term limits are greatly exaggerated. Without any term limit constitutional amendment Congress receives regular transfusions of ''new blood.'' If we look beyond the re-election rates on a Congress-by-Congress basis, we see that 52 percent of the current House Members were initially elected in 1990 or later. If term limits of 6 years in the House and 12 years in the Senate were in place, nearly half of the current Congress would have been ineligible to serve when the 104th Congress convened.

The devaluation of experience in the Congress would not only be ill-advised, it would be irresponsible. We cannot and should not experiment with the Constitution, Americans' right to vote, or the stability and security of this Nation to satisfy a campaign promise.

I would also like to add that the historical record for term limitations is not supported by a review of constitutional history, either. It is clear that the Founding Fathers of this Nation believed that term limits were neither necessary or appropriate, and those who did seek such limits expressed a belief that the Constitution itself needed to be fundamentally changed also.

This lack of historical support for term limitations can also be found in the Founders' transition from the Articles of Confederation to the Constitution as we know it today. Although term limits were included in the Articles of Confederation, they were wisely specifically excluded by the Founders of this Nation from the Constitution. The historical record simply does not support the incorporation of term limits into the U.S. Constitution.

Mr. Chairman, this legislation is unsurpassed in its compromise of the people's right to representative Government and 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 pillars of the American Republic: the voting franchise and 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. FAZIO of California. Mr. Chairman, I rise in opposition to House Joint Resolution 73.

Mr. Chairman, this bill comes to the floor today with the Republican leadership knowing that they do not have the votes to pass this legislation to amend our Constitution. History, public policy, and common sense dictate that we reject this ill-conceived attack on the Constitution.

THE FRAMERS OF THE CONSTITUTION EXPRESSLY REJECTED TERM LIMITS

The Framers of the Constitution debated and expressly rejected term limits. Few people know that the original document governing the newly formed Nation after the battle for independence, the Articles of the Confederation, had term limits.

Those limits, known as rotation, limited delegates' service under the Articles of the Confederation to no more than 3 years in any 6-year period. As we all know, the Articles of the Confederation were a failure. To replace that failed document, the Framers met in the Constitutional Convention to write our Constitution.

During that Constitutional Convention a delegation from New York, who had the very timely name of Robert Livingston, had this to say:

> The people are the best judges of who ought to represent them. To dictate and control (the people), to tell them who they shall not elect, is to abridge their natural rights. . . . I repeat that (term limits are) an absolute abridgement of the people's rights.

At the close of that debate, the delegates to the Constitutional Convention expressly rejected term limits as a dangerous and destructive force that obliterates the people's right to chose their own leaders. The Constitution is a timeless document—the product of the finest political minds ever to assemble for a single cause.

As someone who reveres the Constitution and as someone who takes very seriously my sworn oath to support and defend the Constitution of the United States, I suggest that we adhere to the wisdom of the Framers of the Constitution and reject term limits.

THE CONSTITUTION'S ''QUALIFICATIONS CLAUSE'' SETS FORTH THE ONLY REQUIREMENTS FOR CITIZENS TO BECOME MEMBERS OF CONGRESS

After rejecting the Articles of the Confederation's rotation term limit system, the Framers set forth the qualifications they deemed essential to service in Congress.

Article I, section 2 sets forth the constitutional qualifications for Members of the House of Representatives:

> No person shall be a representative who shall not have attained the age of twenty-five years, has been seven years a citizen of the United States, and who shall, when elected, be an inhabitant of that state in which he shall be chosen.

The Framers of the Constitution thus clearly articulated three simple qualifications for Members of the House of Representatives: Representatives must be 25 years of age, citizens of the United States for at least 7 years, and citizens of the State they will represent in this great body.

The Constitution's qualifications clause is unequivocal. The Constitution does not allow for any additional restrictions on candidates for Congress. Nor does it give to the States the power to set additional, extra-constitutional requirements for office.

Again, those who support the Constitution and those who claim to adhere to original intent should heed the wisdom of the Framers who set forth three very simple and clear qualifications for citizens to hold office. Apart from these three qualifications, the only limit embraced by the Framers is the on-going requirement that any Member be able to command a plurality, if not a majority, of the vote.

WE HAVE TERM LIMITS: THEY'RE CALLED ELECTIONS

To those who say times have changed so now we must change by adding term limits, I make two observations. First we have term limits already—they're called elections. The November election results show that term limits are unnecessary.

Fifty-two percent of the Members of this House were elected in 1990 or later.

The right to vote—a right people all over the world continue to fight and die for—that power to vote carries with it the right to vote people out of office. That's why we have elections.

Second, the times do change but the Constitution rarely changes form.

The Constitution has been amended only 27 times over 200 years since ratification. Times change, but changes to the document that is the very foundation of our democracy should be carefully considered and well-reasoned.

TERM LIMITS DESTROY THE DELICATE BALANCE OF POWERS

The Constitution has in place a very delicate, well-balanced separation of powers. The three branches of Government—the legislative, the executive, and the judicial—each have a very specific role to play.

Perhaps the most important role of any one branch is to act as the check and balance on the other two branches. Term limits rob Congress of its ability to act as check on the executive branch.

During the 104th Congress, we have heard a steady stream of criticism about bureaucrats: bureaucrats, bureaucrats, bureaucrats.

If we pass term limits, does anyone believe that the bureaucracies will be more responsive?

You think you have trouble getting responses to the letters and phone calls you make to Government bureaucracies today—imagine the response you'll get when you have term limits hanging over your head. With term limits the bureaucrats can just burrow-in and wait you out.

Further, if every Member of Congress was required to resign after 12 years, the influence that comes with experience and expertise would be passed to longtime staff members. These individuals are elected by no one, and, therefore, are not directly accountable to the voters. Remember, you can't place term limits on the unelected. Bureaucrats, staff, and lobbyists all have the right to hang around, manipulating the process with the power of institutional knowledge.

THIS IS A PURELY SYMBOLIC ACT, NOT REAL TERM LIMITS

Before the elections of November, the Republican Contract With America was presented as an iron clad promise to deliver. It was only after the election that the Republicans started to highlight that all they had really promised was a vote on the contract provisions.

Today, they will hold this purely symbolic vote. The Republican leadership knows that they do not have the votes to pass this measure. Now they are looking for a way to place the blame on the Democrats.

NINETEEN YEARS OF DELAY: THE HOLLOW REPUBLICAN SCHEME

Putting aside the fact that the votes are not here to pass this bill—let's look at the hollow nature of this symbolic act.

First, the bill is a constitutional amendment that must go to the States. The measure gives the States 7 years to ratify the amendment. In addition, the 12-year limit is not retroactive.

That means it could be 19 years before any person would be affected by this purely symbolic act—7 years for enactment plus 12 years before it becomes applicable.

If the Republican leadership wants to address this issue and address it now, why have they set in motion a 19-year process? Nineteen years—this term limits plan is a fraud.

You can draw an analogy to the Republican tax plan. Just as Republicans want to handcuff future generations with debt to pay for a tax cut for people who make more than $200,000 a year, this phony term limits bill aims that saddling future generations some 19 years down the road with term limits.

We shouldn't give a tax cut to people making $200,000 a year while we hand the bill to your children. Likewise, we shouldn't pass a phony term limits bill and say to people 19 years in the future, ''it's your problem—deal with it.''

TERM LIMITS ABRIDGE THE FUNDAMENTAL RIGHTS OF VOTERS

The measure of all things we do in this Chamber is and should be the effect of our actions on the citizens of this country. Voters have a fundamental right to choose their own Representatives.

Term limits allow voters in one district to dictate to voters in another district that they cannot continue to reelect their own Member, no matter how effective that Member has been.

Let's give the American public a little credit.

After all, the voters really know best who they want to elect and for how long. In a democracy, individuals should be able to vote for the Representative of their choice.

Altering our Nation's Constitution to limit the number of terms a person may serve restricts the right of voters to choose who will represent them. Under term limits, the right of the people to choose their own leadership is taken away.

Majority rule is a cornerstone of democracy; it's not majority rule for some arbitrary period not to exceed 12 years.

Respect the Constitution; respect the intelligence of the American people; respect the delicate balance embodied in the Constitution's separation of powers. Vote no on term limits.

Mr. MANTON. Mr. Chairman, I rise in opposition to a constitutional amendment to impose limits on the terms of Members of the House and Senate.

Mr. Chairman, the well-oiled, elitist, multimillion-dollar campaign being waged in support of term limits has disparaged the so-called career politician and attacked Members of Congress as individuals who are intoxicated with power and out of touch with the people they represent.

But the central issue in this debate is not the virtue or wickedness of incumbency; instead, this debate is about our faith in the ability of citizens to choose the person who can best represent them in Congress.

Term limit proponents cynically believe that average citizens are simply incapable of making a thoughtful decision when they enter the voting booth every 2 years. I strongly reject that notion. Since 1990, we have had a greater than 50-percent change in the membership of the House. This statistic proves that voters know how to rid themselves of an elected official whom they do not support.

I have faith in the voters of the Seventh Congressional District of New York, which I represent. The citizens in Queens and the Bronx are bright, hard working people who have an active interest in the government and the elected officials who represent them. They often, and sometimes forcefully, express their views on the important issues that affect their everyday lives. And every 2 years they have an opportunity to determine who, from their community, can best represent those views in the Congress.

The right of the people to freely elect their representatives is the fundamental foundation of democracy. Any infringement on that right is a threat to democracy.

Despite the somewhat differing views the Founding Fathers may have had on the issue of term limits, the Constitution is unambiguous on this issue. The Founding Fathers expressly rejected the idea that the terms of Members of Congress should be limited by anything other than place of residency, age, and, of course, the voters.

Some term limits proponents have argued that the Constitution should be amended from

time to time to reflect the changing needs of our society. They cite the 13th amendment ending slavery, and the 19th amendment giving women the right to vote as examples. I agree that we should improve the Constitution to expand and protect the fundamental rights of our democracy. But we should reject any attempt to diminish or usurp those rights.

Mr. Chairman, I believe in our representative democracy. I trust the wisdom of the Founding Fathers. And I have full faith and allegiance in the ability of the citizenry to ensure that government remains accountable to the people.

Mr. CRANE. Mr. Chairman, I rise in strong support of a constitutional amendment to limit the terms of Members of Congress. While several different proposals have been discussed today, I believe that it is vitally important that we allow the States to ratify a constitutional amendment for congressional term limits, regardless of the final version.

I have been a long-time supporter of term limits. In 1985, I introduced my first bill to set a 6-year limit on service for both Members of the House and Senate. Although I promoted such an idea for a decade, neither I, nor my colleagues who supported term limits, had an opportunity to bring such an idea to the House floor. While I personally prefer my term limits proposal, I am very pleased that the issue of term limits has finally come to the floor for a vote.

To those of my colleagues who oppose term limits because it was not part of the Constitution, I would suggest that our Founding Fathers did, indeed, believe that rotation in office was vital to a representative democracy. In fact, Thomas Jefferson, after reviewing the Constitution, wrote to James Madison: ''The second feature I dislike [the first being the absence of a Bill of Rights], and greatly dislike, is the abandonment in every instance of the necessity of rotation in office. * * *''

During the early days of our Republic, service in Congress was generally limited to 4 years in the House and one 6-year term in the Senate. However, these were self-imposed limits on service.

In closing, I would urge my colleagues, despite their preferences for one term limit proposal or another, to vote yes on final passage for term limits, and send it on to the States for ratification.

Mr. CLINGER. Mr. Chairman, I rise in favor of submitting to the states for consideration Congressman MCCOLLUM'S proposed constitutional amendment limiting Members of Congress to 12 years of service.

Many advocates of term limits believe they are necessary to bring government closer to the people by replacing career politicians with citizen legislators. Other advocates suggest term limits are needed to isolate decisionmakers from the whims of their constituencies so they can do what is in the best interests of the country, not just their States or districts. The common theme among all term limits supporters, however, is that Congress as an institution is not serving the American people well and it needs to be changed.

Whatever the reasons for their support of term limits, advocates have made great strides in energizing and organizing grassroots America. The popularity of congressional term limits has been demonstrated by their adoption in 22 States since 1990—21 of which were passed by State ballot initiatives.

Although I intend to vote to initiate a national debate on the issue, I have concerns about a constitutional amendment establishing term limits. I am personally not convinced that an arbitrarily imposed limit is necessary or wise. Voters have the power to limit an ineffective Member's term every 2 years when they go the ballot box. In fact, about one half of all Members currently serving in the House have been elected since 1990.

I also am concerned that term limits may severely diminish the power of the House and Senate in relation to the executive branch. Unelected bureaucrats, whose careers are not limited, would hold a considerable advantage over inexperienced legislators in the technical knowledge that can only be learned over time. I have the same concern with regard to congressional committee staff, whose expertise on the issues may cause the people's elected representatives to follow rather than lead.

I understand the benefits of membership turnover, new blood brings new, often innovative, ideas and solutions to our country's problems. Nevertheless, there is also something to be said for experience and institutional memory. Today's world and the problems confronting us are so complex that experience, expertise, and institutional memory should be considered an asset, not a liability. The Federal Government alone has become so enormous that it takes several terms just to get a handle on the thousands of Federal agencies and programs and their functions.

Frankly, I feel there is a better alternative to term limits which will improve membership turnover, infuse new blood and new ideas into Congress, and ensure elective representatives are held more accountable to their constituents. That alternative is campaign finance reform that levels the playing field between incumbent and challenger.

I think Congress' problems may have less to do with career politicians and more to do with noncompetitive elections that allow undeserving incumbents to return to Congress year after year. Incumbents are often left unaccountable for their actions in Congress because of their overwhelming re-election advantages including high name recognition, franking privileges, campaign contributions from PAC's and fellow congressional campaign committees.

To restrict the incumbent's advantages, in prior Congresses I have introduced three campaign finance reform bills which would reduce the role of PAC's and increase the role of constituents, ban congressional leadership and campaign committees from contributing to another candidate's campaign, and create a tax credit for instate contributors. I plan to reintroduce these bills after we return from April recess.

Considering my misgivings about term limits, one might ask, why is BILL CLINGER casting an ''aye'' vote for the McCollum substitute?

Clearly, the people have spoken on term limits, and I feel it is appropriate for the national debate on this issue to continue. Should the House and Senate adopt identical amendments, the measure would then go to the States for their consideration. I believe that this process should be allowed to move forward, and that this important issue must be decided by the people.

Although I generally do not advocate governing by referendum, the debate on term limits is unique. In the eyes of some Americans, there may be a basic conflict of interest in Members of Congress deciding whether or not to impose term limits on themselves. To some, it just does not pass the smell test.

If Congress blocks this term limits measure and stifles the national debate on the value of term limits, I fear the American public will lose complete confidence in Congress. They will assume Members voted against term limits out of self-interest, no matter how many convincing arguments against term limits are raised.

I feel it would be healthier for Congress as an institution and, indeed, our country as a whole if we permit this debate to continue.

Mr. PACKARD. Mr. Chairman, when I ran for Congress in 1988, I explained very carefully to the people of the then-22d Congressional District of Illinois that I believed in a citizen-legislator form of government.

I had taught American government for several years and had no doubt that the Founding Fathers meant our national legislature to be a citizen legislature.

Citizens were to train themselves for a profession, leave that profession for a time to serve in the House, and return to their profession. Believing as such, I voluntarily limited myself to 10 years of service if it was the will of the people to elect me for such a period of time. I have every intention of keeping that promise.

I have always believed, until the last couple of years, that any limitation on service in the Congress should not be mandated, except by a vote of the people with regards to the individual who seeks to represent them in this body.

I would like to explain why I no longer believe as I did and the reason I now favor term limits.

When I came here in January 1989, two things were readily apparent. One, the special interests had exaggerated influence on the development of legislation in this body by virtue of the tremendous amount of money they spent on congressional campaigns, and two, the ability of incumbents to advantage themselves by use of the frank and other incumbent promotion devices not available to a challenger, were truly overwhelming.

Ninety-nine percent of all incumbents were reelected to office every term because they received almost all special interest campaign funds and because of their use of the system to promote themselves. Even during the last two elections when we had tremendous turnover in the House, 94 and 90 percent of incumbents were reelected, respectively.

I believed, at the beginning of my tenure here, that the Congress would enact meaningful campaign finance reform eventually, leveling the playing field for challengers and making the possibility of reasonable turnover in the Congress possible.

I no longer believe we will accomplish this task because of the wide differences in party philosophies on this issue. Nearly every year in which I have served we have addressed campaign finance reform only to see it dissolve into a watered-down version of nothing. Term limits of a reasonable length may be the only way to level the playing field.

Let me address additional arguments put forth against term limits.

Some say term limits restrict voters choices. I believe the greater restriction on voters' choices is the ability of the incumbent to totally

dominate an election by outspending challengers sometimes 10 to 1 because of special interest money that accrues primarily to them.

Most campaigns are run by 30-second commercials and incumbents dominate the airways. The incumbent is allowed to send unsolicited mass mailings for the 2 years in office telling the constituents of all the good things that he or she is doing on their behalf. Challengers do not have that opportunity at taxpayers expense.

Others say the turnover of more than 50 percent of the House in the last two elections prove term limits are unnecessary. But the turnover was almost exclusively in open seats where no incumbent was running. In 1992, incumbents still won 94 percent of their seats, and in 1994, they won 90 percent.

Some people cite the loss of experience as the most important reason to defeat term limits. But the real experience that is important in this job is the experience we bring to the job, the experience of having been educators, farmers, or businessmen.

The experience we gain here is process and it is important. But the decision-making skills we bring to the job are even more important. How do we know unless we are willing to expand the possibilities of other people bringing their skills to this job that we are not overlooking other experiences that may have even greater impact on solving the problems of this country.

The voters are indeed the best judge of who ought to represent them but their deliberations must be exposed to a full and balanced view of each candidate. I do not believe our present system allows this.

So therefore I intend to support the 12-year term limitation as a constitutional amendment.

Mr. ROEMER. Mr. Chairman, I rise in opposition to term limits for Members of Congress.

Since I have been in Congress, I have been a leading advocate for overhauling the way Congress works. I have supported cuts in the size of congressional staff and committees and simplifying this institution's operations. But we do not need term limits to make changes in Congress. The last two elections clearly demonstrate the power of the ballot. Today, 40 percent of Members are serving their first or second terms and more than half of this body, including myself, was elected after 1990. Real term limits are at the ballot box, and that is where they should be. Every time voters go to the polls, they make the decision of whether to limit the term of their elected representatives.

Most importantly, term limits would interfere with the fundamental right of voters to elect their own representatives. The people are the best judge of who ought to represent them and can be trusted to choose their representatives without Government stepping in to arbitrarily regulate their choice.

Term limits ignore the need for experience in Congress, where intricate public policy issues are deliberated. Imagine if term limits had restricted the public service of our Founding Fathers. James Madison spent a total of 43 years in public office. His public career began as a member of the committee of safety from Orange County in 1774 and after holding a number of other State offices, Madison attended the Continental Congress for five 1-year terms and was then elected to the first Congress in 1789. He was subsequently reelected to the second, third, and fourth Congress for a total of 8 years of service. Madison finally served as Secretary of State and President in the final 16 years of his distinguished public service.

Thomas Jefferson served in various positions in public office for 35 years. After serving as a member of the house of burgesses and the Constitutional Congress, Jefferson was elected Governor of Virginia in 1779. Despite an announced ''end of his public life,'' Jefferson was elected to Congress under the Articles of Confederation in 1783 and later served as plenipotentiary to France and was appointed as the first Secretary of State under George Washington's Cabinet. Jefferson later served as Vice President and completed his public service as President from 1801 to 1809.

Imagine the outcome of the Constitutional Convention and the first formative days of our Nation's evolution without Thomas Jefferson and James Madison and other Founding Fathers such as John Quincy Adams who, because of term limits, would not have had the opportunity to invest their lives in the genesis of the United States.

Do we want to send the wrong message to our Nation's brightest and most qualified individuals who look forward to serving their country and promoting the best interests of their constituencies? Do we want to write this term limits disincentive into our Constitution?

What other countries have term limits? If we look to the South, Mexico has strict term limits. Do we want to follow the lead of a nation of term limits such as Mexico, which despite serious political and economic tumult, completely replaces its Senators and its President every 6 years?

This Nation's future depends on the integrity and caliber of the people leading it. Important and substantive areas of legislation rely on individuals with the leadership, experience, wisdom and the judgment that might come from terms of service. We cannot afford to disqualify whose who can bring sound judgment achieved through years of experience to the increasingly demanding tasks of elected office. Term limits would destroy this opportunity and make Congress an institution where inexperience is more valued than professionalism and experience.

The Founding Fathers used the same arguments against term limits during the Constitutional Convention in 1787 that are being heard today. In the Federalist Papers No. 71, Alexander Hamilton challenged proposals amending the Constitution to include rotation for the Delegates and the President because it ''interfered with the people's right to choose their officials, depriving the new government of experienced officials and reducing the incentives for political accountability.''

In the Federalist Papers No. 53, James Madison wrote that a few Members of Congress will possess superior talents and will become masters of public business. The greater the proportion of new Members, Madison wrote, ''the more apt they will be to fall into the snares that may be laid for them.''

Robert Livingston, during New York's debate on the adoption of the Constitution, said that the people are the best judges of who ought to represent them. To dictate and control them and to tell them whom they shall not elect, ''takes away the strongest stimulus to public virtue—the hopes of honors and rewards.'' Although rotation in office was considered as part of the Articles of Confederation, it was ultimately rejected by the members of the Constitutional Convention.

Aside from taking a fundamental right away from citizens, term limits pose a number of risks that could aggravate the problems facing Congress as an institution. For instance, they are likely to increase the power of special interest organizations and lobbyists, congressional staff and the executive branch, all of whom are significantly less accountable to the public.

Term limits will also create the potential hazards that more Members of Congress will favor special interests as their term of service expires and they look forward to their next career. In this vein, Alexander Hamilton argued that term limits would tempt ''ignoble views'' by office holders who would have thought about nothing else than what their next job would be rather than focusing on the people's business. As a Wall Street Journal columnist recently indicated, ''Instead of fresh-faced citizen legislators, we would end up with men and women who knew that after 12 years they had to seek a new line of work, most probably with the very interests that are lobbying them.''

Term limits are not an appropriate or effective solution to the problems facing our political system. They would undermine a cornerstone of our democracy—the right to vote.

I have a picture of the U.S. Capitol in my congressional office. Under the magnificent and historic picture of this building is a quote from one of the most distinguished Founding Fathers, Alexander Hamilton. He said about government and the Capitol; ''Here, Sir, the people govern.'' It is the people who should run Congress. It is the people who should vote. It is the people and the ballot box that will suffer if a gimmick like term limits succeeds.

Mr. KIM. Mr. Chairman, the American people overwhelmingly support a constitutional amendment limiting the terms Members of Congress may serve in Washington. I believe that the power of term limits has become an issue of national debate because Washington is simply out of touch with the voters back home.

Today, votes will be taken on four term limit measures, and the one that receives the most over 218 will be the one voted on for final passage. While we have preferences, I nonetheless intend to support every proposal. Any one of them is better than none at all.

I am voting for the Peterson-Dingell-Frank amendment that imposes retroactive term limits of six terms on Representatives and two terms on Senators. Making the law apply to those who impose it would be the best way to serve the interests of the American people. Why are 12 more years needed for those who have already served this amount of time? Haven't they had a chance to fulfill their elected promises already? While this would affect the 218 Members who have or are already serving three terms in office, 218 is only half of the House. We've had that kind of change over the past 4 years. The result? Real action—such as the Contract With America. Has the quality of representation declined in the 104th Congress or other States due to term limits? I would have to say no.

I am also supporting the Inglis amendment. My first choice is for the House to implement this measure, which provides three 2-year terms in the House and two 6-year terms in the Senate. Two years ago the citizens of

California, through a ballot initiative, limited the terms of Federal legislators to 6 years in office. The Inglis amendment upholds the position of California.

The Hilleary amendment, my last choice, have set lifetime limits of 12 years in the House and 12 years in the Senate. It does not preempt any of the term limit proposals currently passed by the States and is not retroactive. That means a 12-year term limit imposed by the State of North Dakota would be able to keep legislators in Congress longer than California because of its 6-year limit. I believe this would be unfair and would create uneven representation on a national level. Nonetheless, this is still better than nothing.

The fourth measure I intend to vote for is the McCollum 12-year term limit amendment. This legislation limits Representatives to six full terms and two terms for Senators. Because this is a 12-year limit and therefore different from California's I concur with the amendment's provision which preempts State law. That ensures that all States are on a level playing field and that no State has a seniority advantage over others.

I have been listening to opponents of term limits argue today that such an amendment would limit the amount of experience legislators have in representing their constituents in Washington. They also point out that there will be a lack of qualified people to run for congressional offices. These concerns are unfounded.

Term limits have already been imposed on other State and Federal political offices. My own State of California has passed a 6-year term limit on State legislators. So far, it has not had a problem with attracting qualified individuals to compete for open seats. As a matter of fact, after California passed term limits in 1990, the number of candidates running for office increased by 40 percent. Term limits have broadened the field and improved the competition.

The 22d amendment to the Constitution, which took effect in 1951, restricts the term of office for the President of the United States to two terms. Thirty-five States impose term limits on their Governors. And, the government has not fallen apart. If term limits are good enough for them, they should be good enough for U.S. Congressmen and Senators.

The longer Members serve in Congress, the more removed they can become from the voters who elected them. The American people want to send representatives to Washington who truly understand what it means to work hard for a living, pay their taxes, and make ends meet for their families. They believe that a citizen legislator rather than a career Congressman best represents their interests.

The imposition of term limits is in no way a judgment on the quality of representation in the House today. I have served with some outstanding Representatives. However, I have noticed that the lure of Washington and all of its trappings of power can overcome some. Inside-the-beltway politics have a way of taking priority over the legitimate bread and butter concerns of average Americans. Term limits should prevent Members from becoming out of touch with their constituencies.

I also do not believe that term limits will cause a disorderly transfer of power. As a result of the past two elections, almost 50 percent of the House is comprised of new Members. This has not caused a breakdown of the system.

However, from a review of modern congressional history, this positive turnover is an exception—not the norm. The fact that one party controlled the House for 40 years straight—and that a noticeable number of older Congressmen have served and in some cases controlled—this House for 15, 20, 25, or 30 years proves that change must be institutionalized.

There is the illogical fear that the power will not remain with the representatives sent by the voters to Washington, but will slip into the hands of the unelected bureaucrats who serve them. This will never happen because elected officials always have had the option to hire and fire congressional staffers. As a matter of fact, it was not until the House passed the Congressional Compliance Act of 1995 that staffers were given virtually any rights at all.

Therefore, I believe the term limits amendment should be added to the Constitution so we can move forward and restore accountability to the U.S. Congress. It's time to stop talking and start the term limit clock ticking.

Mr. BEREUTER. Mr. Chairman, this member has supported nationwide congressional term limitations the past and currently is an original cosponsor of legislation in the 104th Congress to accomplish just that in the form of an amendment to the U.S. Constitution. In addition, this Member cosponsored term limitation legislation the first day of the 103d Congress—the first legislative day after Nebraska offered term limits by citizen initiative. This was necessary to protect Nebraska's interest vis a vis other States who had not passed similar congressional term limits. This Member believes that the prevailing criteria for any congressional term limits must be a nationwide standard. Otherwise, this Member must reiterate his belief and previous statements that the unilateral action by this Member's home State of Nebraska in passing a term limitation for its congressional delegation places Nebraska at a disadvantage in terms of seniority and representation when compared with the congressional delegations from other States without such limitations.

Under the rule, the House will consider four constitutional amendments in the nature of a substitute under a winner-take-all procedure. This Member has carefully examined the four substitutes and provides the following analysis of these measures.

First of all, this Member supports the passage of the McCollum 12-year term limit proposal, the base bill, since this Member has been cosponsoring it since the first day of the 103d Congress. Therefore, this Member hopes that the McCollum provisions are the final passage vote.

Second, this Member will vote for the Inglis 6-year term limit alternative even though, in this Member's judgment, it is not in the best interest of the country. That is an issue about which people can legitimately disagree, and voting for this provision which is, in this Member's judgment, of doubtful merit, is not a violation of our oath of office. This Member's vote for it can only be justified on the basis that it is what the people of Nebraska overwhelmingly approved during the last election. This Member does not see any clear justification for substituting his judgment for their collective judgment even though this Member laments the payment for petition circulators and the inordinate amount of out-of-state money used by supporters as is unfortunately still permissible under Nebraska State law.

Third, this Member intends to vote ''no'' on the Hilleary 12-year cap alternative because it does not preempt State law. Thus if the U.S. Supreme Court permits under the Arkansas case, or a subsequent case, other States could have a 12-year, a 10-year, or an 8-year term limit while Nebraska will be stuck with a 6-year limit; that would put Nebraskans at a disadvantage. While it is true that the Inglis alternative also does not preempt State law, but it provides for a 6-year term limit and no State is likely to limit terms to less than 6 years; thus, Nebraska at least would not be at a disadvantage under the Inglis alternative.

Finally, this Member will vote against the Peterson-Dingell-Frank retroactive term limit alternative as a transparently disingenuous, partisan ploy.

Again, this Member supports nationwide congressional term limits and will vote in accordance with that stance.

Mr. PASTOR. Mr. Chairman, supporters of term limits suggest they are restoring the intent of the Founding Fathers of creating a citizen legislature. That's why the term limits constitutional amendment we are considering today is called the Citizens Legislature Act.

Those advancing that argument to justify term limits spin history on its head. According to the Congressional Research Service, the Framers of the Constitution were unequivocal in their rejection of terms limits for Members of Congress. Our Founding Fathers thought term limits was a bad idea more than 200 years ago; it is a bad idea now; and it will be a bad idea 100 years from now.

I call my colleagues' attention to excerpts from the Congressional Research Service report which treats the constitutionality of congressional term limits.

[From the CRS Report for Congress, Jan. 2, 1992]

THE CONSTITUTIONALITY OF STATES LIMITING CONGRESSIONAL TERMS

(By L. Paige Whitaker)

III. FRAMERS' INTENT

State imposed term limits appear to conflict with the intent of the Framers of the Constitution to eliminate the policy of compulsory rotation in office. The concept of rotation in office was embodied in the Articles of Confederation, which provided that delegates to Congress could serve for no more than three years in any six-year period.[15] As a result, the issue of rotation in office was debated during the adoption of the Constitution.

Rotation, as proposed by the anti-federalists, would force members of Congress to step down from office for a period of time and live among the people in their former rank of citizenship. It was intended to provide members with a greater knowledge of their country and constituency, in order for them to return to the Congress as more informed legislators, with a greater sensitivity to the concerns of their constituents.[16] The anti-federalists also argued that a rotation requirement would prevent the abuses of corruption and would encourage a greater number of people to hold public office.[17]

After assiduous debate, however, the Framers rejected rotation, citing the right of the people to freely elect and the importance of experienced legislators. As Robert R. Livingston stated during the New York debates:

Footnotes at end of article.

''The people are the best judges who ought to represent them. To dictate and control them, to tell them whom they shall not elect, is to abridge their natural rights. This rotation is an absurd species of ostracism—a mode of proscribing eminent merit, and banishing from stations of trust those who have filled them with the greatest faithfulness. Besides, it takes away the strongest stimulus to public virtue—the hope of honors and rewards. The acquisition of abilities is hardly worth the trouble, unless one is to enjoy the satisfaction of employing them for the good of one's country. We all know that experience is indispensably necessary to good government. Shall we, then, drive experience into obscurity? I repeat that this is an absolute abridgment of the people's rights.[18]''

In response to the anti-federalists claim that rotation would prevent corruption, the federalists argued that indeed, the very prospect of reelection would provide a legislator with an incentive to be responsive to the needs of his constituents. If a legislator knows that his re-election depends on the ''will of the people'' and is ''not fettered by any law,'' he will serve the public well. On the other hand, if he knows that no matter how well he serves, he is precluded from re-election, ''he will become more unambitious, and regardless of public opinion. The love of power, in a republican government, is ever attended by a proportionable sense of dependence.''[19] As Alexander Hamilton similarly remarked, ''[w]hen a man knows he must quit his station, let his merit be what it may, he will turn his attention chiefly to his own emolument.''[20]

As evidenced by their debate, it is clear that the Framers intentionally rejected rotation in office. In so doing, it appears that they also rejected the policy underlying state imposed term limits. Commentators have concluded that in view of this deliberate rejection by the Framers, the qualifications clauses can only be interpreted as a prohibition on the states from limiting the re-election of their congressional delegations.[21]

FOOTNOTES

[15] Art. of Confed. art. V, cl. 2.

[16] 2 Debates on the Adoption of the Federal Constitution 288 (J. Elliot) (1888) (speech of G. Livingston).

[17] *Id.* at 310 (speech of M. Smith). With regard to corruption, Smith argued: ''A rotation I consider as the best possible mode of effecting a remedy. The amendment will not only have a tendency to defeat any plots which may be formed against the liberty and authority of the state governments, but will be the best means to extinguish the factions which often prevail, and which are sometimes so fatal to legislative bodies.''

Concerning the argument that rotation would encourage participation in government Smith commented: ''If the office is to be perpetually confined to a few, other men, of equal talents and virtue, but not possessed of so extensive an influence, may be discouraged from aspiring to it.

[18] *Id.* at 292–93 (speech of R. Livingston). In accord, Alexander Hamilton commented that, ''It has been observed, that it is not possible there should be in a state only two men qualified for senators. But, sir, the question is not, whether there may be no more than two men; but whether, in certain emergencies, you could find two equal to those whom the amendment would discard.*.*.* The difficulty of obtaining men capable of conducting the affairs of a nation in dangerous times, is much more serious than the gentlemen imagine. *Id.* at 320–21 (speech of A. Hamilton).''

Also note that, as Madison made clear in Federalist 63, the purpose of the Senate was to provide stability and expertise: ''Without a select and stable member of the government, the esteem of foreign powers will not only be forfeited by an unenlightened and variable policy, proceeding from the causes already mentioned; but the national councils will not possess that sensibility to the opinion of the world, which is perhaps not less necessary in order to merit, than it is to obtain, its respect and confidence. The Federalist No. 63, at 422 (J. Madison) (J. Cooke ed. 1961).''

[19] *Id.* at 298 (speech of R. Harrison).

[20] *Id.* at 320 (speech of A. Hamilton).

[21] Note, *Limits on Legislative Terms: Legal and Policy Implications,* 28 Harv. J. Legis. 569, 586–87 (1991). The authoritative commentator on the Constitution, J. Story, similarly concluded: ''the states have just as much right, and no more, to prescribe new qualifications for a representative, as they have for a president. Each is an officer of the Union, deriving his powers and qualifications from the Constitution, and neither created by, dependent upon, nor controllable by, the states.'' J. Story, *Commentaries on the Constitution of the United States* §626, at 101–102 (1970 ed.)''

Mr. CUNNINGHAM. Mr. Chairman, I rise in strong support of the Citizen Legislature Act, the constitutional amendment to provide term limits for Members of Congress. This important plank of our Contract With America demonstrates that we are serious about keeping our word with the American people: to hold a first-ever vote on term limits on the House floor.

Despite the tremendous changes in last November's elections, many Americans are still mistrustful of Congress. Many Americans believe that career legislators have too much power and too much at stake to make the tough decisions facing the Nation. I believe our Founding Fathers never intended for Member of Congress to be a career choice. Rather, they envisioned a system where people from all walks of life would become involved in public service for a few years, and then return to their profession or trade. Since coming to Congress in 1991, I have always known that I would return to the private sector, sooner rather than later.

On the first day of the 104th Congress, I cosponsored both House Joint Resolution 2, the McCollum resolution, and House Joint Resolution 3, the Inglis resolution. I did so because both of these resolutions were part of our Contract With America and I believed that it was part of my contract with California's 51st District to bring the term limits issue to the floor of the House.

After a great deal of reflection, I have decided that the best alternative before the House is the McCollum amendment. Since. I began my public service, I have consistently stated that I believe a 12 year term limit is the most appropriate manner to address this question. The McCollum amendment, as embodied in House Joint Resolution 2, would mean a sweeping change in our political system, limiting House members to six terms and Senators to two terms.

The McCollum amendment is fair and tough. It is fair in that it preserves the balance of power between the House and the Senate. It is fair because it treats all States equally. And make no mistake, it is tough. Under McCollum, those of my colleagues who have viewed Congress as a career are in for a surprise.

I urge my colleagues to support the McCollum amendment and support term limits. We know that is what the American people demand. We should heed their call.

Mr. BARRETT of Nebraska. Mr. Chairman, I rise in support of limiting service in both the House and Senate to 12 years, albeit I will vote to do so with reservations.

I'm proud that House Republicans have fulfilled yet another promise in the Contract With America by bringing—and I stress bringing—before the American public a fair debate about limiting the terms of Members of Congress.

Our contract did not guarantee passage nor enactment of every item. Whether term limits pass on Thursday afternoon or not, this debate is a tribute to Speaker GINGRICH, the Republican leadership, and to Mr. MCCOLLUM, and it is a check mark in the success column. I hope the media get that straight.

I'm of the opinion that, as provided by our Founding Fathers, Members of Congress already serve limited terms—2 years in the House and 6 in the Senate—and that they can be dismissed by the voters at the end of those terms.

As will be mentioned often in this debate, the 104th Congress is evidence to those term limits; 52 percent of the House is serving their third term or less. Overall, the average length of modern service is between six and seven terms. And looking at our average age, which falls just short of 51, it's obvious that most Members came to Congress after establishing themselves in the private sector.

But the voters apparently aren't happy with these results, and in response to their demands, we're here debating further limiting congressional service.

Understandably, voters are frustrated and dissatisfied with the performance of Congress—legislative gridlock, scandals of recent years, and the size and cost of Government are ample reasons to earn the voters disdain.

We have also done our part to foster their contempt by our increasing tendency to legislate for the sound bite. I'm continually amazed how some Members find glory in despising and trashing the institution in which they have chosen to serve.

In that respect, I am disappointed in this debate. Members on both sides have forgotten that honest men and women can disagree on an issue of such magnitude. And while we were sent here to represent our constituents' wishes, we were also elected to exercise some independent judgment and reasons on behalf of the Nation and her future. The Wall Street Journal chart on the editorial page March 28 was unfair and misleading in this regard to Members who oppose additional term limits.

My home State of Nebraska is 1 of the 22 States that have voted to impose term limits on its congressional delegation. The issue was on the ballot in both 1992 and 1994, and my constituents knew both times that, while I would support certain term limits, I opposed the Nebraska ballot initiatives. My votes today and tomorrow will be fully consistent with that position.

I agree with the constitutional experts who conclude that limiting congressional terms would require an amendment to the U.S. Constitution, and I expect the Supreme Court will later this spring or summer hold that term limits imposed by the States are invalid.

And just as importantly, I believe it would upset any balance of power between the States to impose limits in a patch-work fashion. It would be unwise and detrimental to Nebraska's representation in Congress to impose additional term limits on its small five-member delegation when other States, especially those more populous, could decide to have no limits.

Further, I believe firmly in the equality of the two Chambers established by our Founding Fathers. They improved upon the English model of an upper and lower House to establish Chambers of equal power, with one more deliberative and the other more responsive to the mood of the country.

I can realistically look at this point in my life, and service in the House, and say that should

additional term limits as now discussed be imposed, they will not have an impact on me. Therefore, it is with no self-interest or self-preservation in mind that I say that there are serious drawbacks to term limits.

And most certainly, I think it is a disservice to the electorate if these drawbacks are not thoroughly understood and part of the public debate. These include:

Additional congressional term limits will limit the voters right to chose their representation. Term limits assume that new is always better and, unlike other vocations—and I am talking about the citizen legislator as a vocation—that experience does not make for a better legislator. Also, term limits would, without doubt, put much more power into the hands of non-elected congressional staff, bureaucrats, and special interest lobbyists. Those are not tired arguments, and they should not be dismissed out of hand.

It is, at best, a toss up of whether term limits, had they been in place, would have solved the problems that have generated the public's frustration with Congress. Operational and procedural reforms in the institution of Congress itself—which we now have begun to accomplish under Republican leadership—and campaign finance reform are just two areas where directing our effort could make more certain and better changes.

Having said all this, I will, as I stated at the beginning of these comments, vote to limit congressional service.

I will vote to respect the will of the American people, who have given strong indication that additional term limits is their desire. I'll also exercise my personal judgment for the country, however, that anything less than 12 years is unrealistic, and the same limits must be imposed on both House Members and Senators from all 50 States.

I urge my colleague to join me in voting for the McCollum 12-year limit.

Mr. BALLENGER. Mr. Chairman, the concept of term limits, while at least as old as our Government itself, has been repeatedly rejected by complacent Members of Congress whose tenures have lasted as long as 53 years. Unfortunately for these career politicians, Congress can no longer ignore the Americans voter's profound and growing desire for a true citizen-legislature that is intended to serve the people in a better, more responsive manner. Since 1990, 22 States have imposed their own term limits, 21 through voter initiatives, and polls consistently show public support at as high as 80 percent. Though it is clear why career politicians do not wish to place limitations on themselves, it is time to obey the will of the American public. With much of the Contract With America completed, this is one more opportunity to show our commitment to those who elected us and to respond to the change they demanded on November 8. By passing term limits and putting the interests of our constituents before our own, we can institute the concept of the citizen-legislature that our Founding Fathers envisioned over 200 years ago.

The CHAIRMAN. All time for general debate has expired. Pursuant to the rule, the joint resolution is considered as having been read.

The text of House Joint Resolution 73 is as follows:

H.J. RES. 73

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States.

''ARTICLE —

''SECTION 1. No person who has been elected for a full term to the Senate two times shall be eligible for election or appointment to the Senate. No person who has been elected for a full term to the House of Representatives six times shall be eligible for election to the House of Representatives.

''SECTION 2. No person who has served as a Senator for more than three years of a term to which some other person was elected shall subsequently be eligible for election to the Senate more than once. No person who has served as a Representative for more than one year shall subsequently be eligible for election to the House of Representatives more than five times.

''SECTION 3. This article shall be inoperative unless it shall have been ratified by the legislatures of three-fourths of the several States within seven years from the date of its submission to the States by the Congress.

''SECTION 4. No election or service occurring before this article becomes operative shall be taken into account when determining eligibility for election under this article.''

The CHAIRMAN. No amendments to the joint resolution are in order except the amendments specified in House Report 104–82, which shall be considered in the order specified in the report, may be offered only by the Member designated in the report, may be considered notwithstanding the adoption of a previous amendment in the nature of a substitute, is considered read, is debatable for 1 hour, equally divided and controlled by the proponent and an opponent of the amendment, and is not subject to amendment.

If more than one amendment is adopted, only the one receiving the greater number of affirmative votes shall be considered as finally adopted.

In the case of a tie for the greater number of affirmative votes, only the last amendment to receive that number of affirmative votes shall be considered as finally adopted.

The Chair, in addition, also announces that under rule XIV, clause 6, the proponent of each amendment made in order under the rule will have the right to close debate since the measure under consideration has been reported from the committee without a recommendation.

It is now in order to consider amendment No. 1 printed in House Report 104–82.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. PETERSON OF FLORIDA

Mr. PETERSON of Florida. 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. PETERSON of Florida: Strike all after the resolving clause and insert the following:

''ARTICLE —

''SECTION 1. No person who has been elected to the Senate two times shall be eligible for election or appointment to the Senate. No person who has been elected to the House of Representative six times shall be eligible for election to the House of Representatives.

''SECTION 2. Election as a Senator or Representative before this Article is ratified shall be taken into account for purposes of section 1. Any State limitation on service for Members of Congress from that State, whether enacted before, on, or after the date of the ratification of this Article shall be valid, if such limitation does not exceed the limitation set forth in section 1.''.

Mrs. FOWLER. Mr. Chairman, I claim the time in opposition to the amendment offered by the gentleman from Florida [Mr. PETERSON].

The CHAIRMAN. Pursuant to the rule, the gentleman from Florida [Mr. PETERSON] will be recognized for 30 minutes, and the gentlewoman from Florida [Mrs. FOWLER] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Florida [Mr. PETERSON].

Mr. PETERSON of Florida. Mr. Chairman, I invite everyone to study closely the Peterson-Dingell amendment.

As the gentleman from Illinois [Mr. HYDE] so eloquently put it today, we see signs all over the Hill today saying, ''Term limits, yes.'' What they fail to say is, ''Term limits now.'' That is what this amendment is all about.

I want to go back though through a lot of the general debate we had, a lot of people talking about what was the reason why we are doing term limits. I have my own thoughts on that, and may I relate that to my colleagues?

Virtually every Member of this House has run against the House to get elected, as have all the candidates as well. We have had scandals galore, we have had gridlock, we have had personal attacks on this floor, and we have had, yes, unfair rules, and the people out there understand this. They understand that the sitting members are the ones that are accountable, and that is what this amendment is all about.

My amendment is a 12-year limit, much like H.R. 73. It also allows a State preemption as long as they do not exceed the 12 years, and, as I say and repeat, it is the only amendment that has immediacy, retroactivity. It applies immediately upon the ratification of the amendment in the United States.

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

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

(Mrs. FOWLER asked and was given permission to revise and extend her remarks).

Mrs. FOWLER. Mr. Chairman, I rise in strong opposition to this amendment. While I have the greatest respect for my fellow Floridian, I think his amendment is out of step with what the American people want.

The American people want term limits. They want them now. And they want them to apply to incumbents. And the three Republican-offered amendments do all of these things.

Let me say that again: All three Republican-offered amendments apply to each and every one of us who are here now. They treat us no differently than any other person who might run for office—neither preferentially nor punitively. The term limits movement is not motivated by a desire to be punitive.

Supporters of this amendment cite poll numbers that they claim show a majority of the American people support retroactive term limits.

I say, let us look at the most accurate polling data—elections. Twenty-two States have put term limits questions on the ballot, and not one of them adopted retroactive term limits. Keep in mind, these were all citizen initiatives drafted by the people themselves. Only once—in Washington State—did anyone even try to impose retroactive limits, and that bill was soundly defeated. It appeared on the ballot the next year without retroactivity and passed. This amendment would force Washington State to make their term limits retroactive.

Members should also know that this amendment is poorly drafted.

The first part of section 2 declares that any prior service will count against the limit. In other words, it is retroactive.

The very next sentence is the States rights clause, declaring that the amendment respects all the State laws.

The problem is, as I mentioned earlier, not one of the States wanted retroactive term limits. Every single State term limits law was drafted specifically to be prospective.

This amendment preempts the prospective nature of all 22 State term limits laws and forces them to accept retroactivity. All the while pretending to be respectful of States rights.

The 22-State term limits laws are not identical. Some are 6-year limits on House Members, some are 8, some are 12. Some are lifetime bans, others are not. The one feature that is consistent through all the States is the prospective nature of their term limits laws. It is the one feature that this amendment seeks to undo.

Members should feel comfortable rejecting this amendment based solely on its schizophrenic nature and poor drafting.

Members should also keep in mind that we are hardly breaking new ground here. There is already a term limits amendment in the Constitution. The 22d amendment limits the President to two terms. That amendment states, ''this Article shall not apply to any person holding the office of President when this Article was proposed by the Congress.'' Not only did Congress reject the idea of retroactivity when it came to term limits for the President, but they actually went the other way and grandfathered the incumbent.

Also keep in mind that article 1, section 9 of the Constitution states, ''No bill of attainder or ex post facto shall be passed.'' Any retroactive action violates the spirit of the Constitution itself.

This amendment is offered and supported by the most vocal opponents of term limits.

Every major proponent of term limits opposes the amendment—Mr. MCCOLLUM, Mr. INGLIS, Mr. HILLEARY, and myself. It is also opposed by grassroots supporters of term limits: the Term Limits Legal Institute, the Christian Coalition, Citizens Against Government Waste, the National Taxpayers Union, United We Stand, and the American Conservative Union.

A vote for the Peterson-Dingell-Frank amendment is a vote against term limits. I urge Members to vote ''no'' and support any of the three real term limits amendments that will follow.

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

Mr. PETERSON of Florida. Mr. Chairman, I yield myself such time as I may consume for just a reply to my colleague the gentlewoman from Florida.

This is a real amendment. This is the toughest amendment. This affects every sitting House Member. This is a cop-out if anybody walks away from this.

Mr. Chairman, I yield 3 minutes to my friend, the gentleman from Michigan [Mr. DINGELL].

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

Mr. DINGELL. Mr. Chairman, this is the real thing. I say to my colleagues, if you're for term limits, you're for this amendment. If you're not for this amendment, you're not for term limits.

What this says is that term limits go into effect immediately upon the ratification of this amendment if the States act upon it. A large number of Members will depart. If that is the will of this body and the will of the people, then so be it. I, as the dean of the House, will be amongst the first to go. Many of my colleagues think that this is just fine because, ''It's not going to affect me in the immediate future.'' The answer to all of this is that immediately, upon the adoption of this amendment, if you have served your 12 years, you will be ineligible for reelection.

A lot of people think that the people are in favor of term limits. If they, in fact, are in favor of term limits, they are in favor of this amendment because it is immediate, and the polls so show. If the Members are trying to identify whether people are angry with them, and with whom they are angry, and on whom they want term limits, my colleagues, it is upon you, it is upon me, and it is upon all of us because that is what the situation is.

Let us reflect a bit on what we have:

First of all, it will be 5 to 7 years before term limits are approved by the States. Then it will be an additional 6 years or an additional 12 years. So we are now up to somewhere between 11 to 19 years before term limits will go into effect. The newest of the new Members will at the time that term limits have gone into effect have served probably as much as 20 years. During that time they would have achieved all of the emoluments of long-term service, and, if a Member who serves here for a long time is achieving some measure of corruption by having so done, they will become amongst the most corrupt then of the Members.

Now here is again what happens with regard to term limits under the Contract With America:

Years of service. At the time this goes into effect, instead of having served 40 years, I will serve 59 years. The gentleman from Georgia [Mr. GINGRICH] under the McCollum-Hilleary amendment will have served 36 years, almost as long as I have served today. The gentleman from Missouri [Mr. GEPHARDT] 38 years; the gentleman from Texas [Mr. ARMEY] 30 years; the gentleman from Michigan [Mr. BONOIR] 38 years; the gentleman from Tennessee [Mr. HILLEARY] and all of his class will have served 20 years. They will have achieved the status of old bulls. They will have served here a long time.

Now I say to my colleagues, contemplate yourself going home and trying to explain to the people that you serve. ''I'm for term limits,'' you say, and they say, ''Hooray,'' but you don't tell them that you are for term limits which will begin somewhere between 13 and 20 years from today. It's pretty hard to say that you are expecting that people are going to believe you if they know the facts as to whether you're really for term limits or opposed. The hard fact is, if you don't vote for the amendment which is cosponsored by the gentleman from Florida [Mr. PETERSON], the gentleman from New York [Mr. ENGEL], the gentleman from Illinois [Mr. GUTIERREZ], the gentleman from Texas [Mr. BARTON], and I, you're voting for something which essentially is an illusion. It is, in fact, regrettably something which deceives the average person because you will never make a person believe that you are out to clean up a situation with which you say they find fault if you don't vote to make this of immediate effect.

What this says is that immediately upon ratification term limits goes into effect. Under McCollum-Hilleary it will go in somewhere between 17 and 19 years in the future, and under Inglis, somewhere between 11 and 13 years. My counsel for my dear colleagues is, ''If you want to be judged fairly as having been somebody who believed in what you did and believed in what you said,

vote for the Peterson-Dingell substitute, vote for a real honest limitation on term limits, and then go home and justify what you have done.''

Mr. Speaker, George Santayana once said that, ''Fanaticism consists of redoubling your efforts when you have forgotten your aim.'' This point seems particularly relevant today. You might recall that in 1947, a constitutional term limit on Presidents was ratified by a Republican Congress, which had been entrusted by the American people to make the difficult decisions necessary to move our Nation forward in the postwar era. In reality, the 22d amendment was a Republican attempt to get even with Franklin Roosevelt and the New Deal.

Almost a half century later, we find a Republican Party still spooked by FDR's legacy, and 40 years of progress under a Democratic House. Showing a renowned lack of originality, they have dusted off term limits as part of their new agenda in the Contract With America, this time to limit the length of service for Members of Congress. I am pleased that, despite the inclusion of term limits in the contract, that this plank is in trouble because of opposition from Republicans and Democrats. These are Members on both sides of the aisle who share a faith in the ability of Americans to make up their own minds when they go to the polls.

Those who charge that retroactive term limits are unfair may recall that President Truman was grandfathered from the 22d amendment. At the time, the Republicans did not want to appear too partisan by attacking Truman.

For them, the pleasure came in attacking his deceased predecessor—who was elected to the Oval Office four times and is viewed by most historians as among our best Presidents. Despite the Republican special exemption given to President Truman, he limited his own service and chose not to run for reelection in 1952.

In the spirit of this Truman exemption, the Republican leadership has presented us with four amendments under a closed rule. Three of these choices exempt the service of current Members of Congress, so that when this debate is over, the Speaker will have the chance to serve almost as long as I have. This is because under the main amendment, it could take another 19 years before any constitutional amendment would completely remove current Members of the House.

Mr. Speaker, beside me is a partial list of current Members who would be forced into retirement the Peterson-Dingell amendment were ratified by the States today. As you can easily see, it limits all sorts of people from both side of the aisle.

To give a little more perspective, in 2014, that would give me just over 59 years of service—if I run and the people of Michigan's 16th Congressional District so choose. The Speaker would have 36 years under his belt, although not all of those could be as Speaker, since under the new House rules, he is under a self-imposed term limit of four consecutive terms that will force him to leave the Speakership for a 2-year sabbatical every 8 years.

Santayana also observed that those who fail to learn from history are condemned to repeat it. Today's debate fulfills that prophecy. When one examines the history of the Presidential term limit. Moreover, only two Presidents—Republicans—have found themselves constrained by it, and the Republicans sought vigorously to find away around it for the patron saint of their party, President Reagan.

One of the major arguments for adopting a term limits constitutional amendment is because its popular. We have been bombarded by reports in the press that up to four out of five Americans wants term limits. If any of my colleagues are basing today's decision on popular opinion polls, I feel it is my duty to inform you of one fact: that same majority wants congressional limits applied to you.

Only the Peterson-Dingell amendment gives Members a chance to avoid the charge of hypocrisy by addressing immediacy; in other words, the immediate application of all time served by sitting Members of the House and Senate. The Peterson-Dingell amendment is simple: apply to yourself that which you would apply to others. Under the amendment, all service counts, whether you're in your first term or your 20th term. In the 104th Congress, this means that 157 House Members would be ineligible to run for another term if Peterson-Dingell were ratified today. A list of those Members is available for those who wish to consult it. In addition, 67 Senators could never again run for the U.S. Senate under the Peterson-Dingell amendment.

As some of your might guess, I must confess that Senate term limits would trouble me quite a bit less than House term limits.

It was expressed in earlier debate that Peterson-Dingell might lead to a very disorderly transfer of power. However, a look at recent history shows that chaos is unlikely. In fact, the House has just completed a transfer of power between the parties, and the Republic is still in tact. In 1993, 11 freshman Members took seats in the 103d Congress. So 157 retirements would not be devastating on a numerical basis. As I have long stated, the loss would be in terms of legislative experience which would empower bureaucrats, lobbyists, and congressional staff to make decisions made today by all of us, who are held accountable by the people every 2 years.

It's no secret. I oppose term limits. Why? Because I believe in the power of democracy, the sanctity of the ballot box, and most of all, the ability of voters to decide for themselves who will best represent them. I am joined by like-minded people from both sides of the aisle, Republicans and Democrats who understand that term limits would imperil democracy. However, if in a rush for results, we decide to impose congressional term limits to address problems better solved through meaningful campaign finance reform, we have a duty to approve a constitutional amendment which is free from hypocrisy. The other amendments cast a shroud of self-interest over the Constitution. There is only one amendment which puts truth in term limits. Vote only for Peterson-Dingell.

□ 1600

Mrs. FOWLER. Mr. Chairman, I yield 2 minutes to the gentlewoman from Utah [Mrs. WALDHOLTZ].

Mrs. WALDHOLTZ. Mr. Chairman, it is time to expose those who now piously stand as would-be term-limit martyrs. I stand as an unquestionable supporter of term limits, and as unalterably opposed to this amendment.

Eight out of ten Americans support term limits, yet, for years the Democrat-controlled Congress ignored the will of the people and in their arrogance, refused to even debate the issue. But, when the American people swept a new majority into the House for the first time in 40 years, Democrats scrambled for a purely political position. And retroactivity is the rock they are hiding under. Members on the other side of the aisle have wrapped themselves in the banner of term-limits and proclaim themselves as having the only consistent position: applying term limits retroactively.

But as the term-limit debate has unfolded this year, I realize that many of those who most vigorously support retroactive term limits are the very same Members who worked to block consideration of term limits in the past.

Because I wanted to know what my colleagues had previously said about making term limits retroactive, I went through the transcript of the hearings held in the last Congress—the 103d Congress—on term limits. Mr. Chairman, I could not find any reference by my colleagues to applying term limits retroactively.

Twenty-two States have passed term limits, yet not one State has made term limits retroactive. In fact, only one State has put a retroactive term limit on the ballot, Washington State, and that initiative was defeated. Why? Because the voters are smarter than the retroactivity proponents think they are. The voters know that this is a debate about principle, not personality. The voters are not looking to send half this Congress home next year automatically—through retroactive term limits. The voters are looking to ensure that the abuses wrought in past Congresses by too much seniority—ranging from the post office scandal to the national debt—can never happen again.

As this debate began, I considered the principle of retroactivity very carefully. I looked at both pros and the cons. I looked at what the voters have done in 22 States already. But when I looked at who was pushing retroactivity the hardest, I realized it was the same people who tried to kill term limits in the past. Retroactivity is a stumbling block that has been thrown up to stop term limits. Members who oppose term limits have dressed themselves in the proverbial sheep's clothing in an attempt to suppress the will of the people.

Mr. Chairman, term limits will restore the idea of a citizen legislature to this Congress. It will forever block the excesses of seniority that have marred this House and robbed the people of their faith in their Government.

If term limits fails in the House this day, it will not be because of the over-three-fourths of Republicans who will vote for it. It will be because of those on the other side who hope to regain and hoard their political power and seniority, and who are now seeking to

save their own political image. I urge my fellow Members to reject this false attempt to kill term limits. Let us listen to the people who sent us here and pass the term limits that they have passed. Vote ''no'' this substitute and vote ''yes'' on final passage of term limits.

Mr. PETERSON of Florida. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, there have been four national polls on term limits in the past 4 or 5 months, and all have overwhelmingly supported retroactivity.

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

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

Mr. BARTON of Texas. Mr. Chairman, I rise in support of the Dingell-Peterson amendment, and I want to make several things absolutely crystal clear.

No. 1, I drafted this amendment as the Barton amendment, not knowing that the gentleman from Michigan [Mr. DINGELL] and the gentleman from Florida [Mr. PETERSON] had already drafted the amendment. When I found out that they had already presented it to the Committee on Rules, I asked if I could add my name to the bill. But I had drafted the identical amendment that is before us, so I do not consider this to be necessarily the Democratic amendment.

No. 2, if this passes, I am going to vote for it on final passage. I am not doing this simply as some sort of subterfuge. I am doing it because, as has been pointed out repeatedly on the floor this afternoon, overwhelming numbers of American citizens support term limits. They happen to think that if we pass a term-limit bill, it should be effective immediately, not 12 years from now, not 19 years from now, that it should be effective immediately.

Now, I have the greatest respect for people like the gentleman from Florida, Mr. BILL MCCOLLUM, and the gentleman from South Carolina, Mr. BOB INGLIS, who have steadfastly for many years campaigned on term limits and support term limits and say they are going to abide by their self-imposed limit whether the Congress passes anything or not. So I think they are totally sincere. But the bills they are supporting do not take effect immediately.

There is only one bill that automatically takes effect immediately. That is this one and, you can perhaps make the argument, the bill of the gentleman from Tennessee [Mr. VAN HILLEARY], which gives the States the right to set a term-limit bill that would be effective immediately.

If there is a problem that term limits is the real solution to, the problem is current Members of Congress that have already been here too long. This is the only vote that affects those people today. If we pass the Dingell-Peterson amendment, they will not apply for reelection in their primaries in the spring of 1996. They would not be allowed to.

Term limits are an issue which needs to be debated on the floor of the House of Representatives. We should commend the Republican leadership for doing that. We should commend the Republicans like the gentleman from Florida [Mr. MCCOLLUM] and the gentleman from South Carolina [Mr. INGLIS], and others who have worked so hard to bring the issue before the American people.

Mr. Chairman, I would hope that all Republicans would vote for this substitute because again, it solves the problem that term limits are supposed to solve. It affects us in this body today. Today. And if we are not willing to vote for this, unless you are willing to limit yourself individually, like the gentleman from South Carolina [Mr. INGLIS] is, then you are really not a supporter of term limits.

Mrs. FOWLER. Mr. Chairman, I yield 2 minutes to the gentleman from Virginia [Mr. GOODLATTE].

Mr. GOODLATTE. Mr. Chairman, I thank the gentlewoman for yielding.

Mr. Chairman, I rise in strong support of term limits, but I am not going to participate in what I perceive to be a sham, in suggesting that after we have had term limits adopted by the people of 22 different States and all of them have adopted them without retroactivity, that somehow people want to have retroactive term limits. In fact, the proof is in Washington State. The voters there had term limits offered to them with retroactivity. They rejected them, brought them back 2 years later without a retroactive provision, and they passed them.

Mr. Chairman, let us not fool ourselves. This is an effort to provide cover for people who do not truly support term limits. If you do not believe it, look and see what they do on the final vote for final passage of a constitutional amendment for term limits. They are not going to vote for it unless it has this retroactivity in it, when, in point of fact, term limits will apply going forward prospectively anyway.

Why not support it even if you do not get your retroactivity that you seem to want to have, when you can still impose term limits on yourself if you are a Member of Congress?

Now, the reason why retroactive term limits are a bad idea is very simple: We hear those who oppose term limits all the time telling us we should not lose the institutional memory of this House of Representatives. Yet they want to turn around and in one single election cycle, turn over half of the membership of the House of Representatives, and you take those who have been here more than 12 years, add to those who will voluntarily leave, as many Members do before they ever get to term limits, add to that those who are defeated and those who run for other offices, and you will have close to, if not in excess of, one-half of the Members of this House leaving at one time.

Term limits should be phased in. That is why they have been made prospective in every single State that has enacted term limits, and that is why they should be made prospective only as we vote on them in this House of Representatives as well.

Mr. Chairman, I urge my colleagues to reject what is a sham, and I urge everyone to look at who votes for real term limits on the final vote today to tell you who really supports them.

Mr. PETERSON of Florida. Mr. Chairman, I yield 2 minutes to the gentleman from Illinois [Mr. GUTIERREZ].

Mr. GUTIERREZ. Mr. Chairman, I often hear Republicans say we need term limits because ''It's time to clean out the barn.'' I have never said that in a campaign. First of all, in Chicago I am not sure what kind of response we would be getting because there are not a lot of barns. Maybe in Chicago we would say something like ''It is time to shovel the snow off the street.''

When I hear someone say ''We need to clean out the barn,'' it sounds like something that is awfully important, not a few years down the road, but today, right now. And it should not wait until you have sold the farm and turned over the cleaning to someone else.

So I do not understand when those who have been in Congress for 12, 20, 25 years say they support term limits, but they plan to stick around Washington just a little bit longer, because these are the same folks that said ''We have got to clean out the barn.''

Fine, grab a broom, clean out the barn. But what happens when it turns out that you are the one who is making the mess? What happens when you look at your own resume and realize that you have been here for 12 years or more and your limit is up? Well, then you better get out of the barn, too.

That is what the Dingell-Peterson amendment does. It turns term limits from rhetorical cheap shot into real change. Retroactivity, Mr. Chairman, cleans out the barn now.

Look, this amendment is not a cheap shot. It is not a threat to you or anyone else. It is an opportunity for everyone, an opportunity to prove that you are serious.

Now, if you still want a 12-year limit and you have been here more than that, there is a very simple option. There is the door. It is very easy to get to National Airport. It takes about 10 minutes from here. And if you are a Member of Congress, they have even got a free parking lot there for you.

You know, people say that they are opposed to retroactivity because the people are not for it, and as evidence for this they point to various polls. Well, Mr. Chairman, in a recent CNN-USA Today-Gallup poll, respondents were asked, if there is a 12-year term limit for Members of Congress, do you think Members should be allowed to

run for another 12 years in office, or should current Members who have been in Congress 12 years not run again?

Seventy-one percent of the respondents replied that such Members should not be allowed to run again. Mr. Chairman, if we are going to put our faith in polls, we should put our faith in all the polls and be consistent.

Mrs. FOWLER. Mr. Chairman, I yield 4 minutes to the gentleman from California [Mr. LEWIS].

Mr. LEWIS of California. Mr. Chairman, I very much appreciate my colleague yielding this time. She knows my general position on term limits and is most generous in offering that time.

Term limits, my colleagues, were a part of the Articles of Confederation. During the debates leading to ratification of our Constitution, our Founding Fathers soundly rejected that idea.

Today term limits as a populist issue has come about because of a deep-seated frustration that has boiled over because of the people's sense that their Congress was not responding to the public's priorities.

During the last two elections, that same public reflected by their actions that the genius of our Founding Fathers continues to work in our system. They simply decided to throw many of the rascals out. Today over one-half of my conference is made up of people who have been here essentially 2 years or less.

With that in mind, let me share with you the words of one of those early founders. ''The people are the best judges of who ought to represent them. To dictate and control them, to tell them whom they ought to elect, is to abridge their natural rights.'' He goes on to say, ''We all know that experience is indispensably necessary to good government. Shall we, then, drive experience into obscurity? I repeat, this is an absolute abridgement of the people's rights.'' That quote is from Robert Livingston during the New York debates on ratification of our Constitution.

Robert Livingston, reflecting the genius of our earliest leaders, made two points which I wish to emphasize. First, the people's right to choose should not be abridged. Term limits today reflects the people's frustration with Members elected in other people's districts. Today in America people across the country essentially want their own Member to remain in Congress. Let us not detract from the people's right to choose whom they wish to serve as their Representative.

Livingston's second point, experience is a necessary ingredient in our representative system. That is very fundamental to our work. Without it, we completely turn our Government over to the unelected bureaucrat.

I do not know about you, but it took this Member a few years to really understand the challenges involved in making the people's government work. Maybe some of my colleagues were struck with inspired genius the day they were elected to office. I would submit, however, that for most of us it takes a few years to really do this very tough job, and even more to do it well.

So one more time, do not leave our Government in the hands of the unelected. Experience is necessary, and citizens in each district have the good sense and, indeed, the responsibility to know there is a difference.

A last point, not from Robert Livingston, but from myself. I will not vote for the retroactive amendment because I do not believe in term limits. I believe in the people's government that is the result of the people's choice. If applied retroactively, this proposal would overnight eliminate from the House the likes of HENRY HYDE, Speaker NEWT GINGRICH, RICHARD GEPHARDT, LEE HAMILTON, and, yes, even our own BOB LIVINGSTON, giants of our time without whose leadership and dedication the people's House would be severely diminished.

But if you, my colleagues, happen to be one of those who is considering to vote for term limits, I would suggest in all sincerity that you ought to go down the hall and take a look in the mirror. Look very closely. Are you sure you are not just reacting to the fear of a populist firestorm and, in doing that, you have traded in your responsibility in this body to lead.

□ 1615

Mr. PETERSON of Florida. Mr. Chairman, I yield 1 minute to the gentleman from Texas [Mr. BENTSEN].

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

Mr. BENTSEN. Mr. Chairman, first let me state for the record that the voters of Houston have voted twice for retroactive term limits. I think some of the speakers should do their research so that they know that. Twice they voted for retroactive term limits and the city of Houston continues to be strong and vibrant.

My colleagues, if we feel compelled to change the Constitution,which has worked effectively for over 200 years, in order to limit the people's right to choose their representatives, then we must do so not haphazardly, but fully. It is hypocritical of this House to say it is for term limits, and yet give members 6, 12, or 24 more years in Congress as House Joint Resolution 73 and the other substitutes would do.

What is the point of term limits if they do not take effect immediately? Why should my friend, the chairman of the Ways and Means Committee, who hails from the great State of Texas, who was first elected when I was 11 years old, be given 12 more years? Thirty-six years is a career to many Americans.

I do not want to single out my fellow Texans. Many Members on both sides of the aisle could be examples of the folly of House Joint Resolution 73. Rather, I do so out of fairness.

I further notice that one of the advocates of House Joint Resolution 73 was quoted as stating that retroactive term limits would violate the American sense of fairness and change the rules in the middle of the game. Let me submit to you that any term limit changes the rules in the middle of the game. And speaking to the freshman, how is it fair that we perpetuate the seniority system?

Mrs. FOWLER. Mr. Chairman, I yield 2 minutes to the gentleman from Massachusetts [Mr. TORKILDSEN].

Mr. TORKILDSEN. Mr. Chairman, I thank my colleague and friend, the gentlewoman from Florida [Mrs. FOWLER] for yielding time to me.

Mr. Chairman, I rise today in opposition to this amendment, which is a charade.

Caveat Emptor. Let the buyer beware. We should all beware of this amendment, given that two of its three sponsors oppose any and all term limits. Given their opposition, why would they offer a trojan horse limit? Simply put, to scuttle any chance of term limits passing in this House.

The only term limit amendment debated and passed by Congress was in the Republican 80th Congress in 1947. This term limit became known as the 22d amendment. It was specifically not retroactive, and specifically excluded the sitting President of the United States—Harry S. Truman. For very logical reasons, a precedent was established when Congress voted against retroactive term limits in 1947.

I oppose retroactive laws in general, as I opposed President Clinton's retroactive tax increase in 1993. Personally, I pledged, prior to my election in 1992, that I would voluntarily serve no more than six terms, so retroactivity will not affect my length of service.

Of the 22 States whose voters have passed term limits, none—I repeat, none—have imposed them retroactively. Clearly, the voters of 22 States have spoken on the issue of retroactivity.

Serving in Congress should not be a lifetime career. I urge my colleagues to vote against this charade of a substitute, and vote for genuine term limits.

Mr. PETERSON of Florida. Mr. Chairman, I yield 1 minute to the gentleman from Alabama [Mr. BROWDER.]

Mr. BROWDER. Mr. Chairman, I rise in support of retroactive term limits. As a matter of fact, Mr. Chairman, I am going to vote for anything up on that board regarding term limits and for final passage.

Last year, when we were closing the term and I saw that we were not going to pass campaign reform, we were not going to pass lobby reform, I decided if we are not going to change the way we do business around here, then maybe term limits is a good idea. And I think that is true today.

I look around on the agenda. I do not see cleaning up the way we do things around here with lobby reform or campaign reform. I do not even see it on

the horizon. So let us do something different. Let us vote for term limits and let us make them retroactive.

Mrs. FOWLER. Mr. Chairman, I yield 2 minutes to the gentleman from Indiana [Mr. SOUDER].

Mr. SOUDER. Mr. Chairman, as Forrest Gump might say, the Democrats are like a box of chocolates, you never know what you are going to get.

But unlike Forrest Gump, the American people are not gullible enough to believe that the Democrats are taking this amendment and proposal seriously. This is how the Democratic-sponsored proposal will affect House Democrats: 82 of them can just resign right now. Under this amendment, 82 of them would no longer be here. Thirty should have left 8 years ago at least. Even two of the proponents of this retroactive proposal have been in Congress longer than 12 years and thus will be ousted by their own proposals.

One sponsor has served 40 years. He is like 3½ Congressmen. When you go out and talk to the average people, they understand the hypocrisy of this particular amendment since we have not had a first hearing on term limits in the House until November 1993. They have been opposed by the prior leadership.

During the 40 years prior to that hearing there was never a single vote on term limits. The former speaker even sued his own constituents on the term limit law.

I, like other of my freshman colleagues, have made a pledge. We will only serve 12 years, whether or not Congress passes an amendment. We are not just voting; we are actually acting. I challenge others who plan to vote for this amendment, as I plan to do, to act, not just talk. People are tired of politicians who just talk. Join with me in committing to resigning after 6 or 12 years, whatever you vote for, whether or not this passes.

Actions speak louder than words.

Mr. PETERSON of Florida. Mr. Chairman, I yield 2 minutes to the gentlewoman from California [Ms. ESHOO].

Ms. ESHOO. Mr. Chairman, unlike many Members of Congress, I have actually had term limits applied to me. The San Mateo County Board of Supervisors in California, on which I served, was the first legislative body in California back in the 1970's to adopt term limits. I have seen for myself the value of replacing incumbents with new leadership which brings fresh perspectives to the body politic.

Now we hear Members saying that they are for term limits. They were for them during their campaigns, but they do not insist that a term limits bill apply to everyone here today.

In this Congress I introduced a bill which would allow Members of Congress to serve three terms of 4 years each. I personally believe that the terms should be expanded. Two years and campaigning all year-round I do not think is what our Founding Fathers had in mind. But like many other bills, that has not reached the floor.

My legislation would apply to all of us in this Congress and would be retroactive. Every single day of this 104th Congress has started with a Republican telling America that under the new regime Congress will be required to ''live under the same laws as every one else.'' I think it is time to make this law apply to every one in this House.

If we are going to talk about congressional accountability, it should be applied to term limits as well.

I think the American people deserve some political genuineness in this. I am afraid that with the retroactive issue being left out of the debate, that there is a great deal of political disingenuousness. So I rise in support of the Dingell-Peterson substitute, certainly in terms of the legislation that I sponsored in the 104th Congress, and I urge my colleagues on both sides of the aisle to vote in favor of congressional accountability and term limits for every one here and retroactivity.

Mrs. FOWLER. Mr. Chairman, I yield 3 minutes to the gentleman from South Carolina [Mr. INGLIS].

Mr. INGLIS of South Carolina. Mr. Chairman, I thank the gentlewoman for yielding time to me.

I would rise to make two observations. First, it is very important for everyone to realize that every single person speaking in favor of this particular substitute is opposed to term limits with the exception, I believe, of the gentleman from Florida [Mr. PETERSON]. Every other person who has spoken is against term limits.

That makes an important point. In fact, with all due respect to the gentleman from Michigan [Mr. DINGELL], earlier I asked him on the floor to yield and he was gracious enough to yield. And he told me he is absolutely opposed to term limits. Certainly he is opposed to term limits. Very important point to make.

Folks that are proposing this amendment are adamantly opposed to term limits. So let us make it clear what they are trying to do.

Mr. PETERSON of Florida. Mr. Chairman, will the gentleman yield?

Mr. INGLIS of South Carolina. I yield to the gentleman from Florida.

Mr. PETERSON of Florida. Mr. Chairman, that is absolutely false. I stand before you a strong supporter. I know the gentlewomen from California, Ms. ESHOO, Ms. HARMAN, a whole host of us here are very strongly in support of term limits. And so I would ask the gentleman to retract that.

Mr. INGLIS of South Carolina. Reclaiming my time, I saw you were not listening when I mentioned you as the one person that I knew of at the time. Now I understand there are two more.

Mr. PETERSON of Florida. Mr. Chairman, if the gentleman will continue to yield, there is a whole host of us here.

Mr. INGLIS of South Carolina. That makes three that I know now that support term limits that are for this substitute. Every other one is opposed, am I not correct? Name another one.

Mr. PETERSON of Florida. There are at least 40 Members on this side. If I can name them, I have got a list. It was printed in the Roll Call this morning. And so it is public knowledge. We are not alone, and this should not be a partisan issue. It is only partisan because it was printed as part of a contract that you all signed.

Mr. INGLIS of South Carolina. Mr. Chairman, reclaiming my time, it is a very important point to make, though, with all due respect, that one of the chief authors of this, and I think everyone who has spoken on the floor, with the few exceptions you have named by name, are adamantly and fundamentally opposed to term limits. So it does not take a rocket scientist to figure out what is going on here.

This is designed to be a poison pill in two ways. The point is, it is a poison pill for the Senate and for the State legislatures. It is very important that we defeat this substitute.

There is another important point to make here. That is, we are talking here about the Democratic alternative. I see my good friend from Massachusetts here, the batter on deck, to get ready to speak. I would point our that we needed to have more Republican votes. It is a very interesting situation here. Eighty percent of the American people favor term limits; 80 percent of the Republican conference favors term limits and will vote for it today.

If the Democratic caucus would simply vote by the same margins and represent America, we would have term limits by the end of the day. But the fact is the Democratic caucus will not represent America at the end of the day. They will not vote by an 80-percent margin for term limits. We will. You will not.

As a result, we will not have term limits. It is very important that we actually come forward and produce the votes. We need votes on your side for term limits today.

Vote in proportion to the American people, 80 percent of you, vote for term limits and we will have it by the end of the day. We will be way over the 290 margin.

Mr. PETERSON of Florida. Mr. Chairman, I yield 1 minute to the gentlewoman from California [Ms. HARMAN].

(Ms. HARMAN asked and was given permission to revise and extend her remarks.)

Ms. HARMAN. Mr. Chairman, I am one of a number of Democrats who rise in strong support of term limits and of this amendment. I have always believed that politics is public service, not a career, and there are many ways to serve. Term limits ensure a constant supply of new ideas and new energy. Term limits are good for both parties. They are good for Congress and, most of all, they are good for the American people. I support them prospectively

and retroactively, and I did so when Democrats were in the majority.

But term limits are not enough. Unless term limits are coupled with tough campaign finance reform, I do not believe true reform will be achieved.

Today a broad bipartisan group that supports term limits is sending a letter to Speaker GINGRICH strongly encouraging him to include campaign finance reform as a high priority for the second 100 days of this session.

I look forward to working with Members from both sides of the aisle on campaign finance reform, regardless of the vote today and tomorrow.

Let us enact true reform, term limits and campaign finance reform.

Mrs. FOWLER. Mr. Chairman, I yield 2 minutes 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 thank the gentlewoman from Florida, my colleague, for yielding time to me.

This sudden interest in promoting term limits by the advocates of this amendment is a little misleading and, I have to admit, a bit intriguing.

I think we have got to be clear on one thing, because the time is short and it is time for candor. Many who are supporting the Peterson-Dingell-Frank amendment are the same Members who freely admit, at least to the press they freely admit, that they oppose term limits.

□ 1630

They are the same people who helped ensure that under 40 years of Democrat rule no debate or vote on term limits would take place. They are the same people who have shown little interest in responding to the will of the American people on this issue.

We know almost 80 percent of Americans support term limits. They want us to deal with it. We also know that 22 States have adopted them. In every case, those term limit proposals predominantly written by citizens are not, repeat, not, retroactive.

If, as the proponents of this smokescreen amendment argue, Americans want retroactive term limits, then why have those 22 States passed citizen referenda that are not retroactive? Why, in the one State that voted on such a proposal, was the proposal of retroactivity soundly defeated?

It is because Americans are smarter than the status quo Democrats seem willing to believe. Americans know a true term limits supporter from one who is simply seeking to score political points on its way to the dust bin, which is what this amendment will do.

Vote against this amendment. Its sole purpose is to provide political cover for those politicians who like the status quo and want term limits to go away.

Of the man who wrote the first Bill of Rights in this country, George Mason the Fourth, a man who did not sign the Constitution, even though he penned that Bill of Rights for the Commonwealth of Virginia which was the model for our Bill of Rights:

> Nothing so strongly impels a man to regard the interest of his constituents as the certainty of returning to the general mass of the people, from whence he was taken.

So said Mr. Mason. I think those are valid words, and I think he was right not to sign the Constitution until he had a commitment to the Bill of Rights, and when he finally did get the Bill of Rights in there, I think he would have been glad to sign it.

The CHAIRMAN. The gentleman from Florida [Mr. PETERSON] has 15 minutes remaining, the gentlewoman from Florida [Mrs. FOWLER] has 10 minutes remaining, and under the rules of the House the gentleman from Florida [Mr. PETERSON], as the proponent, has the right to close.

Mr. PETERSON of Florida. Mr. Chairman, I yield myself 10 seconds to respond to one point.

Mr. Chairman, the Committee on Rules, of which the gentleman from Florida [Mr. GOSS] was a member, allowed the Democratic side one substitute, and therefore we had only one opportunity to present the Democratic side. This is the bill that is before us today with the retroactivity.

Mr. Chairman, I yield 1 minute to the gentleman from Mississippi [Mr. TAYLOR].

Mr. TAYLOR of Mississippi. Mr. Chairman, let me begin by saying how appropriate it is that a former prisoner of war for 7 years in Hanoi Hilton is the sponsor of this amendment. Unlike many Members of this body who claim to be promilitary but sought student deferments, the gentleman from Florida [Mr. PETERSON] is promilitary and enlisted in our country's Armed Forces.

I say this because he also, on the first day of this body, voted to put Congress under the same laws as every other member of the American society, as did I, and as did the majority in this body. We did not say we are special; we said we should live by the same laws as everyone else.

Yet, some people in this room this very day will say they are better than a prospective Congressman because they should be allowed to serve their 20 years, their 18 years, their 50 years, and then and only then should the 12-year limit go on top of that. That is wrong. That is egomaniacal of the worst sort. That is the sort of thing that really makes America mad at Congress.

I want to commend my good friends, the gentleman from Florida [Mr. PETERSON], the gentleman from Michigan [Mr. DINGELL], both former service people serving our country, both of whom realized that Congress ought to live by the same laws as everyone else.

I will say one last thing, Mr. Chairman, I am a cosponsor of an amendment to prohibit the burning of the flag. Until it becomes law, I am not going to burn any flags. For those of the Members who feel so strongly about term limits and who have served more than 12 years, I encourage them not to run for reelection.

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

Mr. Chairman, I would like to point out that several of us, the gentleman from South Carolina [Mr. INGLIS] and myself, many proponents of term limits, have committed to abide by the term limits either passed by our State or by the ones we have self-imposed, so there are many supporters of term limits who are abiding by them and will do so, no matter what is passed today.

One other point I would like to make: The average time for ratification of a constitutional amendment during this century has been 18 months. In fact, it only took 100 days to ratify the 26th Amendment, so when we talk of taking 7 years to ratify this amendment, people have not looked at their history. It would only take probably, at the most, 18 months to ratify this amendment. We could get it in effect.

Mr. Chairman, I yield 2 minutes to my colleague and one of the leading proponents on term limits, the gentleman from Tennessee [Mr. HILLEARY].

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

Mr. HILLEARY. Mr. Chairman, I rise in opposition to the Peterson amendment. This bill is totally retroactive, as has already been mentioned. We know the voters reject retroactivity. Just as retroactivity in the Tax Code is a bad idea, it is also a very bad idea in the term limits area.

This amendment would preempt the term limits laws passed already in 22 States in this country. The Peterson-Dingell amendment does allow States to impose term limits as long as the restrictions do not exceed the Federal term limit in their amendment.

This is very similar to the Hilleary amendment. However, the term limit imposed is clearly retroactive in this case. All the term limits statutes on the books in all the 22 States, whether it is 6, 8, or 12 years, are prospective in nature. The 12-year retroactive Federal ceiling in Peterson-Dingell preempts the prospectivity provisions in all 22 of those States.

It does not protect the 25 million voters who cast ballots in favor of imposing term limits on Members of Congress from their States. It does not protect the thousands of dedicated individuals, not Republicans, not Democrats, no liberals, not conservatives, but people who just want to do something to change this country for the better. It does not protect their wishes and their hard work in gathering signatures on those petitions in those parking lots all over this country to get those issues put on the ballot.

Mr. Chairman, I urge my colleagues to oppose the Peterson-Dingell amendment.

Mr. PETERSON of Florida. Mr. Chairman, I yield 2 minutes to the gentleman from Utah [Mr. ORTON].

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

Mr. ORTON. Mr. Chairman, I rise first of all to answer the question why have 22 States who have passed legislation not made it retroactive. Why? Because we have not acted. They do not want to put themselves in their own State at a disadvantage during the time that we are debating and attempting to deal with term limits at a national level.

It has been suggested that this is a retroactivity amendment. It is not. It simply says that the terms that Members have served apply toward the limit of total terms they can serve.

Mr. Chairman, it has also been suggested that only those people supporting this amendment are the ones who oppose term limits, and that this is a smokescreen and somehow a dastardly attempt to kill term limits. Absolutely untrue. I have supported term limits from before I came to this body. I am a cosponsor with my good friend, the gentleman from Florida [Mr. MCCOLLUM], of his legislation. He is a cosponsor of my legislation. I support applying term limits to everyone.

Let us unmask the real hypocrisy going on in this debate. It is not people who oppose term limits, but say if you are going to apply it, at least be honest and apply it to everyone. It is those people who, first of all, voted to apply all the laws to us in Congress, stood upon a soap box and said ''Look what we have done: The first thing we did in this Congress is apply all the laws to us,'' and then they vote for term limits, but not to us.

That gives a new meaning to hypocrisy, I tell the Members. I could not look my voters in the eye if I stood up and told them I voted to apply all of the laws to Congress; I voted, as you have told me to vote, for term limits. You support term limits, I voted for term limits, for everybody else that comes in the future, but I don't want that term limit to apply to the time that I have spent in Congress. I want to be able to serve another 6 or 12 or 18 years; a new meaning to hypocrisy.

Mr. PETERSON of Florida. Mr. Chairman, I yield 1 minute to the gentleman from North Carolina [Mr. HEFNER].

Mr. HEFNER. Mr. Chairman, I mentioned earlier when we were talking about term limits the fallacy of what has been told to the American people. Some mentioned that it is a total fallacy.

The gentleman from South Carolina said if Democrats would represent Americans, and I would have them know that I represent about 500,000 Americans and have for 22 years, but let me put out the fallacy here. We are talking about 12 years. Even if we ratify it in 2 years, all the States, you are talking about 14 years, you are talking about 14 years.

Under this amendment, I will be out, the gentleman from Michigan, JOHN DINGELL, will be out, all the leadership on the Democratic side will be out, but that is the way the cookie crumbles. If you are serious, if you are serious about term limits and you want to go to the American people and be truthful to them, and not do slogans and signing contracts and doing 30-second sound bites, you will say to the American people ''As soon as the States ratify this, we are out of here, if it takes 2 years, if it takes 4 years, or if it takes 6 years.'' So put your money where your mouth is. I am talking about a fallacy. Twelve years is a total fallacy and it is a sham on the American people.

Mr. PETERSON of Florida. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. TUCKER].

Mr. TUCKER. Mr. Chairman, I thank the gentleman from Florida for yielding time to me. I thank the gentleman from Florida [Mr. PETERSON] and the gentleman from Michigan [Mr. DINGELL] for bringing this amendment to the floor, because truly this amendment says it is time to put up or shut up.

If you are really for term limits, term limits, this is the ultimate term limit amendment. Trying to have term limits prospectively is saying, ''We want term limits, but don't limit my term. It is great for everybody in the future, but please, please, let me be all right.'' That is not a person who is really for term limits.

What I say, Mr. Chairman, is I challenge my colleagues, not only on the other side of the aisle, but on both sides of the aisle, if you are really for term limits, let us make it real, let us make it retroactive, let us make it apply as soon as the States ratify it.

I heard my colleagues say, ''Well, the States could probably ratify this in a year and a half, 18 months.'' If they do, then fine. But at the time they do ratify it, it should be effective. That means whoever has to bear the burden of that retroactivity then would have to be honest and would have to accept that as a way and as a voice of the American people.

Mr. PETERSON of Florida. Mr. Chairman, I yield such time as she may consume to the gentlewoman from Texas [Ms. JACKSON-LEE].

(Ms. JACKSON-LEE asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE. Mr. Chairman, I rise to support the Dingell-Peterson amendment, the only honest term limits amendment and legislation.

The U.S. Constitution clearly sets forth the requirements that are necessary to serve in Congress. Those requirements are age, citizenship, and residence. The American people already have term limits for their Federal elected officials. Every 2 years, the Members of the House must stand for reelection and the American people have the right to select the Representatives of their choice to serve in this Chamber.

My position on this issue has been very consistent. If we were serious about term limits, the House of Representatives would pass the term limits bill sponsored by my colleagues, PETE PETERSON and JOHN DINGELL. I will vote for their bill because it is the only bill that would actually apply to Members who are voting on the bill because it would apply retroactively. All of the other bills would apply prospectively.

Let us not take away any rights from American citizens. Let us respect the abilities of our constituents to act in their best interests. Let us support free and open elections. This right is a key component of our democratic system of Government.

Mr. PETERSON of Florida. Mr. Chairman, I yield 2 minutes to my friend, the gentleman from New York [Mr. ENGEL].

Mr. ENGEL. Mr. Chairman, I thank the gentleman from Florida for yielding time to me.

Mr. Chairman, I am not for term limits, but I am for honesty. If we are going to have term limits, let us have true term limits. I am not doing this for cover, as was suggested by some of my friends on the other side of the aisle. I am doing this for honesty.

If we are going to impose things upon Congress that we say are for the rest of the American people, then let us impose this as well for current Members. I am for truth in term limits packaging. That is why I am proud to be an original cosponsor of this substitute. Let us stop the nonsense and arrogance. If we are going to pass a constitutional amendment on term limits for future Members of Congress, let us make sure it also covers current Members.

The Republican term limits resolutions are nothing short of incumbent protection, because they only hold future Members to its standards. Let us not hold a future generation to its standards, let us hold our generation to its standards, and I am willing to abide by that.

The Peterson-Dingell substitute is the only term limits bill that counts time already served by Members of Congress. Many of our colleagues say they support term limits to prevent Members from becoming arrogant and entrenched politicians. However, it is obvious these same colleagues believe they are immune from this temptation by exempting themselves from the Republican term limits legislation.

Voting for any of the other 3 term limits legislation proposals do not count previous service, and that to me, Mr. Chairman, is the height of arrogance. Voting for the Republican term limits bill will only delay the effect of our Government that this legislation will oppose.

If the bureaucrats are going to start running this country, let them start now. Why wait 12 years down the line, or 19 years down the line? If you have already served here for 20 years, how can you say you are for term limits

when you want to serve here another 19? It is absolutely ridiculous.

Mr. Chairman, we have a contract with the voters of our districts that can be renewed or ended every 2 years. Clearly the backers of the contract for America only support their contract if they are not held to its standards. Support the Peterson-Dingell substitute.

Mr. PETERSON of Florida. Mr. Chairman, I yield 2 minutes to my friend, the gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK of Massachusetts. Mr. Chairman, this is not the first time our Republican friends have held out the view that virtue is a good idea, but you should not rush into it all at once. With the balanced budget amendment it was 2002. This one will take effect in 2009. Unfunded mandates, it is again for the future, while at least for Massachusetts, they are making worse the unfunded mandate under which we currently struggle.

People have said ''You can't be for making this apply immediately unless you are for the concept.'' Many Members in this House who do not like OSHA and do not like the Fair Labor Standards Act and NLRB voted to apply it to Congress. Many of us feel Congress has suffered from the perception of seeking special treatment for itself. We are saying that if you are going to do something, do not single out the institution or the current Members of the institution from being covered by it. That is all this says.

□ 1645

That is all this says. But I am especially intrigued by the argument that this, if it passes, would kill the amendment.

Understand what that means, because a lot of Democrats are for this substitute. Therefore, there must be Republicans who are prepared to vote for this and impose it on others but whom if they become immediately susceptible to it will vote against it. Because I submit there is no other logical basis on which this could damage the amendment. After all, it is not going to turn away State ratifications. The State legislatures will not be affected by this. This deals only with Congress.

So to the extent that you argue that this hurts the process, it must mean that there are, as we have long suspected, some very unenthusiastic supporters of term limits over there, and they will vote for it if it will lose and they will vote for it if it will have no effect, but God forbid that it should actually go into effect and affect them.

So, therefore, we have an admission. They tell us if this amendment becomes the pending one, it will not do well. Why? Because we know there are Democrats who will vote for only this version.

Therefore, what the Republicans are telling us is that if this applies immediately, not retroactively, this does not say that Tip O'Neill only served 12 years and he has got to give back 30, this says it applies immediately, it means that there are Republicans there who are for it in theory but do not want to have to live with it.

Mrs. FOWLER. Mr. Chairman, I yield 1 minute 15 seconds to the gentleman from South Carolina [Mr. GRAHAM].

Mr. GRAHAM. I thank the gentlewoman for yielding me the time.

Mr. Chairman, I would like to respond to my friend the gentleman from Massachusetts. I am one of these Republicans who really believe this stuff. I am going to vote for your amendment even though you do not believe it. When I get through voting for your amendment, I am going to vote for the other three that come after it.

You have had 40 years as a party to do something about career politics. To say that we do not care and the Republican Party is a sham is an absolute insult to the voters in 1994.

I am going to vote for your amendment. Will you vote for the three that come after yours?

Mr. FRANK of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. GRAHAM. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. First, 40 years ago I was recovering from my bar mitzvah so I cannot be held accountable for what happened then. But I will say this. The gentleman is apparently joining us. I heard people on his side say anybody who votes for this amendment is a saboteur and is trying to undermine it. I am glad the gentleman is going to vote with us. I just want to defend him from his fellow South Carolinian who was suggesting that in voting for this he is somehow trying to undermine it. I think he has effectively repudiated that unfair accusation. I welcome his vindication.

Mr. GRAHAM. I think the problem that my colleagues have is they know that you do not mean it and it bothers them for you to play a game. I think it bothers the American public. I am willing to play the game with you. Maybe I am not quite up to their level.

Mr. PETERSON of Florida. Mr. Chairman, I yield 30 seconds to the gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK of Massachusetts. I have never said that I was for term limits. I do believe one should listen to the people and that people in my district in a referendum voted against term limits, and I think they were right. I understand why they did that.

But I have said this. As many of you who oppose OSHA voted to cover Congress under OSHA, there are two principles here. Do you have the term limits and if you have them, do you give a special exemption to sitting Members who will be the only ones hereafter who will not be subject to a strict 12-year limit?

So, no, I am not for term limits, but I am also not for a double standard that protects sitting Members.

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

Mr. PETERSON of Florida. Mr. Chairman, I yield 30 seconds to the gentleman from Michigan [Mr. DINGELL].

Mr. DINGELL. It is not important what I think about term limits. It is important what is right and what is wrong. The substance is important.

I never heard any of my colleagues on that side complaining about the fact that this matter was to be pushed into the future some 19 years. What we are talking about is truth in term limits.

The Speaker yesterday said the United States no longer needs or desires a class of permanent career politicians. Neither he nor anyone on that side of the aisle has ever told us that what was really here before us in the amendment they laid before us today is a 19-year delay in the effective date.

Mr. PETERSON of Florida. Mr. Chairman, I yield 1½ minutes to the gentleman from Massachusetts [Mr. MEEHAN].

Mr. MEEHAN. Mr. Chairman, it is interesting because last week my friend the gentleman from New Jersey [Mr. FRANKS], a Republican, sent a letter to all the Members of Congress asking them to come down and join him in a press conference and submit their resignation.

I have heard 80 percent of the Republicans support term limits. I thought 80 percent of the Republicans would be at this press conference to submit their resignation in whatever appropriate year it was, whether it was 8 years, 10 years, or 12 years.

There were only 8 Members who showed up. Eighty percent of the Republicans are for term limits but only 8 Members showed up to submit their resignation at the appropriate time.

Mr. Chairman, I insert into the RECORD an op-ed piece by Speaker GINGRICH that appeared in yesterday's Washington Post. In the piece, the Speaker called on Democrats to join him in passing term limits. The op-ed piece accurately points out that at least 60 Democrats are needed to vote for term limits passage.

Well, I say to the Speaker, I estimate there could be anywhere from 70 to 100 Democrats who will support this amendment. What a golden opportunity to pass term limits today. Seventy to 100 Members.

Let us get all of the Republicans behind this amendment and pass it right here because this is the amendment Democrats are willing to support. There is nothing wrong with putting your votes where your principles are. If we have to institute term limits retroactively, then it is worth it to get term limits passed today.

I have heard at least 10 different Members on the other side of the aisle declare that Republicans cannot pass term limits on their own, they need the help of the Democrats. This is your opportunity. You have the votes, 70 to 100.

Mr. Chairman, I include the following for the RECORD:

[From the Washington Post, Mar. 28, 1995]

TURNOVER TIME

(By Newt Gingrich)

Americans should turn their TV sets to C–SPAN today to witness an important debate. The citizens of the nation can determine for themselves whether their elected representatives trust them to take an increased role in leading this country. The debate is about term limits.

Term limits is, at heart, a statement on how our country has been run over a certain period of time and how it should be run in the future. Some might say that the demand for a constitutional amendment for congressional term limits is, like a balanced budget amendment, merely a temporary, impulsive mood on the part of a public frustrated by wasteful, free-spending actions of an arrogant Congress. This would be an incorrect reading of the current sentiment.

House Republicans see it differently, and that is why we are as committed to bringing term limits to the House floor for a meaningful debate and vote as we were on Sept. 27, when we signed the Contract With America.

House Republicans see the overwhelming public support (nearly 80 percent in some polls) as more than a brief feeling of disgust with government on the part of the American people. Rather we understand what our citizens know in their hearts: This is an America, standing on the doorstep of the 21st century, which no longer needs or desires a class of permanent career politicians who are there to solve each and every problem.

Admittedly, this view is a stark contrast to the history of the 20th century. The ''American century'' saw a young country grow to adulthood and accept leadership responsibilities. The 20th century saw two world wars and a Cold War that demanded an America with a strong federal government standing at the ready to keep the world from falling into complete totalitarian rule. Furthermore, a legitimate argument could be made that between the Depression and the civil rights movement, a strong federal government was appropriate at the domestic level as well.

Regardless, the American people realize that that time has passed. Today, a professional political class produces inertia. This, understand, is a time when technological and cultural change put a premium on swift response and adaptability to changing circumstance. The current state of the federal government is totally unprepared for this new reality. A 20th century America, almost in a perpetual ''state of war,'' may well have benefited from having seasoned leaders whose experience was essential for the next campaign.

But the 21st century America will benefit more from having regular turnover in its elected leaders; the 21st century America will gain insight from the influx of new ideas; the 21st century America will thrive with continual waves of new leaders with fresh alternatives. Upon doing their period of service, these citizen-statesmen will return to their private-sector lives and remain productive resources for their own communities.

House Republicans understand this vision of the new America and want to bring it to reality. That is why this week, for the first time ever, the House will vote on a constitutional amendment to limit the terms of members of Congress. It should not come as a surprise that this historic vote is being brought by Republicans. By contrast, the last Democratic speaker joined in a suit against his own state's constituents to challenge a term limits ballot initiative that had passed overwhelmingly.

Republicans cannot by themselves executive the will of the American people. A constitutional amendment requires two-thirds support, or 290 House votes. Thus, we will need significant Democratic support. The Republican commitment to seeing term limits pass is shown in the fact that two out of three House Republicans have co-signed at least one term limits bill. Even if every Republican (230)—including those who currently might oppose it on philosophical grounds—voted for term limits, we would still be 60 votes shy of passage in the House. Yet, fewer than two dozen members of the Democratic Caucus have signed on to any of the term limit proposals so far suggested—including those sponsored by Democrats. Our Democratic president has continually opposed term limits even though his own home state of Arkansas overwhelmingly passed a term limits initiative in 1992.

The opposition of the president and the majority of congressional Democrats is unfortunate. We hope they will consider the time and reassess their position (as, in fact, several Republicans have). As a new millennium approaches, people pause to reflect upon their communal rights and responsibilities. At the end of the 19th century, the movement began for the direct election of United States senators. It took 20 years, but eventually the people's will was fulfilled in the 17th Amendment. A constitutional limitation on congressional terms is no less significant.

This vote says to the American people that this is their country. It says to our citizens that they are entrusted with greater control. The people must now work harder to run their country; it's no longer ''autopilot'' votes for entrenched incumbents. Term limits will stimulate voter interest and, therefore, voter participation.

House Republicans are committed. If a term limits amendment does not pass this year, subsequent Republican-lead Congresses will introduce a bill until one eventually passes. We invite our friends on the Democratic aisle to join us in ending the political careerism of the past to cast the first important vote for the new realities of the 21st century. Vote for term limits.

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

Mrs. FOWLER. Mr. Chairman, I yield 5½ minutes to my good friend and colleague, the gentleman from Florida [Mr. MCCOLLUM], one of the original leaders in the term limits movement.

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

Mr. MCCOLLUM. I thank the gentlewoman for yielding me the time.

Mr. Chairman, I do not believe the term limits cause is a throw-the-bums-out or a clean-out-the-barn movement that some folks I have heard say this afternoon characterize it as.

The term limits movement that I have been associated with the whole time I have been in Congress has been a movement to provide fundamental change in the structure of Government designed to create a different attitude on the part of those who serve in Congress. That is the reason why I support term limits. That is why I think it is important. That is why I think that 12 years and a permanent change is there. It is something we need to be careful about, we need to put it in the Constitution with due deliberation, and we need to have it take effect.

Because what has happened is that since the days of our Founding Fathers, we have become a full-time, year-round Congress. Instead of having Members like they did in the old days come here and only serve 2 months out of the year, they serve the whole year, they have to give up jobs, we are not allowed to have professions any longer, so on and so forth, no outside earning for most Members. Consequently, the attitude has been created of being career-oriented. That is, naturally there is a tendency on the part of many to want to stay here and to get reelected because they do not have a job to go back to back home.

We need to break that cycle because it leads to distortions in the voting pattern, it leads to the results where Members will tend to try to protect every interest group in order to get reelected. That means we do not get balanced budgets and we get other bad policy decisions that the Founding Fathers could never envision.

I take term limits and term limits amendments very, very seriously. I take it seriously as I know some of my colleagues who support this amendment do. Some who believe in retroactivity are very genuine term limits supporters. I have heard them this afternoon, I have known them before, and I believe that they are. There are others who support this amendment, though, who are indeed opposed to term limits as several of them have admitted on the floor this afternoon. They view this as simply an opportunity to get up and poke at those of us who have long supported it.

They should know full well as has been stated out here many times before that 22 States that have adopted term limit initiatives have not included retroactivity. That Americans generally think there is a fundamental unfairness about anything that is retroactive, whether it is in tax laws, or term limits or whatever.

They also should know and probably do that in the one State where retroactivity was proposed, in the State of Washington, it was voted down by a fairly sizable margin.

I do not think retroactivity is the question here. The real question is going to be, though many of us like this Member oppose this particular version for that and another reason I will get to in a moment, the real question is going to be, will these Members march out after this vote if they do not succeed and vote for final passage, not necessarily for another particular version, but for whatever stands there at the end of the day?

I am willing to say I will do that. I am not going to vote for every amendment out here today, but whatever is standing at the end of the day, though I have preference, I am going to vote for it.

There is another reason that I am not going to vote for this particular amendment that has not been discussed today and it does not apply to

all of my colleagues over here. We all have different views.

The underlying proposal here beyond the question of retroactivity is not the original McCollum 12-year amendment that I have offered that is the base bill. It is the Hilleary proposal that would engraft into the Constitution a permanent opportunity for the States under a 12-year cap to set limits of length of time less than 12 years for House Members.

I do not think that that is a smart thing to do. I do not agree with that. It would create in my judgment a permanent hodgepodge of 6, 8, and 12-year limits around the country, and there is nothing we are going to be able to do about it after that. Whereas the underlying bill remains silent on that issue and lets the decision of the Supreme Court, whatever it is in the Arkansas case, be the deciding factor. State initiatives would be protected if indeed the Court rules that currently under the Constitution they have a right to do this, but on the other hand if the court shortly rules that the procedures of the State is unconstitutional, the underlying amendment, the McCollum amendment would apply for uniformity throughout the Nation, which I think is a far better course.

I do not agree with some also who think that 6 years are better than 12. I think we ought to do the same balance with the Senate and the House.

I am opposed to this amendment for a number of reasons, not just to retroactivity. I would like to also point out the idea that several Members have suggested that we all ought to voluntarily walk out of here who believe in a certain number of years at the end of that time. That is fine. If some Members want to do that, great. But that does not promote the cause of term limits and that does not necessarily serve the constituency well.

Until we have a uniformity throughout this Nation and everybody is under a term limit and everybody understands what that is, then it does not really make logical sense to leave right at the time when you are going to get a chance to be a committee chairman or a senior member of the minority party on a committee and to gain the most influence around this place.

I have always favored 12-year limits, I believe they should be engrafted into the Constitution, I think they should be permanent in nature. I do not believe in retroactivity, but I definitely believe they should have a starting point, an ending point and let's go out of here together.

I have always said that when KENNEDY and GEPHARDT and BONIOR and DINGELL are ready to walk out together voluntarily, that will be a great day, I will walk out with them if that would really serve this cause, but I know that it won't. And just like some people listening to me say this, I know that they are thinking, ''Aha, what's he saying?''

The answer is, though, retroactivity is nonsense. Retroactivity is not a means that is justifying a ''no'' vote at the end of the day. It is something that a lot of us simply do not think will work, it will not gain the kind of votes in the end that we would like to see it have, and it is nonsense to support this. Twenty-two States have not done it.

It really is a killer amendment, I think, in the true sense of that word even though I understand some people genuinely support it. I strongly urge a ''no'' vote on this proposal. It does not get at what we need to get at.

Let's at the end of the day, though, all of us who support term limits, get together and vote for whatever comes out.

Mrs. FOWLER. Mr. Chairman, I yield 30 seconds to the gentleman from California [Mr. BONO].

Mr. BONO. Mr. Chairman, I have been watching the dialog down here. I want to make a comment. Put all the term limits aside and when you refer to the public, I think the big issue here is that you are gaming, you are running a game, and that is exactly what the public hates. You are just shoving it right back in their face. You don't care about term limits.

I just want to say, stop gaming the public. Stop playing games at the public expense. You are saying I don't like term limits, yet I like retroactive. That is absolutely a game. You are going to damage yourself and you will with this vote.

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

Mr. Chairman, in closing I just would like to urge my colleagues to vote against this amendment. Term limits was intended as a gradual and an orderly transfer of power from professional politicians to citizen legislators with firsthand perspective of how Federal laws affect ordinary people.

This amendment would cause a sudden and chaotic shake-up of Government. I urge Members to vote ''no.''

□ 1700

Mr. PETERSON of Florida. Mr. Chairman, if I may start by replying to some of the last comments. This is not a game, sir. I have been in Congress a little longer than the gentleman has, and my record is very clear. And to have someone stand and say we are gaming something at this time and to impugn my integrity, I take that personally.

For the gentleman from Florida [Mr. MCCOLLUM], please, just last week everyone on the gentleman's sided voted time and time again to say take it to the States, they do it better, they know better than you. Now the gentleman has stood before this crowd today and said essentially he will not vote for this amendment because it gives the States the right to determine term limits. And I would only suggest that is a reversal.

Finally, if there is any argument today, the argument is that the Republicans say they are for term limits, the Democrats say we are for honesty. We are more honesty, because today is the day when we stand before Members and say we will vote for term limits and we will vote for them for ourselves.

Before us we see two questions that were done for two national polls. There have been four. But it says term limits for Members of Congress are established. Should the years already served by current Members count toward the time? Fifty-four percent said they should apply, 40 percent said no, and 6 percent were not sure.

In another poll, a similar question, 71 percent said yes, term limits should apply to sitting Members.

Clearly retroactivity is the real defining moment for term limits.

This provision clearly separates the sincere term limits supporters from the pretenders. Members who have publicly shouted the praise of term limits for years freeze in their tracks when confronted with the realization that term limits means them too.

I would have Members focus back to the first order of business for the 104th Congress. We just said it was a wonderful thing, we are going to pass laws that apply to Congress too, except for term limits; no, no, that is a toughie, we do not want to do that.

Anything short of immediate application of this constitutional amendment will be an affront to the people of the United States, because I can tell you the people of the United States believe term limits means now, not 19 years from now.

Opponents cry over and over that this is a killer amendment. This is simply wrong. These doomsayers just do not want it to apply to them. Immediate application of this constitutional amendment to all sitting Members of Congress is exactly, as I say, what the American people want us to do.

These two polls and two others that I do not have time to cite are clearly indicative of what America wants us to do here today.

Another thing that people say, that this detracts from, the retroactivity aspect, from your ability to enact because the States said it was a killer amendment. That discounts the fact that a ratification process is required at a Federal level and not at State level.

Ladies and gentlemen, this is an easy vote for those who really believe in term limits. It is a cop-out for those who vote ''no'' today.

Support for term limits: First let me make it absolutely clear, PETE PETERSON strongly supports term limits in principle. I made my position clear during my first congressional campaign in 1989 and have continued to support that original position. Further, I introduced my own term limits bill in the House on January 11 this year, well before opponents of term limits jumped on the retroactivity bandwagon. I have not supported my colleague from Florida, Mr. MCCOLLUM's amendment because it

lacked immediacy. Nevertheless, I will vote for every proposal offered for term limits during this debate except for Mr. INGLIS' plan limiting terms to 6 years. That limit is unreasonable and counterproductive.

Term limits moves us closer to the original image of the citizen legislator envisioned by our Founding Fathers and as specified in the Republican Contract on America.

This act will help break the gridlock associated with national legislation by ensuring a greater turnover of senior Members, who are often able to use the perks of their seniority to tie up publicly popular legislation in the interest of personal gain.

Statistics on length of service: The average length of terms for Members of the 104th Congress is 7.5 years. However, most people do not realize that high turnover rates are largely confined to junior Members. As an example, during the 103d Congress average length of service for senior Members—those serving more than 6 terms—was 21 years.

Let me relate to you some very somber statistics:

During the 19th century, less than 3 percent of the Members elected to serve in the House served over 12 years. In the Senate, only 11 percent served more than 12 years. In contrast, during the 20th century the percentage of Members serving for more than 12 years has skyrocketed to 27 percent in the House and 32 percent in the Senate. Studying the data during the post-World War II era is even more alarming. From 1947 to the present, 37 percent of House Members and 42 percent of Senate Members have served longer than 12 years. A problem clearly exists and a correction is clearly in order.

We are not setting a precedent when addressing term limits. The 22d amendment to the Constitution, ratified in 1951, limits the terms of office of the President of the United States to two terms.

Why did a Democrat craft this substitute? Simply because, as I stated before, term limits will ultimately lead to better representation by giving the people of the United States greater confidence in those who serve them in Congress. I believe the serious lack of confidence the people have in their elected officials today could one day place the Republic in jeopardy. We must renew the people's faith in representative government. It is that simple.

Originally, term limits was not a partisan issue. Only after it became part of the Contract on America did it become a Republican litmus test. Many Democrats, including me, have been way out front on this issue for a long time. But now that it is clearly partisan it is up to my Republican friends to deliver on their promise. Many Democrats will vote for this substitute—each for their own reasons—the vast majority because they believe like me that it is in the best interests of the Republic. Plus they understand that this substitute represents the honest alternative; it states exactly what the people on the street have said they want in limits.

This is the people's term-limit proposal: 12-year lifetime limit for House and Senate; allows State preemption up to 12 years, and immediacy-retroactivity; which applies immediately upon ratification.

The 12-year limit is identical to that contained in H.R. 73. There should be no argument against this provision.

I strongly support this limit on congressional service because 12 years is the logical time to end service in the House and the Senate. At 6 years a Member is truly at his/her peak, leaving 6 additional experienced years to guide legislation and to bring thoughtful debate to the floor.

There should be no fear of creating a void of experience in the Congress with a 12-year limit. As I alluded to earlier, the vast majority of Members of the House serve here for less than 8 years. In fact, over half of the membership of the House has turned over since 1990 alone. Just 2 years ago 114 new Members arrived in Congress and no one spoke of the void created by those new Members number replaced.

Further, not unlike a military commander taking over a new major command assignment or a new CEO taking over a major corporation, one moves into Congress and immediately must assume the vast responsibilities associated with that service. These are tested individuals who are expected to be prepared to assume whatever level of responsibility necessary to carry out their representatives duties. The only reason that younger members do not now have their capabilities truly tested in their first years of service is because the seniority system has them locked into a junior role.

A by-product of imposing a 12-year limit to congressional service is the benefit ordinary communities would gain from the experience of former Members of Congress who have returned to the local area. Importantly, these individuals would help to provide a more realistic grasp of what can and cannot be constructively accomplished at the Federal level of Government. This is a very valuable factor that exceeds current estimation.

The State preemption clause is designed to commemorate the work of the 22 States that have already passed term limits for Members of Congress. Under my amendment a State may limit terms of its congressional delegation to any year limit so long as it does not exceed 12 years.

State preemption was not part of my original term limit proposal; however, given the fact that 22 States have already determined length of service for its Member of Congress it is only common sense to honor those expressed State wishes. Otherwise, without the State preemption, those of us who represent States with less than 12-year limits would actually be voting to extend out allowable length of service.

Further, just last week virtually every one of my Republican colleagues voted repeatedly to move more responsibility for Federal programs to the States. The base argument is that the States can ''do it better''. Clearly, following that logic, my colleagues would surely agree that States are best qualified to determine length of service in the Congress for their Members.

The retroactivity clause is unlike that contained in any other amendment made in order under this rule. Simply stated, once term limits are ratified by 38 States and become the law of the land, previous congressional service would be counted toward the term limit. Therefore, current Members of Congress who have served more than 12 years would be prohibited from seeking reelection.

This provision clearly separates the sincere term limit supporters from the pretenders. Members who have publicly shouted the praises of term limits for years freeze in their tracks when confronted with the realization that term limits means term limits for them too.

I would have you focus back to the first order of business of the 104th Congress. With near unanimous support we quickly passed legislation that said the law Congress passes must also be applicable to Congress itself. It doesn't require a leap of faith to understand that this is one of those laws we pass that should indeed apply to every sitting Member. Anything short of immediate application of this constitutional amendment will be an affront to the people of United States.

Failure to make term limits immediate in their application will have the effect of allowing members to serve another 17 to 19 years. This takes into account the 5 to 7 years required for ratification by the States plus the additional 12 years of service authorization by the amendment. For a member like the Speaker of the House, that means that with passage of a bill without retroactivity, he can serve a total of 36 years, 17 already served plus 7 years of ratification, plus 12 years in the amendment.

Opponents will cry over and over that this is a killer amendment. They are simply wrong. These doomsdayers just don't want term limits to apply to them. Immediate application of this constitutional amendment to all sitting Members of Congress is exactly what the American people understand term limits to be all about. Many on the other side of the aisle cite the overwhelming public support of term limits as the reason we are here debating this today. Well, in the past 5 months four nationwide polls have been taken to test the American people's views on term limits and specifically on the issue of retroactivity. I cite these polls for your information: November 28, 1994—CBS News—51 percent for counting previous service; 13 percent opposing retroactivity; 33 percent opposed to term limits altogether; December 5, 1994—CNN/USA Today/Gallop—71 percent of those favoring term limits support counting previous service; 23 percent oppose retroactivity; December 13, 1994—Wall Street Journal—54 percent of Americans believe years served prior to the enactment of term limits should be counted toward the limit, 40 percent opposed, and January 13, 1995—Newsweek—53 percent of Americans support retroactive term limits, 37 percent oppose retroactivity.

In all, 157 current Members of Congress would be affected if the Peterson amendment was ratified today. For those who say that is a dangerous loss of experienced Congressmen at one time let me remind you that just last year 114 new Members entered Congress in the 103d Congress and nothing dangerous occurred. In fact, the Republic was likely strengthened.

The detractors say that retroactivity has not been enacted in the States because it is a killer amendment. That discounts the difference between a Federal constitutional amendment and State constitutional amendment. In the case of a State an amendment is often effective virtually immediately after the vote. For Federal ratification, on average it takes 5 to 7 years for 38 States to complete work on the amendment. Even the highly popular term

limit for presidents took 4 years to ratify. In fact, the most recent one took over 200 years. Although I know that we now impose a 7-year limit under which a State must complete action—it is clear it will take some time. That time is wholly adequate for any sitting Member to adjust to the reality of the law.

Further, the Washington State experience is not as clear as one would suppose. First, their 1991 amendment was for 6 rather than 12 year limits, which would have made the entire Washington State delegation ineligible for reelection. In addition, there was a major debate brewing in the State about California and the Columbia River Basin dams water issue. Reapportionment was about to give California 7 new congressional seats, and many in Washington State feared that California was gaining too much political clout at the same time Washington would be losing most of influence at a critical period of decision over the use of the Columbia Basin water.

Again, immediacy or retroactivity, whatever you call it is the very heart of any term-limit amendment. If you support term limits on principle or just flat out do not support term limits in any form—this is an easy vote. On the other hand if you are supporting term limits as a political vehicle for your own reelection, this is an extremely tough vote because this is truly a term limit amendment.

If you promised your constituents term limits as part of your political campaign—this is their idea of true term limits.

Yes, we will indeed lose some very effective professional members if this amendment passes, and perhaps its true that we will have several less effective members in the same process. However, this is a huge country and I remain confident that the shoes of those leaving Congress would be replaced with dedicated, competent people. Plus the country will not lose the services of this quality people. They will carry out perhaps even more important tasks as a private citizen, unencumbered by congressional rule or constraints.

There was a time in my life that I thought I was indispensable to the U.S. Air Force. I was a highly trained fighter pilot, instructor pilot, with considerable combat experience. Guess what? Due to circumstances beyond my control I was removed from my regular duties and did not return for nearly 7 years. I would like to say that I was so sorely missed that the mission suffered, well as much as I would like to think I was that important, the fact is, a pilot of equal or better qualifications filled the void created by my departure immediately without the air force missing a single step. My colleagues, rest assured there are many highly qualified people in your district right now fully capable of filling your shoes.

Won't staff take over if we impose term limits. The short answer is no, not anymore than they do presently. We just had a major change in the 104th Congress yet by and large most committees and congressional offices are filled with competent, professional staff who learned their trade right here. Staff acquire power and clout through their member association. With a higher turnover in Members staff will likely be unable to continue clout from one Congress to the next. I do not see staff being either responsible for the changes that are currently occurring in this Congress nor do I see them preventing change.

Finally, if one truly believes in the validity of term limits rather than taking a political ride on the issue for reelection—that person must honor their position and vote for the Peterson-Dingell amendment. I know those on the other side of the aisle want to blame democrats if term limits do not pass here today. But the facts are clear: our amendment goes further than any other proposal, and if we get the support of those of you on the other side, this amendment will pass here today. The American people support this effort; there can be no excuses. This amendment is exactly what the American people think term limits is all about. Listen to the people, vote yes.

The CHAIRMAN. All the time has expired.

The question is on the amendment in the nature of a substitute offered by the gentleman from Florida [Mr. PETERSON].

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

RECORDED VOTE

Mr. PETERSON of Florida. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 135, noes 297, not voting 2, as follows:

[Roll No. 274]

AYES—135

Baldacci
Barrett (WI)
Bartlett
Barton
Bentsen
Bilbray
Brewster
Browder
Brown (CA)
Brown (OH)
Bryant (TN)
Bunn
Burr
Chabot
Christensen
Clay
Clyburn
Coble
Coburn
Collins (MI)
Condit
Cramer
Cremeans
Danner
Davis
Deal
Deutsch
Dickey
Dingell
Doggett
Dornan
Engel
Ensign
Eshoo
Everett
Farr
Fattah
Fields (TX)
Foley
Forbes
Fox
Frank (MA)
Funderburk
Furse
Gejdenson
Gonzalez
Graham
Green
Gutierrez
Hall (OH)
Hall (TX)
Harman
Hayes
Hefner
Hilliard
Hinchey
Hoekstra
Hoke
Holden
Hutchinson
Jackson-Lee
Jacobs
Jefferson
Johnson (SD)
Johnson, E.B.
Jones
Kanjorski
Kim
Klug
LaFalce
Lantos
Largent
LaTourette
Laughlin
Lincoln
Livingston
LoBiondo
Lofgren
Luther
Manzullo
Martinez
Matsui
McCarthy
McCrery
McHugh
McIntosh
McKinney
McNulty
Meehan
Minge
Moran
Neumann
Ney
Ortiz
Orton
Parker
Payne (NJ)
Peterson (FL)
Peterson (MN)
Pomeroy
Poshard
Pryce
Salmon
Sanford
Scarborough
Schiff
Schroeder
Schumer
Scott
Shadegg
Smith (MI)
Solomon
Souder
Stark
Studds
Talent
Tauzin
Taylor (MS)
Tejeda
Thompson
Thornberry
Thurman
Tiahrt
Towns
Traficant
Tucker
Ward
Waters
Weldon (FL)
Whitfield
Wilson
Wise
Wyden
Young (AK)
Zimmer

NOES—297

Abercrombie
Ackerman
Allard
Andrews
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barcia
Barr
Barrett (NE)
Bass
Bateman
Becerra
Beilenson
Bereuter
Berman
Bevill
Bilirakis
Bishop
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boucher
Brown (FL)
Brownback
Bryant (TX)
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cardin
Castle
Chambliss
Chapman
Chenoweth
Chrysler
Clayton
Clement
Clinger
Coleman
Collins (GA)
Collins (IL)
Combest
Conyers
Cooley
Costello
Cox
Coyne
Crane
Crapo
Cubin
Cunningham
DeFazio
DeLauro
DeLay
Dellums
Diaz-Balart
Dicks
Dixon
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Durbin
Edwards
Ehlers
Ehrlich
Emerson
English
Evans
Ewing
Fawell
Fazio
Fields (LA)
Filner
Flake
Flanagan
Foglietta
Ford
Fowler
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Gallegly
Ganske
Gekas
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Gordon
Goss
Greenwood
Gunderson
Gutknecht
Hamilton
Hancock
Hansen
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Horn
Hostettler
Houghton
Hoyer
Hunter
Hyde
Inglis
Istook
Johnson (CT)
Johnson, Sam
Johnston
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
King
Kingston
Kleczka
Klink
Knollenberg
Kolbe
LaHood
Latham
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lightfoot
Linder
Lipinski
Longley
Lowey
Lucas
Maloney
Manton
Markey
Martini
Mascara
McCollum
McDade
McDermott
McHale
McInnis
McKeon
Meek
Menendez
Metcalf
Meyers
Mfume
Mica
Miller (CA)
Miller (FL)
Mineta
Mink
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Morella
Murtha
Myers
Myrick
Nadler
Neal
Nethercutt
Norwood
Nussle
Oberstar
Obey
Olver
Owens
Oxley
Packard
Pallone
Pastor
Paxon
Payne (VA)
Pelosi
Petri
Pickett
Pombo
Porter
Portman
Quillen
Quinn
Radanovich
Rahall
Ramstad
Rangel
Reed
Regula
Reynolds
Richardson
Riggs
Rivers
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Roybal-Allard
Royce
Rush
Sabo
Sanders
Sawyer
Saxton
Schaefer
Seastrand
Sensenbrenner
Serrano
Shaw
Shays
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (NJ)

Smith (TX)	Thornton	Watt (NC)
Smith (WA)	Torkildsen	Watts (OK)
Spence	Torres	Waxman
Spratt	Torricelli	Weldon (PA)
Stearns	Upton	Weller
Stenholm	Velazquez	White
Stockman	Vento	Wicker
Stokes	Visclosky	Williams
Stump	Volkmer	Wolf
Stupak	Vucanovich	Woolsey
Tanner	Waldholtz	Wynn
Tate	Walker	Yates
Taylor (NC)	Walsh	Young (FL)
Thomas	Wamp	Zeliff

NOT VOTING—2

de la Garza Gephardt

□ 1721

Mr. BARCIA, Mrs. COLLINS of Illinois, Mrs. MEEK of Florida, Mr. RUSH, and Mr. OWENS changed their vote from ''aye'' to ''no.''

Mr. NEY and Mr. BILBRAY changed their vote from ''no'' to ''aye.''

So the amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

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

MESSAGE FROM THE PRESIDENT

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

The SPEAKER pro tempore. The Chair will receive a message.

MESSAGE FROM THE PRESIDENT

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

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

□ 1724

TERM LIMITS CONSTITUTIONAL AMENDMENT

The Committee resumed its sitting.

The CHAIRMAN. It is now in order to consider amendment No. 2 printed in House Report 104–82.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. INGLIS OF SOUTH CAROLINA

Mr. INGLIS of South Carolina. Mr. Chairman, I offer an amendment in the nature of a substitute that is made in order under the rule.

The CHAIRMAN. The Clerk will designate the amendment in the nature of a substitute.

The text of the amendment in the nature of a substitute is as follows:

Amendment in the nature of a substitute offered by Mr. INGLISH of South Carolina: Strike all after the resolving clause and insert the following:

That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as a part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years from the date of its submission to the States by the Congress:

''ARTICLE—

''SECTION 1. No person who has been elected for a full term to the Senate two times shall be eligible for election or appointment to the Senate. No person who has been elected for a full term to the House of Representatives three times shall be eligible for election to the House of Representatives.

''SECTION 2. No person who has served as a Senator for more than three years of a term to which some other person was elected shall subsequently be eligible for election to the Senate more than once. No person who has served as a Representative for more than one year shall subsequently be eligible for election to the House of Representatives more than two times.

''SECTION 3. No election or service occurring before this article becomes operative shall be taken into account when determining eligibility for election under this article.''.

The CHAIRMAN. Pursuant to the rule, the gentleman from South Carolina [Mr. INGLIS] will be recognized for 30 minutes, and a Member opposed, the gentleman from Michigan [Mr. CONYERS], will be recognized for 30 minutes.

The Chair recognizes the gentleman from South Carolina [Mr. INGLIS].

Mr. INGLIS of South Carolina. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, we now come to the continuation of this historic debate on term limits. It is a very exciting day in America that we now have the opportunity to move on to real term limits and the opportunity to vote for term limits for the first time in the history of this country.

Before we vote in this House on a real term limits proposal, the three that are about to come before us, let me make the point of what has happened out there in America in the States.

Twenty-two States, now, in the United States have enacted term limits. Of those States, as you can see here colored on this chart, 15 have adopted 6-year term limits. Four have adopted 8-year term limits. And three have adopted 12-year term limits.

Any of those is acceptable in my mind. Twelve years would be good if that is the one we end up with at the end of the day. Six years might be a little bit better, in my opinion, but the important thing is we pass term limits.

It is important to note though if we are looking at what States have done that they have, a majority, adopted the 6-year approach. It is also something to point out that when asked, the American people apparently preferred the 6-year version. In fact, if you ask the American people which one they prefer, 82 percent prefer three terms, and six terms are preferred by 14 percent of the American people. This, I think, is consistent with most polls on the subject and accurately reflects the view of most people that 6 years is about right. Others are a little bit longer.

But now that we have gotten that out of the way and I have advocated at least on the 6-year bill, let me make a very important point to all of my colleagues here. We just had a vote on which 135 people voted for retroactive application of term limits. I will now expect in honesty and truth in legislating for every one of those 135 to vote for final passage, whether it is my bill or whether it is the Hilleary approach or whether it is the approach offered by the gentleman from Florida [Mr. MCCOLLUM]. Because I will assure you whichever one comes forward as the will of this House I will support. I will not insist on six. I think it is a little bit better. But I am happy to vote for one of the 12-year proposals.

So I particularly would hope that those on the Democratic side, the 81 that just voted for a retroactive application of term limits, as this House works its will, that you will vote with us on final passage. We need your help to get 290 votes. We have an opportunity. If every one of those 81 come with us, we will have term limits at the end of the night, and I look forward to that day.

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

□ 1730

Mr. CONYERS. Mr. Chairman I yield myself 3 minutes.

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

Mr. CONYERS. Mr. Chairman, we now come to the most objectionable of all the term limit proposals. The Inglis substitute would limit Congressmen to a mere 6 years—or three terms—in office. The proposal would make it impossible to run this institution in an orderly and intelligent fashion.

If the Inglis substitute had been law none of the leaders selected by the Republican Party—not Majority Leader ARMEY, not Speaker GINGRICH, and indeed not a single Republican committee chair—would have been eligible for office, let alone to assume their new leadership roles this Congress.

And if the Inglis proposal is such a good idea, why didn't the Republicans choose any committee chairs from among those Members serving in their first three terms? I think the answer is obvious—a 6-year term limit does not make sense. It is the most radical of all the term limit substitutes. It would severely distort and disfigure the legislative process and recast our two century old Constitution so significantly that its authors would no longer recognize the first branch of Government. The jockeying for power that would occur in this place under a three-term cap would be unprecedented.

The Inglis substitute would create a Congress of lame ducks and lead to an even greater proliferation of wealthy candidates who could afford to abandon their business careers for a few years. And the few Members who were not independently wealthy would be forced to spend most of their time currying favor with special interests so that they could further their postcongressional career opportunities.

The Inglis proposal would severely limit the Members' opportunity to garner the experience needed to master the many important substantive areas of Federal legislation. Issues relating to civil rights, intellectual property, Federal procurement, communications, intelligence, labor, and income tax policy—to name but a few—are all highly complex and sensitive. A 6-year term limit would significantly diminish the ability and incentives for Members to understand and positively influence legislation in these areas.

The Members would have no choice but to turn to career staffers and bureaucrats. The result would be a massive shift of power from elected officials to unelected legislative and executive branch staffers and lobbyists.

I urge the Members to reject this ill-considered proposal.

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

Mr. INGLIS of South Carolina. Mr. Chairman, I yield 1 minute to the gentleman from Washington [Mr. NETHERCUTT].

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

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

Mr. Chairman, I rise today as the Representative of the fifth District of Washington in strong support of the Inglis amendment.

In 1992 the voters in my State spoke loud and clear on term limits. They passed an amendment to impose 6 year term limits on the House and 12 years on the Senate.

The voters of Washington State were not alone. Since 1990, 22 States have passed term limits. Fifteen of them were for the limits of the Inglis amendment: 6 years and 12 years.

The Inglis amendment not only reflects the will of my constituents and the American people, it returns the House of Representatives to the role the Founding Fathers intended: ''the peoples House.'' Six years provides us enough time to come to this great body, pass laws on behalf of our constituents and then return home to live under those laws.

Mr. Chairman, I am personally committed to respecting the will of my constituents and the voters of Washington. I encourage my colleagues to respect their constituents and return this body to the American people by joining me in support of the Inglis amendment.

Mr. CONYERS. Mr. Chairman I yield 2 minutes to the distinguished gentleman from Colorado [Mr. SKAGGS].

Mr. SKAGGS. I thank the gentleman from Michigan for yielding this time to me.

Mr. Chairman, there are so many reasons to be not just skeptical, but despairing, of this particular variation on the term limits madness, that it is hard to know where to start.

Let me just pose one hypothetical that could become, that would become reality if this approach were to become law. The Speaker of the House of Representatives, the third ranking constitutional officer in the Republic after the President and the Vice President would be presumptively a Member of the House who had served all of 4 years. Had had 4 years to garner the kind of experience and perspective and understanding of this enormous country and its complex Government, to be able to carry out the profound responsibilities, constitutional as well as administrative, of this body.

I recall growing up and listening sometimes to one of those early television shows, Ted Mack's American Amateur Hour, in which we would all sort of chuckle watching the little black-and-white screen as persons would come up and often make fools of themselves trying to perform in front of a television audience. I do not want to turn this body, much less the speakership of the House of Representatives, into some new amateur hour. Our responsibilities are far too important in service to this country.

The underlying assumption that we need anything like term limits of course is an assumption that needs to be attacked at every turn in this debate, has been mentioned time and again already. When we have more than half of this body elected for the first time in the 1990's, please tell me, where is the need?

Mr. INGLIS of South Carolina. Mr. Chairman, I yield 1½ minutes to the gentleman from North Carolina [Mr. HEINEMAN].

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

Mr. HEINEMAN. I thank the gentleman for yielding this time to me.

Mr. Chairman, I rise in strong support of term limits.

The Constitution fixes certain limits on the terms of Congress. Thomas Jefferson explained that his reason for fixing terms on Congressmen was so that they would return to the people and become the governed instead of the governors.

He believed that this would force Congressmen to keep the public good in mind.

Jefferson's underlying premise is simple—the longer a Representative is in the Congress and away from his constituents, the less likely he is to truly represent their interests.

Our Founding Fathers envisioned Congress not as a career as it is now, but a brief honor. After a short stint in public service, the politicians were supposed to return home.

A 6-year term limit will allow more citizens to serve in Congress, destroy the evils of incumbency, and keep those who serve in Congress closer to those who elected them. This is what the Founders sought—a citizen legislature.

No matter what the outcome of this vote. I will end my service in Congress after 6 years—that is what is right and that is what I promised my constituents.

Support the Inglis amendment and support real term limits.

Mr. CONYERS. Mr. Chairman, I yield 2½ minutes to the gentleman from Pennsylvania [Mr. GEKAS], a colleague on the Committee on the Judiciary with whom I have served in many capacities.

Mr. GEKAS. I thank the Chairman and I thank the gentleman, my colleague on the Committee on the Judiciary, for yielding this time to me.

Mr. Chairman, I rise to oppose the current amendment because I am in favor of term limitations and propose later to vote for the 12-year plan. But I oppose this facet of the process because I also oppose legicide, because in adopting this amendment we would be killing the legislative branch of our government. Legicide we cannot afford, changing the terms we can afford. But just as the gentleman from Michigan has so adequately articulated, to shrink the individual service of Members to 6 years is to decimate the legislative process; it is to take the legislative branch and make it each more subservient to the executive branch than ever it was before. On the one hand we grant the line-item veto which strengthens the hand of the President, and then with the other hand we pull back on the already limited power of the legislative branch by having only 6-year terms and no time for individuals to build up that institutional knowledge and the institutional power that is necessary to make sure that the legislative process works.

Now I owe it to the record and to my constituents to explain my personal position on this issue. When I was vacillating a few years ago, when this debate erupted, I said that the term limits are guided by the votes of the public every 2 years. But that did not satisfy my people.

So I ran a questionnaire on this very same subject; 27,000 questionnaires were returned in my district and 82 percent of those questionnaires said that they opposed the proposal and supported term limits.

So any doubt that I had about where I would fall on this momentous issue was sanctified by the opinion of my constituents, 82 percent said they want term limitations.

I am going to abide by their wishes and then exercise my own judgment in view of my previous remarks to vote against this amendment and for the 12-year plan that will yet come to this debate.

Mr. INGLIS of South Carolina. Mr. Chairman, I yield 1½ minutes to the gentleman from Massachusetts [Mr. BLUTE].

Mr. BLUTE. I thank the gentleman for yielding this time to me.

Mr. Chairman, I think the American people owe a debt of gratitude to the

gentleman from South Carolina [Mr. INGLIS] for his leadership on this issue, for spearheading the term limits movement in our country and for self-imposing his own term limit. Voters across America have already expressed their support for it through the ballot boxes.

In my own State of Massachusetts, voters last year imposed a 8-year limit on Members of the U.S. House; 21 other States have imposed term limits on their Federal representatives. Organizations have mobilized to get term limits passed in every State in the Union. They agree with people across the country that the United States would be best served by a citizen Congress.

Now despite the vision of our Founding Fathers, a class of professional politicians has developed which, to prove the point, will reject legislation supported by 80 percent of the American people.

I call term limits antitrust legislation for politicians. We do not like monopolies in the private sector because they lead to two things: Higher prices and less service. When politicians gain monopoly power over their offices, taxes go up and service and quality go down.

Once again the States are far ahead of Congress in reflecting the public sentiment, proving the argument Republicans have been making that States are where the will of the people is heard most clearly.

I urge Congress today to listen to the people and support term limits.

Mr. CONYERS. Mr. Chairman, I am delighted to yield 4 minutes to the gentleman from Maryland, Mr. STENY HOYER, a veteran of this process and a leader in the Democratic Party.

Mr. HOYER. I thank the gentleman, my friend from Michigan, for yielding this time to me.

Mr. Chairman, I rise in opposition to this amendment. My predecessor who spoke, the gentleman from the State of Pennsylvania, indicated that he owed it to his constituents to state his position. I think that is fair and correct. We ought to state our position. I have consistently and without fail told my constituents that I opposed the limitations of terms. This is a bipartisan position. I was on the floor and I hope many of you, if you were not on the floor, heard the remarks of the distinguished chairman of the Committee on the Judiciary, the gentleman from Illinois, HENRY HYDE, when he spoke. He referred to this amendment and to other amendments imposing restraints on the people—forget about the restraint on us—the restraint on the people to select from all the options people they wanted to come to this House, the people's house and to speak for them and represent them.

□ 1745

Mr. Chairman, he referred to the imposition of this restriction on the electorate as the dumbing-down of democracy. That was the gentleman from Illinois [Mr. HYDE]. I think he was correct.

Adlai Stevenson was once asked his philosophy of democracy, and his response was, ''Trust the people, trust their good sense, their decency, their fortitude, their faith. Trust them with the facts. Trust them with the great decisions.''

Every year the people consider the deliberations of Congress, and every other year, every second year, they make a choice. They decide whether or not the Representative that they have sent to Washington to represent them has carried out the objectives that they believe are appropriate.

We have term limits; that has been stated over and over. It is 2 years. Under the Constitution we must return to the people.

Now I am one of those who returns to my people every night because I live in this area, so I do not feel that I ever lose touch with my people. But the fact of the matter is it is appropriate that every 2 years they can assess whether STENY HOYER has been a Representative in which they have faith and trust and which they believe is carrying out their best interests. Do they agree with me on every issue? Of course not. They are, like every constituency, filled with people who believe that we ought to pass this bill or we ought not to pass this bill. Ultimately, however, they make a choice.

Mr. Chairman, the genius of our system is that in a democracy we give them that choice. We do not need to protect them against themselves. They have made choices, and in point of fact it is a shame that the demagoguery that sometimes passes for debate and alleges that we have an institution peopled with careerists who have 25, and 35, and 45 years is simply not true. Do we have people who have been here that long? Yes, we do. But the average term, as so many have said, is 7 years in this House. Over half of the House is new since 1990.

We have turnover, and that is, while an accelerated phenomenon, not a new phenomenon. It was a phenomenon that in 1992, with 11-year service, maybe the senior member of my delegation, the other seven elected after that.

So the fact of the matter is the American public is doing its job well.

Do we always agree? No, we would have, on our side, have preferred they voted for us this time. They did not. But let us not diminish their choices by this unwise policy.

Reject term limits.

Mr. INGLIS of South Carolina. Mr. Chairman, I yield 1½ minutes to the gentleman from Arkansas [Mr. HUTCHINSON], a good friend.

Mr. HUTCHINSON. Mr. Chairman, I want to join my colleagues in commending the gentleman from South Carolina [Mr. INGLIS] for his very strong leadership on this issue and the fact that we have come this far in having an open and recorded vote on one of the most important issues facing the American people. I think it is a credit to Mr. INGLIS' leadership, and I thank him for yielding this time to me.

It has amazed me, as we hear over and over again 70 to 80 percent of the American people support term limits, to hear the critics of term limits to say that somehow term limits are going to impede the will of the American people and prevent them from exercising their will every 2 years. Not at all. The fact is that it is the clear choice of the American people to have term limitations, and only if this Congress refuses to submit a term limitation amendment to the people and to the States for ratification have we thwarted their will, and to that extent we will do that.

But I want to address one particular criticism of term limitations, and that is that term limits will create an environment where professional bureaucrats will run the Federal Government, and that is simply not the case. Bureaucrats enjoy the current system of professional politicians with a very familiar and cozy relationship that they build with those politicians that results in too little accountability and, oftentimes, too little results.

I attended a conference, a southern legislators conference, a few years ago. They had a seminar on term limitations. There were a number of bureaucrats there, there were a number of elected officials there, and they asked us to hold up our hands if we were in favor of term limits. Out of the entire body there was one. That was myself. The fact is that roomful of bureaucrats felt very comfortable with a system in which they had a relationship built with career politicians who defended the status quo. It is time that we give the States and the people term limitations.

Mr. CONYERS. Mr. Chairman, I yield 2 minutes to the gentlewoman from California [Ms. PELOSI].

Ms. PELOSI. Mr. Chairman, I rise in opposition to this amendment. We have heard some great speeches, I think, on the floor today on both sides of this issue, and many of us, of course, were impressed by the speech of the chairman of the Committee on the Judiciary, the gentleman from Illinois [Mr. HYDE]. In it he referred to term limits as the dumbing-down of democracy, and I thought, since he said that, he gave me license to tell another little, make another little, analogy about what I think of these limits.

Mr. Chairman, it is with the highest regard and respect for the maker of this motion, the presenter of this amendment, the gentleman from South Carolina [Mr. INGLIS] that I referenced Yogi Berra's story. Yogi Berra in high school did very poorly on his test, and his teacher said, ''Don't you know anything?''

Yogi Berra said, ''I don't even suspect anything.''

Mr. Chairman, that is what I think is part of the problem here.

When I came to the Congress, as I am sure every person in this room can tell us, we thought we had a handle on it all. We thought we had developed judgment that would make us best equipped to answer all the problems facing our society, and indeed our freshman class, when it comes to the Congress each time, every 2 years, is a source of reinvigoration to this body. Many of us look to the freshman recruits and say:

Who among them will be President of the United States?

Who among them will have an answer to solving the problems in our society?

Who will have the answer to making peace?

Who will preserve the environment?

Who will make a better future for our children?

Certainly all of them will have a role, but one or so of them may really rise to the top, and so we look with great anticipation to that new class.

But that is not to say that there is not a role in this body for many ranges of experience, the fresh, reinvigorating freshmen, as well as the seasoned senior legislators in this body, institutional Members from whom we can all learn, and so, whether it is dealing domestically or in foreign affairs, we need to have people who know politics, know the relationships our Government has with other countries and know how to solve problems in our country.

Mr. Chairman, I say with high regard for my colleagues that I urge my colleagues to vote against this.

Mr. INGLIS of South Carolina. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from the great State of North Carolina [Mr. COBLE].

Mr. COBLE. Mr. Chairman, I thank the gentleman from South Carolina, and I commend the gentleman from the land of the palmetto for the lead role he has played regarding this issue.

Mr. Chairman, the Congress by its inaction and inaccessibility has invited the anxiety that surrounds the term limit issue. The best course is for constituents to determine the number of terms their Members of Congress serve. But considering the chaos that dominates our lives, it has not worked well, and I, therefore, support term limits with this thought: Let's try change even though it may be wrong.

This reflects my frustration and the frustration of the American people.

I find it intriguing, Mr. Chairman, that this issue, which was so evasive during decades of Democrat control, has incredulously found its way to this House floor for a vote under Republican leadership in less than 3 months.

The 12-year proposal applicable to Senate and House in my opinion is the best plan before us. The 6-year House plan and the 12-year Senate plan is inconsistent on its face and affords me little comfort even though I may vote for it. I voted in favor of the retroactive proposal just before us, and I will vote for final passage on the bill left standing.

The majority of American people, Mr. Chairman, favor term limits, and it is a major plank in the Contract With America. Let us enact this day some sort of term limit proposal.

Mr. CONYERS. Mr. Chairman, I yield 2 minutes to the gentlewoman from California [Ms. WATERS].

Ms. WATERS. Mr. Chairman, I rise in opposition to the Inglis substitute.

Mr. Chairman, I have tried hard to understand the position of those who support a constitutional amendment to impose congressional terms limits. I must admit, I am somewhat mystified by the implications of constitutionally imposed terms limits.

Here is a sample of slogans for terms limit supporters: stop me before I win again; vote for—that way someone else can serve. Vote for term limits, that way I won't have to retire; support term limits—I just can't stop running. Voters of the world unite, you have nothing to lose but your power.

It's funny, we have heard a lot from the Republicans these past few months about the message voters sent last November. At the very least, Mr. Chairman, the voters said they wanted their elected representatives to be the people they voted for. If the voters said anything, it was that they want the people they voted for to serve in Congress.

But this constitutional amendment undermines that choice. If politicians want politicians to serve shorter terms, they should just serve fewer years. Do not restrict voters ability to elect who they want.

To those who support term limits, give yourself a break, the voters like you. Do your duty, serve them. Don't beat yourself up.

This bill is a gimmick designed to fool people. Every term limit supporter in this House can personally enforce term limits. I'm afraid the real slogan for the term limit Members of Congress should be do as I say, not as I do.

Mr. INGLIS of South Carolina. Mr. Chairman, I yield such time as he may consume to the gentleman from Oklahoma [Mr. COBURN] who, I might note, represents the fact that there is no dumbing-down in term limits, and who is a fine physician who has come to this House.

Mr. COBURN. Mr. Chairman, I, too, rise in strong support of the amendment offered by the gentleman from South Carolina [Mr. INGLIS].

I come from the Second District of Oklahoma. Oklahoma has not dumbed-down. They have asked for term limits, they have passed term limits, and they know what they are doing. My support for term limits goes beyond my obligation to support the will of my constituents. I truly believe that the only way to restore the integrity to Congress is to renew our belief that this House should be a citizen legislature, not a safe haven for permanent professional politicians.

Although I have committed to vote for any term limit measure that will come through this House, I strongly believe that 12 years is too long. Proponents of the 12-year limit and those who oppose term limits will argue that Congress needs Members with experience. I present to my colleagues that I bring a body of experience to this institution and that I plan on leaving here 6 yeras from now, if I am so fortunate to be reelected, but I think, more importantly, the experience is not needed within the hallowed halls of this institution, but out in the real world.

As my colleagues know, we hear lots of criticism about the lack of bipartisanship in this Congress. Well, there is one source of bipartisanship. It is the arrogance of career political elitism that we have heard today in this House.

I say to the gentleman, ''Mr. INGLIS, I support your bill, and I urge my comrades and constituents to do the same.''

Mr. CONYERS. Mr. Chairman, I yield 3 minutes to the gentleman from Montana [Mr. WILLIAMS].

□ 1800

Mr. WILLIAMS. Mr. Chairman, the proposal that the proponents of term limits, and I am an opponent of it, place before us is based on follow the will of the people. The majority of the people want this; therefore, we should do it.

Now, let me speak to that. President Harry Truman's last words to this Nation were I have a deep and abiding faith in the destiny of a free people. So do we will. And all of us go home almost every weekend and listen to our people because it is from them that the great ideas for democracy have come and been allowed to flourish in this hall and in the United States Senate and become law.

But the hard fact is, and I have not heard anyone say it yet so I shall say it, sometimes the American people are simply wrong, and on the matter of term limits they are simply incorrect. It does not mean they are uninformed. It does not mean they are ignorant. It is just that on this issue they are incorrect.

Now, I know that the Contract With America is based on polling. The Republican leadership tells us that. They would pass laws based on polling. They would with this bill even change the basic law of the land based on that will-o'-the-wisp, changing public opinion.

And it is a will-o'-the-wisp. You know the American mood changes immediately following every 60 Minutes show. It changes following every Nightline show. And you would so change the Constitution based on that will-o'-the-wisp. Today's popular view is quite often tomorrow's public embarrassment.

In the early 1960s, the Vietnam War was outrageously popular, only to be an embarrassment, only to have the

American people change their mind on the Vietnam War before that decade was out.

Just prior to the attack on Saddam Hussein, Desert Storm, that military action was unpopular. The American people did not want us to take it. And within 1 week it was enormously popular.

Not long ago a poll was done on the first 10 amendments, the Bill of Rights of the Constitution, without identifying them. The American people said they would get rid of half of the 10 amendments in that poll. Sometimes the American people are wrong.

That is why the founders did not create an Athenian democracy because they knew a representative democracy was better. Why? Because there is a tyranny in a pure democracy and because sometimes people are wrong, as they are in this matter of term limits. Vote against this amendment and vote against the term limits proposal.

Mr. INGLIS of South Carolina. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from the State of Washington [Mr. METCALF], where apparently 1.1 million people were wrong in 1992 when they voted for term limits.

Mr. METCALF. Mr. Chairman, I rise to support the 6-year term limitation bill. I worked hard in support of Washington State's initiative, which we passed in 1992, which contained a 6-year term limit, and it was an initiative, and the public passed it.

We have a 6-year term limit in the Second Congressional District. I have pledged that I will serve no more than 6 years, whether it is finally declared constitutional or unconstitutional. If the people supported it, I will obviously pledge that.

It was said by a previous speaker that a 6-year term limit was a bad mistake. He said those naive new Members, or words to this effect, would be putty in the hands of the skilled professional lobbyists, the staff and the bureaucrats.

You know, that certainly would not have been true with the freshman tigers we elected this year. In fact, the exact opposite is true. Talk to any person, talk to a person who has not even been here. Who would they be most suspicious of, most cautious of, most standoffish of? The lobbyists. Certainly the staff and the bureaucrats. They are the ones that would be most concerned and careful.

It is the long-time Members who have become comfortable with those people. They find that they are nice people, they like them, and they are the ones who are unduly influenced by the lobbyists, staff, whatever.

Short-term limits are a part of our national history. In some of the colonial legislatures before the Revolutionary War they had a rotation in office, an informal and some a formal term limit. There was a 3-year term limit in the Continental Congress for a while during the Revolutionary War. Rotation in office was a way of life in the early part of the House, and in the War between the States was the first time we got up to a 4-year term limit.

We have a mandate. Congress should enact term limits for itself as it did for the Presidency.

Mr. CONYERS. Mr. Chairman, I yield myself 15 seconds.

I want to commend the last speaker, the gentleman from Washington State [Mr. METCALF]. He is the first person that has gotten up and said I am going to invoke term limits on myself, I do not need a constitutional amendment, I urge and support one, but I am going to be my own controller of my fate.

Now, if we could get all of the Members that are anxious to have term limits to support them, we will take care of this problem and maybe pass a constitutional amendment.

Mr. Chairman, I yield 3 minutes to the gentleman from Texas [Mr. BRYANT], a member of the Committee on the Judiciary.

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

Mr. BRYANT of Texas. Mr. Chairman, this is a time when the new Republican majority is attempting to pass its platform; and it is, therefore, not a good time to introduce a new proposal or a new concept into this discussion.

I think it is a good time, however, to at least suggest a concept that is worthy of exploring after this process is over, and that is simply this: The problems that have beset this country and that have made it difficult for this Congress and the President to resolve our most fundamental problems has not been evil, long-tenured Republicans or evil, long-tenured Democrats. In fact, there are relatively few long tenured of either party.

The problem really has been divided government, the fact that the budget deficits went from about an average of about $60 billion during the presidencies of Nixon, Ford, and Carter to about $300 billion beginning in 1980 is the result principally of the fact that we had divided government for 12 years.

What am I talking about? Consider this. In 1980, Ronald Reagan was elected with a mandate for change, promising big, important, dramatic changes, and indeed he was elected with a working majority in the House and a majority in the Senate. He instituted those changes, major tax cuts, major defense spending increases, and within 2 years the public was so concerned about what they saw they voted out his working majority in the House, and he did not have another one the entire rest of the time he was President.

In 1992, President Clinton was elected. He came into office promising big change. Change was the main theme of his campaign. He began to institute big changes, including a dramatic health care plan. Two years later, the public was so concerned about what they saw they voted out his majority, and now we are back to divided government again.

The problem with our inability to solve major conflicts in this country such as how to write a budget is not due to evil people ensconced in the corridors of this Capitol. It is due to the fact that, unlike any corporation, unlike any human institution, whether it be a church, a company, a labor union, or anything else, we have a system that allows a president of one party and a board of directors of the other party that can go exactly the opposite direction, and in fact that is the way we have had to govern this country now for 12 of the last 14 years.

I suggest to you that if we want to really solve this problem, once this debate is over, once the contract is over with, let us sit down and look at a way to try to engineer an election system whereby we discourage the possibility of divided government every few years, give one side or the other 4 years to try to govern this country and see if they can be successful with a coherent program of how to write the budget, coherent program of how to write all of the legislation that we deal with, the appropriations process and all of it.

At the end of 4 years, if they did a good job, they will be reelected. If they did not, they will be voted out of here. That is the way to deal with the problem, I think.

I hope that once this is over we can perhaps enter into a real discussion of how to answer this problem in a way that relates to the real causes of our inability to answer the problems and the difficulties that face this country rather than try to blame it on some mysterious, unnamed evil people somewhere in the corridors of this Capitol.

The CHAIRMAN. The gentleman from Michigan [Mr. CONYERS] has 8 minutes 15 seconds remaining, and the gentleman from South Carolina [Mr. INGLIS] has 15 minutes and 30 seconds remaining.

Mr. INGLIS of South Carolina. Mr. Chairman, I am happy to yield 2 minutes to the distinguished gentleman from South Carolina [Mr. SANFORD].

While he is coming, I would point out that he, too, represents the best in America that proves that this is not the dumbing down of America, for he is a successful businessman and farmer himself.

Mr. SANFORD. Mr. Chairman, I would applaud my colleague's efforts because he has gone from being a voice in the wilderness to the leader in this national change.

I rise in general behind the idea of term limits but very specifically behind the idea of a three-term limit. I do that because I think it most directly affects this culture of spending that we have in Washington.

Some would say, well, it does not matter how long people serve as long as there is some sort of limit. That is the equivalent of saying it does not matter how long we stick somebody in

jail, just as long as they go there to stay a little while. That does not, again, directly affect that which we need to change, and that is this culture of spending.

I think that the American taxpayer is the one in jail right now, and the three-term limit affects this in a couple of different ways.

One, it reflects the will of the people. Overwhelmingly, people have said on the basis of 82 to 14 percent, and that is a Frank Lynch poll, that they would rather see people serving three terms than six terms.

Two, I think it goes back to the will of the Founding Fathers. They planned for a citizen legislature in which people went up for a little while and tried to make a difference and then went home. In fact, what you see is that, on average, for the first 100 years of this country's existence, people came to Congress and there was 50 percent turnover. That number has fallen down to, for the last 40 years, about 10 percent turnover in Congress.

Twelve years will not get you there. Three terms would get us much, much closer to that citizen legislature model.

Last, I would go back to where we started, and that is the American taxpayer who is now stuck in jail. The National Taxpayers Union did a study and what they found was that there was direct correlation between the length of time in office and propensity to spend other people's money. So 12 years will begin to get us that. It is better than no term limits at all. What they found was that three terms would do a much better job at that.

So I would hope that we would support this measure. I think it represents a real jailbreak for the American taxpayer.

Mr. CONYERS. Mr. Chairman, I yield 2 minutes to the chairman of the Urban Caucus, the gentleman from Pennsylvania [Mr. FOGLIETTA].

Mr. FOGLIETTA. Mr. Chairman, I thank the gentleman for yielding this time to me, and I rise in opposition to this specific amendment and to the constitutional amendment for term limits generally.

Mr. Chairman, you have not found me rising to say much good about the Contract With America, but there is one theme of the contract which I believe is positive: that is putting more power in the hands of the people.

But this constitutional amendment directly contradicts the theme of empowering individual Americans. And it seeks to fix America through another arbitrary and empty-headed gimmick.

One of the beauties of our democracy is that it gives power to the people through choice. Expanding democracy should be about expanding the decisions people can make—not limiting them.

But this amendment would take away choice. It cannot be repeated too many times that we already have term limits. Every 2 years, the people can limit our terms by just saying no. And they have. Most Members of Congress have served only 3.5 terms. In fact, nearly half of the Members of the present House have been elected in the last two election cycles.

The real joke here is that the proponents of term limits want term limits, but not for themselves. It is like an alcoholic calling for prohibition, but not for himself. And, is it any wonder? Of the 20 Members who serve either in the Republican leadership or as committee chairmen, only two—the majority whip and the majority leader—would still be here today if we had 12-year House term limits.

In fact, the average Republican leader and committee chairman has served 18 and a half years. One Senate term-limit advocate has been in the Senate for 41 years. It would be funny if it were not a truth that is making this debate so tragic.

Let us protect the sanctity of democracy by maintaining one of its most critical ingredients, unfettered decisionmaking by voters.

Mr. INGLIS of South Carolina. Mr. Chairman, I am happy to yield a minute and a half to a strong supporter of term limits, the gentleman from Pennsylvania [Mr. ENGLISH]

Mr. ENGLISH of Pennsylvania. Mr. Chairman, I thank the gentleman for yielding this time to me, and I rise in strong support of the Inglis amendment.

As someone who ran as a supporter of term limits and committed myself to limit my own term of service, I believe this amendment would be a huge improvement on current law and would be a major improvement for this institution.

□ 1815

I believe that term limits will help circulate new blood and new ideas into Congress, and for that reason it has been the focus of enormous vilification by the political establishment, of lobbyists, of political careerists and members of the news media. I believe that congressional term limits will be a catalyst for change and a seminal reform which will return this institution back to a citizen legislature, the way the founders conceived it.

I have heard many speeches to day by Members of this body, whom I regard very highly, that he will be losing enormous experience by instituting term limits. But I would argue to them that the experience that this institution needs is not of this institution, it is from the professions, it is from the business community, it is from the core of our neighborhoods and our communities. There are experiences that we need here that are underrepresented that in my view would be brought in by term limits. This institution was established to contain citizens from all walks of life serving their country. In my view, term limits will make congress a more diverse institution that deliberates issues, not merely brokers of power.

Mr. CONYERS. Mr. Chairman, I yield 2 minutes to the gentleman from Mississippi [Mr. TAYLOR].

Mr. TAYLOR of Mississippi. Mr. Chairman, I thank the gentleman for recognizing me.

Mr. Chairman, I think term limits is a foolish idea, and I think this is a particularly foolish idea. I was privileged to be elected to this body in October of 1989. My very first meeting in the House Committee on Armed Services also happened to be Colin Powell's very first meeting before that committee as Chairman of the Joint Chiefs of Staff. He had over 30 years to learn his job, yet he makes recommendations that only the House Committee on Armed Services and then this body and the U.S. Senate can vote on, because the Constitution gives us the authority to declare war. The Constitution says we shall provide for an Army and for a Navy.

I would think the proponents of this measure could not stand before this body right now and tell us what a D–5 is or Mark 48, or why we need a *Seawolf* submarine or the *Centurion* submarine.

The bottom line is the House Committee on Armed Services makes 275 billion dollars' worth of decisions every year. These are decisions that affect your lives. This body can vote to annihilate the world. These decisions should not be made lightly, and they should not be made by people who do not know what they are talking about. And if it took Colin Powell, who is a brilliant man, 30 years to learn his job, then I would say that people in this body need at least 12 to learn theirs.

Mr. INGLIS of South Carolina. Mr. Chairman, I am happy to yield a minute and a half to the gentleman from Pennsylvania [Mr. FOX].

(Mr. FOX of Pennsylvania asked and was given permission to revise and extend his remarks.)

Mr. FOX of Pennsylvania. Mr. Chairman, I want to take this opportunity to thank the gentleman from Greenville, South Carolina, the distinguished Mr. INGLIS, for his leadership with this important reform. The gentleman's bill which years ago would have gone unnoticed, now it is the focal point of the public's attention tonight.

Now, many Congresses of the past would have been perceived as being out of touch or spent too much or may have been perceived as being lifetime term wishers. Now we have the 104th Congress, 435 strong, a different Congress, one that has proven its accountability, first with the adoption of the Congressional Accountability Act, the Shays Act; the three-fifths rule to prevent tax increases unless there are 60 percent to vote for it. We have cut house committee staff by one-third, a line-item veto to cut out wasteful spending, no proxy voting in committee, legal reform and regulatory reform. That is what kind Congress this

104th Congress is. Pending reform legislation includes franking reform, campaign reform, gift ban reform, and pension reform.

But consistent with this excellent record of accountability, accessibility, and general reform, would be the adoption of term limits, like the Inglis bill.

I submit to you, Mr. Chairman, as you know, our U.S. Constitution permits amendments, and this effort of many of us here is not approached lightly. It will take a great deal of work. But the first step is tonight by passing this in the House before we go to the Senate and the States. Eighty percent of the public favors and 22 States have overwhelmingly adopted term limits legislation. The American people are right. This body is the people's House and we should reflect their will by voting for the Inglis bill tonight.

Mr. INGLIS of South Carolina. Mr. Chairman, I yield 1½ minutes to the distinguished gentleman from Michigan [Mr. CHRYSLER].

Mr. CHRYSLER. Mr. Chairman, 70 percent of the people in the State of Michigan voted for term limits which called for 6 years in the House and 12 years in the Senate, and I will too. I applaud the gentleman from South Carolina [Mr. INGLIS] for bringing this effort to the floor of the House and letting us all have the opportunity to vote on real term limits, the way the American people have wanted, the term limits that American people wanted and voted for.

Term limits does not exclude people or prohibit people from running for office. You can run for the State house and serve for 6 years, you can run for the State senate, you can run for Governor. You can run for the U.S. House of Representatives, spend 6 years, you can run for the U.S. Senate, spend 12 years, and you can even run for President. You can spend your whole life running for political office and serving in politifcal office if that is what you want.

But there is one major distinction, and that is that you have to appeal to a larger group of constituents each time you run, and I think that is the true measure of your effectiveness as a public servant. For those Members who are so full of themselves that they think that they are the only ones that can do this job, I have news for them. There are many good Americans who can and have and will step into their shoes and do an excellent job.

It is time to give America a citizens' legislature that will pass laws and then go home and live under those laws. We are public servants, and I support what the public wants.

Mr. INGLIS of South Carolina. Mr. Chairman, we just heard from somebody who represents some of the 2.3 million people in Michigan that apparently made the wrong decision on term limits, according to a previous speaker.

Mr. Chairman, I am happy to yield 1½ minutes to the gentleman from California [Mr. DORNAN], who represents some of the 6.5 million people in California who voted for term limits.

Mr. DORNAN. Mr. Chairman, I put in my first term limits bill in my freshman year in 1977–78. I put in a 12-year House and 12-year Senate term limit bill every Congress over the past almost two decades, and now I have come to the position with the gentleman from South Carolina [Mr. INGLIS] that 6 years in the House and 12 in the Senate is the way to go.

There have been many good speeches today. The best was on the opposite side of my position from one of my dearest friends in the House, HENRY HYDE, the supreme protector of innocent human life in the mother's womb in this Chamber or the other body. But I have been telling the gentleman for 18 years that his destiny was to be the Governor of Illinois for 8 years after he served 12 here. He would be serving in the Senate today and probably be the front-runner for the Presidency of the United States of America if he had been pushed out of this House with his best years ahead of him. And he has still got a lot of great years here.

But, Mr. Chairman, 82 percent of the American people want term limits. It has passed almost after half of our States, and about eight States have come down from 12, 8 or 10 to 6. Forty-two people in this Chamber did not even have an opponent in the last election. Ninety-one percent of incumbents in both the Senate and House who wanted their seat got it back.

Mr. Chairman, it simply comes down to this: The strength of this House will be in new blood, old blood, young blood, Hispanic blood, conservative, black African-American blood, more ideas in this Chamber. That will come through term limits.

Mr. CONYERS. Mr. Chairman, I am very pleased to yield 1½ minutes to the gentleman from Connecticut [Mr. GEJDENSON].

Mr. GEJDENSON. Mr. Chairman, it seems to me that what we are doing today unravels the balance of power that the Founding Fathers established when they wrote the Constitution of this country. And my sense has been for some time that if this generation of politicians and citizens changed the Constitution, we would not necessarily improve it. And the case in point to here is clear. We only need to look to our southern border to see what happens when you have a weak Congress and a strong Presidency. Mexico has a Congress with a term limit. One term and you are out of there. They have been incapable of reviewing the actions of the executive.

When you add the line-item veto in a Congress that is here for less time than it takes to become expert in almost any of the complex matters we deal with today, a President, misguided or mistaken, would have no review from an institution where the most senior member of a committee, where the Speaker of the House, had 6 years of experience. It is not simply in the matters of defense or national security, but in every issue that comes before a democracy. There needs to be some balance, and our Founding Fathers recognized that.

The people have the ability to institute term limits. I have just come off a close race. The people make those choices every 2 years, and we do not need a group of outside or inside experts limiting the options of the American people to make sure there is a Congress that is as strong as they want it to be to protect their rights and interests.

Mr. INGLIS of South Carolina. Mr. Chairman, I am happy to yield a minute and a half to the gentleman from Arizona [Mr. SALMON], who was one of the strong supporters of term limits legislation there which was passed in 1992 by 74 percent.

Mr. SALMON. Mr. Chairman, I have to commend the gentleman from South Carolina [Mr. INGLIS] for putting together a bill that does not violate the vote of the Arizona voters. I appreciate that.

Let me tell you one compelling reason, one big large fat reason why we should vote for term limits. It is the number 5 trillion, because this Congress, over the last few decades, has plunged this country $5 trillion in debt. Maybe, just maybe, if we know we are going to be here for a time certain, 6 years, we will have some guts and make the proper decisions to make the cuts where they need to be cut. Fifteen States have passed term limit laws that are limiting the House Members to 6 years, and 82 percent of the term limit supporters out there support 6 years.

I personally support the toughest possible amendment in keeping with the will of the people in Arizona who sent me here, and that is why I cosponsored the Inglis amendment. A limit of three terms for House Members will restore this body to a citizen legislature, because it will mean an average turnover approaching 50 percent. Now, if we limit it to just six terms, the average turnover is only going to be about 20 percent. Right now it is 16. So we are only going to pick up a net of 4 percent.

The Founding Fathers never intended for us to become professional politicians. They intended for Members of Congress to serve for a limited time and then go back to their farms at that time and work under the laws that they passed. We will get better laws out of this body. Let us abide by the will of the American people. Let us support the 6-year Inglis amendment.

Mr. INGLIS of South Carolina. Mr. Chairman, I am happy to yield 1 minute to the gentleman from Arkansas [Mr. DICKEY].

Mr. DICKEY. Mr. Chairman, what I want to do is stand here today and say that what we need to do in our Nation

and in this Congress is to have the Nation speak through the various States. This legislative process is only a start. We need to pass a term limits amendment, and we ought to send it to the various States and have them make their expressions.

My State of Arkansas, we have 6 years for the House and then 12 years for the Senate. That is fine with me. That is my direction and I am going to vote for this bill, and I am going to be a supporter of it as I have always been. It is not because I want to be reelected, it is not because some people have come to me and said if you do not do this, something is going to happen. It is because it is right. We need to restrict it.

There are times for different measures, and the time has come for term limits. I am for it, I am going to vote for this bill. I am also going to vote for all the other bills so that we can eventually get a bill passed, an amendment passed, that will go to the States.

Mr. INGLIS of South Carolina. Mr. Chairman, I am happy to yield a minute and a half to the gentleman from Arizona [Mr. SHADEGG], who represents some of the 1 million people who voted for term limits in 1992.

□ 1830

Mr. SHADEGG. Mr. Chairman, I thank the gentleman.

The people of Arizona have embraced term limits. They have done so with full knowledge. They are intelligent, and they can make their own decisions.

I listened to impassioned speeches on this floor today about how the Founding Fathers would not have tolerated it. I heard quotes read from the Founding Fathers' papers. But the Founding Fathers wrote into our Constitution the ability to change the Constitution, and it is important to harken back to the fact that when the Founding Fathers wrote that document, they had no idea that the Congress would devolve into what it is today, that it would sit 50 out of 52 weeks of the year here, that it would not be a citizen legislature, made up of people who go home and work in their districts and then come back here, citizens who write laws part of the time and live under those laws the other part of the time.

I am prohibited by the ethics code of this body from continuing to engage in my livelihood. I am a full-time Congressman.

If we want to return to a citizen legislature, then it is time to recognize that we have got to enact term limits. The arrogance of saying those who are here are the only ones who have the wisdom to govern this Nation is dead wrong.

It is time to recognize the wisdom of the Founding Fathers in allowing us to amend the Constitution and to return to a concept they embraced, which was that citizens write laws for America.

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

Mr. Chairman, I would like to just observe that we are marching our own institution into oblivion. I am trying to search for the reasons why. What would lead us to come to such a sorry conclusion that we need to regulate by Constitution our own terms?

Oh, not for us exactly, after it succeeds through the ratification process. My hat goes off to those three Members that I have heard that said they are going to impose constitutional limitations on themselves that they would put into the Constitution. Those are my kind of guys.

If we had a whole Congress like this, everybody that wants to impose limitations should impose them on themselves. And if Members did that, we would probably be cured of the problem that we complain of.

Mr. Chairman, I yield to the gentleman from Pennsylvania [Mr. FATTAH].

Mr. FATTAH. Mr. Chairman, I rise to oppose this amendment and oppose term limits as they are being proposed here this evening.

I think that we keep hearing about these polls and how people want to have term limits. In my district in Pennsylvania, over the last 16 years the voters have decided to replace two incumbents, and they realized that there are limits already in place. Every 2 years they get a chance to vote. And in fact, in some 85 weeks from now they will have a chance to vote on all of us and whether they want to see us return to the Congress.

It is of interest that when you look at the Republican chairs of committees and all of their leadership, they are in their sixth term or better. So, therefore, for all of the 12-year advocates or less, they should not be returning here to the Congress. They should, as the ranking member has said, if they want to go, they should go. And for all of those who support this notion, they should look at their votes back in the Republican conference, in which they voted to elect all these people chairs and Speaker GINGRICH to the Speaker's chair after he served 17 years.

So the point is that after 6 years you somehow do not have the ability to represent the legitimate interests of your constituents, those people who are prepared to adopt that logic need to act on it and follow their wisdom to its more interesting and more ironic collusion, which is that they would have to leave the U.S. Congress.

Mr. INGLIS of South Carolina. Mr. Chairman, I yield 2 minutes to the gentleman from Windsor, CA [Mr. RIGGS], who represents some of the 6.5 million people in California who voted for term limits.

Mr. RIGGS. Mr. Chairman, I thank the gentleman for yielding time to me. I thank him for his very strong leadership on this particular issue.

My colleagues, if things work so well at the present, how did we get a $5 trillion debt. We all know that Members of Congress get reelected, election in election out, by saying yes. And it is much easier to say yes than it is to say no.

We also know that the trends indicate that the longer someone serves in this body, the more likely they are to become a big spender.

Second, the longer they stay here in this body, the more dependent they become on special interest contributions to finance their reelection campaigns.

So really term limits should be known as the empowerment act for Members of Congress. It will clearly help the Members of this body bite the bullet and make the very difficult decisions, the budgeting decisions that have to be made in the interest of this country.

I for one intend to respect and honor the will of California voters who voted loud and clear in 1992 to limit the terms of Members of the California congressional delegation to three 2-year terms in the House, two 6-year terms in the Senate.

Mr. Chairman, I thank the gentleman for his leadership on this issue. Elective office should be short-term public service and not a career.

I urge my colleagues to support the Inglis amendment.

Mr. INGLIS of South Carolina. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, as we close this debate on this 6-year version of term limits, I think it is important not to stress the 6 years or the number of years but rather go back to the foundational principle here of why we need term limits.

Once again, that reason is the permanent Congress that we have got in the United States at this point. For all the change we are talking about, we have heard a lot of speakers refer to the fact that we have got 50 percent of the body is new in the last two cycles, all of that may be true. But the critical thing is, who came back that wanted to come back? What is the rate of reelection among those who wanted to come back. Do not look at open seats, because we know people die or retire or move on for whatever reason.

But of those who wanted to come back in 1994, with all of the change we got, 90 percent of us were reelected. That is a higher rate of reelection than the rate of reelection that used to obtain in the Soviet Union, when the Politburo ran the Soviet Union.

It is very important that we limit terms so that we can get a different kind of person here. And yes, a person without that experience that so many Members have talked about, with, frankly, such arrogance, to assume that we have such experience to run these huge programs, that experience has landed us $4.8 trillion in debt.

It is time for a different kind of experience in this body, the experience of ordinary people who would come here and work for a limited period of time on their specific agenda and then go home to live under the laws they created.

I urge Members support for this substitute.

The CHAIRMAN. The question is on the amendment in the nature of a substitute offered by the gentleman from South Carolina [Mr. INGLIS].

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

RECORDED VOTE

Mr. INGLIS of South Carolina. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 114, noes 316, not voting 4, as follows:

[Roll No. 275]

AYES—114

Allard
Armey
Bachus
Baker (CA)
Baldacci
Barcia
Bartlett
Bass
Bereuter
Bilbray
Blute
Bono
Browder
Brownback
Bryant (TN)
Bunn
Burr
Calvert
Chabot
Christensen
Chrysler
Clyburn
Coble
Coburn
Condit
Cooley
Cramer
Crane
Cremeans
Cubin
Davis
DeFazio
Deutsch
Dickey
Doolittle
Dornan
Dunn
English
Ensign
Everett
Fields (TX)
Flanagan
Forbes
Fox
Franks (NJ)
Funderburk
Furse
Ganske
Goss
Graham
Hall (TX)
Hancock
Harman
Heineman
Herger
Hilleary
Hoekstra
Hutchinson
Inglis
Jacobs
Jones
Kim
LaHood
Largent
LaTourette
Lewis (KY)
LoBiondo
Longley
Lucas
McCarthy
McCrery
McInnis
McIntosh
McKeon
McNulty
Meehan
Metcalf
Minge
Myrick
Nethercutt
Neumann
Ney
Norwood
Packard
Peterson (MN)
Pombo
Pryce
Radanovich
Riggs
Rohrabacher
Ros-Lehtinen
Roth
Royce
Salmon
Sanford
Scarborough
Schaefer
Seastrand
Shadegg
Smith (MI)
Solomon
Spence
Stockman
Talent
Tate
Thornberry
Thornton
Vucanovich
Wamp
Watts (OK)
Weldon (FL)
White
Whitfield
Zimmer

NOES—316

Abercrombie
Ackerman
Andrews
Archer
Baesler
Baker (LA)
Ballenger
Barr
Barrett (NE)
Barrett (WI)
Barton
Bateman
Becerra
Beilenson
Bentsen
Berman
Bevill
Bilirakis
Bishop
Bliley
Boehlert
Boehner
Bonilla
Bonior
Borski
Boucher
Brewster
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Bunning
Burton
Buyer
Callahan
Camp
Canady
Cardin
Castle
Chambliss
Chapman
Chenoweth
Clay
Clayton
Clement
Clinger
Coleman
Collins (GA)
Collins (IL)
Collins (MI)
Combest
Conyers
Costello
Cox
Coyne
Crapo
Cunningham
Danner
Deal
DeLauro
DeLay
Dellums
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Dreier
Duncan
Durbin
Edwards
Ehlers
Ehrlich
Emerson
Engel
Eshoo
Evans
Ewing
Farr
Fattah
Fawell
Fazio
Fields (LA)
Filner
Flake
Foglietta
Foley
Ford
Fowler
Frank (MA)
Franks (CT)
Frelinghuysen
Frisa
Frost
Gallegly
Gejdenson
Gekas
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Green
Greenwood
Gunderson
Gutierrez
Gutknecht
Hall (OH)
Hamilton
Hansen
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hefner
Hilliard
Hinchey
Hobson
Hoke
Holden
Horn
Hostettler
Houghton
Hoyer
Hunter
Hyde
Istook
Jackson-Lee
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Johnston
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
King
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaFalce
Lantos
Latham
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lightfoot
Lincoln
Linder
Lipinski
Livingston
Lofgren
Lowey
Luther
Maloney
Manton
Manzullo
Markey
Martinez
Martini
Mascara
Matsui
McCollum
McDade
McDermott
McHale
McHugh
McKinney
Meek
Menendez
Meyers
Mfume
Mica
Miller (CA)
Miller (FL)
Mineta
Mink
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murtha
Myers
Nadler
Neal
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Petri
Pickett
Porter
Portman
Poshard
Quillen
Quinn
Rahall
Ramstad
Rangel
Reed
Regula
Reynolds
Richardson
Rivers
Roberts
Roemer
Rogers
Rose
Roukema
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Saxton
Schiff
Schroeder
Schumer
Scott
Sensenbrenner
Serrano
Shaw
Shays
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Souder
Spratt
Stark
Stearns
Stenholm
Stokes
Studds
Stump
Stupak
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thompson
Thurman
Tiahrt
Torkildsen
Torres
Towns
Traficant
Tucker
Upton
Velazquez
Vento
Visclosky
Volkmer
Waldholtz
Walker
Walsh
Ward
Waters
Watt (NC)
Waxman
Weldon (PA)
Weller
Wicker
Williams
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (AK)
Young (FL)
Zeliff

NOT VOTING—4

de la Garza
Gephardt
Pomeroy
Torricelli

□ 1857

Mr. JONES and Mr. MINGE changed their vote from ''no'' to ''aye.''

So the amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. It is now in order to consider amendment No. 3 printed in House Report 104–82.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. HILLEARY

Mr. HILLEARY. Mr. Chairman, I offer an amendment in the nature of a substitute.

The CHAIRMAN. The Clerk will designate the amendment in the nature of a substitute.

The text of the amendment in the nature of a substitute is as follows:

Amendment in the nature of a substitute offered by Mr. HILLEARY: Strike all after the resolving clause and insert the following:

That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years from the date of its submission to the States by the Congress:

''ARTICLE —

''SECTION 1. No person who has been elected to the Senate two times shall be eligible for election or appointment to the Senate. No person who has been elected to the House of Representatives six times shall be eligible for election to the House of Representatives.

''SECTION 2. Election as a Senator or Representative before this Article is ratified shall not be taken into account for purposes of section 1, except that any State limitation on service for Members of Congress from that State, whether enacted before, on, or after the date of the ratification of this Article shall be valid, if such limitation does not exceed the limitation set forth in section 1.''.

The CHAIRMAN. Pursuant to the rule, the gentleman from Tennessee [Mr. HILLEARY] will be recognized for 30 minutes, and the gentleman from Michigan [Mr. CONYERS] will be recognized in opposition for 30 minutes.

The Chair recognizes the gentleman from Tennessee [Mr. HILLEARY].

□ 1900

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

Mr. Chairman, tonight I am offering an amendment to protect the rights of individual States to impose term limit restrictions.

First, my amendment sets a national term limit of 12 years in the House and 12 years in the Senate. These are lifetime limits.

Second, our proposal allows States to set limits less than 12 years if they so choose.

It does not preempt any of the term limit proposals currently passed by the States. Do not confuse this with retroactivity. The Federal term limit provision clock starts when the amendment is ratified. For States that currently have State-imposed term limits, they continue as enacted. This legislation does not reach back to count any service prior to what is included in the State term limit law and it does not preempt any State term limits by resetting the clocks back to zero. Our legislation leaves the State-passed term limit laws alone and totally enforceable.

Although term limits is a new issue being considered by the House of Representatives, the citizens of 22 States around this country have already passed term limits in their States.

Tonight we have the opportunity either to protect the hard work of those people or turn our backs on them and let 9 justices in black robes across the street over here decide the fate of their work.

My amendment has the support of grassroots organizations which have fought the hardest in support of term limits. These groups have said that my amendment is the best one to protect term limits. It includes: United We Stand America; the Heritage Foundation; National Taxpayers Union; Citizens Against Government Waste; America Conservative Union, and the Christian Coalition.

I urge all of my colleagues to support the Hilleary amendment.

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

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

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

Mr. CONYERS. Mr. Chairman, this amendment calls for a 12-year national term limit but at the same time allows the States to adopt shorter term limits and then apply them retroactively.

Ladies and gentlemen, this is a 12-year term limit that allows each State in the Union to adopt a shorter than 12-year term limit if it so chooses. Do you have any idea what kind of chaos we are suggesting under a term limitation of this nature?

It is the most undemocratic and unconstitutional choice of term limits that we could possible make. The Supreme Court will shortly decide the constitutional question of whether the States are prohibited from determining qualifications for Members of Congress, as I believe they are, but Congress should not adopt a proposal as patently undemocratic and unfair as this. This takes the cake.

Voters in some term-limits States will be denied the right to elect experienced and effective legislators but those limits may not apply in other States.

Do you realize what that would mean in terms of seniority and chairmanships across this Congress if some States would have shorter term limits than other States? I think it would become a nightmare that we would not want to contemplate.

Some current Members, then, would gain seniority and others would be unable to. Lack of uniformity means unequal rights.

The present Speaker of the House has said that 6 years was not enough time for him to understand what is needed to be an effective Member of this body. But this proposal would allow the States to adopt a 6-year limit, or maybe even a 2-term limit, or maybe, as in Mexico, a 1-term limit. There is no prescription, no prohibition from each State adopting whatever term limit they might choose.

Who will be elected to Congress if people who want to devote their careers to public service are discouraged from seeking office?

Remember our Judiciary colleague Don Edwards of California who said it best:

Term limits would establish a Congress of lame ducks, rich people who could afford to spend a few years away from their life's work, corporation executives sent by their employers for business purposes, and men and women with a single passionately held goal.

What is strikingly absent from this list is the person whose public service is marked by commitment to the best ideals of the Nation, who is not captive to special interests and who has gained the experience and expertise to best serve the people who elected him or her to Congress.

Term limits is a narrow slogan that offers a ''magic bullet'' solution to a set of concerns that the voters have already resolved through the ballot box by giving the Republicans a majority in Congress and electing new representatives in half the races since 1990.

Reject this simplistic and dangerous solution. Vote ''no'' on the Hilleary term limit proposal.

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

Mr. HILLEARY. Mr. Chairman, I yield 2 minutes to my good friend the gentlewoman from North Carolina [Mrs. MYRICK] who along with her staff has put in countless hours on this bill.

Mrs. MYRICK. Mr. Chairman, our Founding Fathers established this body on the ideal of a citizen legislature.

Their goal was to maintain the free flow of ideas through a steady rotation of individuals who saw public service, as just that, a service to the public—not a career.

We have a chance to uphold the wishes of our Founding Fathers this evening by passing a term limits amendment.

In addition we have a chance to pass an amendment that would not only respect the wishes of our Founding Fathers but would also respect the spirit of the Contract With America, by recognizing States rights.

The amendment is the Hilleary-freshman amendment. Mr. Chairman, the contract reads:

''House Republicans respect the rights of the States and respect the rights of citizens to limit the terms of their elected officials.''

The Hilleary amendment sets a maximum 12-year limit on the terms of both House and Senate Members. However, it respects the limits, even stricter limits, already established by 22 States nationwide.

Mr. Chairman, whether it be the amendment offered by Mr. HILLEARY, Mr. INGLIS, or Mr. MCCOLLUM, I will support final passage.

In 22 States, term limits have been initiated by citizens and have passed, on average 2 to 1; 80 percent of Americans support term limits, and I am one of them. I urge all my colleagues—on both sides of the aisle—to join with the American people.

The public has spoken. We must pass term limits tonight.

Mr. CONYERS. Mr. Chairman, I am pleased to yield 6 minutes to the distinguished gentleman from North Carolina [Mr. WATT], our colleague on the Committee on the Judiciary.

Mr. WATT of North Carolina. I thank my colleague from Michigan for yielding time to me.

Mr. Chairman, at the end of the day, I think the American public will understand that we have been engaged in a giant charade throughout the course of today. Everybody in this body knows that this term limit proposal, any version of it, is going down to defeat. Every version of it is going down to defeat.

So why are we here? We are here because there was a reference to term limits in the Contract With America. So in debating this term limit issue, I think it is necessary to talk a little bit about some myths about this Contract With America and expose some myths about this whole idea of term limits.

First of all, there is this myth out there that the Contract With America is conservative. Well, let me tell you, my friends, since when is reversing 200 years of history and democracy a conservative philosophy?

Since when is a constant attack on the Constitution of the United States a conservative philosophy?

That is what we have been engaged in this entire term as we have addressed these issues in the Contract With America.

In dealing with the line-item veto, we have had under attack article 1, section 1 of the Constitution. The Effective Death Penalty Act, article 1, section 9 of the Constitution. National Defense Revitalization Act, the Defense Reauthorization Review Commission being set up, an attack on article 2, section 2 of the Constitution. Exclusionary Rule Reform Act, an attack on the fourth amendment to the Constitution. The takings legislation, the fifth amendment to the Constitution under attack.

And here we are again calling ourselves conservatives as we constantly seek to undermine the most conservative document, the contract, the ultimate Contract With America, the Constitution of the United States.

Since when is limiting the voters' choice in who they can elect to the Congress of the United States a conservative philosophy? It is not conservative, my friends, this whole term limit debate. It is undemocratic and I submit to you, it is un-American. It is radical.

Since when is this cavalier notion that these group of people in this body are smarter than the Founding Fathers of our country a conservative philosophy?

But my friends here would have us believe that we are engaged in some kind of conservative undertaking by supporting their effort, their Contract With America, by supporting term limits in this case.

There is a second myth I want to go after about this Contract With America. That is the myth that there is

something consistent about this Contract With America, or that it is based on some consistent philosophical principles.

You tell me how it is consistent to tell the American people you believe in States rights when you preempt State law on legal standards which have been the exclusive province of the States for years and years? Tell the States how much time they must give to a criminal under their own laws and tell them you believe in States rights. Block-grant one day and preempt State laws the next day and tell them you believe in States rights, and, my friends, the Hilleary amendment, this amendment that we are here talking about today, wants to tell the American people that you believe in States rights and you believe in Federal rights. Inconsistency. You want to have your cake and eat it too.

Mr. Chairman, this amendment does not know whether it believes in States rights on the one hand, we are going to give the States the right to do what they want, or whether you want to federalize the standards. So this whole philosophy that the Contract With America is based on some consistent philosophical principle that you believe in States rights is just a charade. It is a charade.

□ 1915

And, my friends, there is a third myth about this Contract With America. And that is that it has been well thought out and that it is good for the American people. In fact, it is short-sighted, it is mean-spirited and I will submit that at the end of the day today Members will see that even the Republicans will not support this plank in the Contract With America. They say it will yield a common people's Congress. It will yield a rich people's Congress.

Let us dispense with the charade and vote this piece of trash down.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. The Chair will admonish our visitors this evening that public displays are not permitted under the rules of the House.

Mr. HILLEARY. Mr. Chairman, I yield 45 seconds to my good friend, the gentleman from Florida [Mr. SCARBOROUGH].

Mr. SCARBOROUGH. Mr. Chairman, talk about a charade and wanting to have your cake and eating it too; to say that it is undemocratic and radical and to say we think we are smarter than the Founding Fathers because we want to amend the Constitution when it is time to amend the Constitution smacks of blatant hypocrisy.

If we followed this reasoning we would follow the reasoning of those who supported Plessy versus Robinson.

Mr. WATT of North Carolina. If the gentleman will yield, I knew we would be talking about slavery before we were through.

Mr. SCARBOROUGH. There is something we have called the 13th amendment and 14th amendment.

Following the logic of Plessy versus Ferguson, the 13th amendment and 14th amendment, and those who opposed that, using the gentleman's logic, we would still have slavery because anybody that wanted to end slavery would have been ''smarter than the Founding Fathers.''

Mr. WATT of North Carolina. Will the gentleman yield?

Mr. SCARBOROUGH. I would love to, but I think my time has expired.

Mr. CONYERS. Mr. Chairman, I yield 1 minute to the gentleman from North Carolina [Mr. WATT].

Mr. WATT of North Carolina. Mr. Chairman, I just want to make sure that we understand the height of hypocrisy. The height of hypocrisy is when anybody black gets up to talk on this floor, we end up talking about slavery on the other side. That is the height of hypocrisy.

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

Mr. WATT of North Carolina. No, I will not yield.

Mr. SCARBOROUGH. It is about constitutional law, it is not about whether you are black or white.

Mr. KLINK. Regular order.

The CHAIRMAN. The gentleman from Florida was not recognized.

Mr. SCARBOROUGH. Will the gentleman from North Carolina yield?

Mr. WATT of North Carolina. I will not yield. Would you yield to me when I have the time? You use your time and we will have a colloquy about Plessy versus Ferguson not Plessy versus Robinson, as you are talking about. If you want to have a colloquy with me, you get the time and I will be happy to debate with the gentleman.

Mr. SCARBOROUGH. I will gladly do it, gladly.

Mr. HILLEARY. Mr. Chairman, I yield 1 minute to my very good friend and colleague, the gentleman from Tennessee [Mr. WAMP].

Mr. WAMP. Mr. Chairman, I personally wish that we did not need term limits but we do. The institution of Congress became arrogant and out of touch. The people want a citizen legislature.

I have some friendly advice for some of the senior Members of this body from both sides of the aisle. If you think your seat in Congress belongs to you, and not the people, it's time for you to go home.

Because the Republican leadership had the courage to finally bring a vote on term limits, you can vote against term limits this year, and the folks back home can vote against you next year.

When I was growing up, the Fram oil filter man used to say: ''Pay me now or pay me later.''

While I plan to vote for all of the majority amendments, I much prefer the Hilleary amendment. I commend my colleague the gentleman from Tennessee for his recognition of the people's will in 22 States and urge my colleagues to vote yes on this amendment.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. The Chair must admonish our guests again this evening that under the rules of the House public displays, outbursts and displays are not permitted. The Chair thanks them for their cooperation.

Mr. CONYERS. Mr. Chairman, I am pleased now to yield 3 minutes to the distinguished gentleman from Illinois [Mr. DURBIN].

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

Mr. DURBIN. Mr. Chairman, this is our weekly constitutional amendment and this week we are debating term limits. There is lots of debate in this Chamber over the last several months about school prayer. Tonight we are dealing with the politician's prayer, the prayers of many of my colleagues who give spirited speeches in favor of term limits but pray to God it will not pass or at least not apply to them.

The history of the House of Representatives tells us that about 12,000 men and women have had the high honor to serve in this body. Many have been real giants on both sides of the aisle, and it has been my honor in the 12 years I have served to know them. Claude Pepper, Tip O'Neill, Lindy Boggs. On the Republican side, Silvio Conte, Bob Michel, and so many others who would have been precluded from completing their careers by the debate that we have in this Chamber today.

Here is the bottom line: For many members of the House of Representatives, 2 years are too long and for others, 20 years are not long enough.

The judgment on the men and women who serve in this House whether it should be 2 years, 20 years or more is a judgment in America to be made by the real power brokers, the people we serve. And in the case of this House of Representatives, every 24 months we stand to be judged by those voters.

Let me tell my colleagues what a House of Representatives populated by lame ducks, idle rich, dim-witted short-timers means. It is a dream come true for the lobbyists, for the special interests and the bureaucrats, because as Members of Congress come and go under these term limits scenarios, the lobbyists and the bureaucrats are going to linger on. They will be the ones with the information, the money, and the power. And the people just passing through will be doing their bidding instead of calling the tune. Their power will grow as the quality and experience of Members of Congress diminishes under term limits.

It was my honor in the last 2 years to chair a subcommittee of Appropriations which appropriated $67 billion a year and was responsible for 130,000 Federal employees. After 8 years of serving on the committee, I had the responsibility and honor of chairing it. At that point, I felt I had reached a

level where I could debate with the bureaucracy and the special interests and make real and significant reform and change, and it happened.

Had I been wandering through here in 2 years or 4 years or 6, folks, it would have been a lot tougher. We count on experience in every walk of life. You do not ask for the surgeon fresh out of medical school, you do not ask for the banker fresh out of business school, you ask for people with experience because experience counts in real life and experience counts in the House of Representatives.

Think twice before we impose term limits and lose the real strength of our House of Representatives.

Mr. HILLEARY. Mr. Chairman, I yield 1½ minutes to my good friend, the distinguished gentleman from Washington State [Mr. NETHERCUTT].

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

Mr. NETHERCUTT. Mr. Chairman, I thank the distinguished gentleman from Tennessee for yielding me this time.

Mr. Chairman, I rise in strong support of the Hilleary amendment.

The American people already know about term limits. They are watching us closely to see if our actions speak as loud as our words. Twenty-two States have term limits, with more surely to follow.

My election to this body is a direct result of my recognizing the right of the people of the State of Washington to enact term limits.

That is the beauty of this amendment. It respects the decision in my State to limit terms.

The Hilleary amendment is carefully drafted to embody the spirit of the Contract With America, and the spirit of the freshman class.

We freshman have come to Washington to change the status quo to be different than our predecessors. As the new majority party, we have the ability now to make it easier for future generations to serve in this body.

The Hilleary amendment provides for a uniform upper limit of 12 years of service, but it also allows States to create their own more restrictive limits or keep the ones they already have.

The Contract With America calls for change in the way we do business in Congress and a reduction in the size and scope of the Federal Government.

This amendment accomplishes both goals. It allows a regular, reasonable turnover in the membership of Congress. It will assure that new people with new energy and new ideas contribute to better government. And, it will demonstrate to the American public that States' rights are not ignored by Congress.

I urge my colleagues to remember the mandate of election day 1994.

Vote ''yes'' on the Hilleary amendment.

Mr. CONYERS. Mr. Chairman, with some pleasure, I yield 7 minutes to the gentleman from Massachusetts [Mr. FRANK], the comanager of this bill and the ranking member of the Constitution Subcommittee.

Mr. FRANK of Massachusetts. Mr. Chairman, I thank the gentleman for yielding the time.

The Chairman, I am voting against term limits. People have talked about the effect on the competency of the body, and I agree; and they have talked about other things. For me there is one overriding reason. I believe in democracy, in representative democracy, untrammeled, unrestricted, unrestrained.

What this amendment does is impinge on the right of a given group of voters at a given moment in time to make whatever decision it wishes.

People have said well, how can it be undemocratic, a majority is for it. I did not think in the 20th century, after all that we have seen, in which majority have people temporarily taken away democratic rights from others and indeed even yielded up their own, I did not think that needed to be explained.

But democracy is not simply what a given majority in a public opinion poll thinks at a given time. It is an entire structure of government, it is majority rule with minority rights; it is the prevention of permanence, because with majority rule you recognize the right of a later majority, a differently composed majority of newer people to change things.

What you would do if you amended the Constitution today in this manner or began the process is to lock in what today's majority thinks as a restriction on any future group.

Second, you would take away the rights from individuals. Particular groups of individuals may not want to have their Representative limited. That is what you are doing, what you are saying. And we are being told 80 percent think that.

It has not been my impression that 80 percent has been the uniform vote in referenda, so maybe it is 50 percent plus 2, maybe it is 65 percent, but the number is not the relevant factor. What is relevant is that democracy says at any given time the voters should be allowed to make up their minds.

What this amendment is fundamentally is an effort to find a shortcut around tough decisions. We have had a number of these coming in the contract. Cutting the budget and reducing the deficit is hard, because the deficit is an agglomeration of programs that got there because they got political support.

Rather than talk about the specifics of cutting, the majority leader said you do not want people's knees to buckle when they see what is really up. People provide procedural approaches to try to get around tough issues. This is one more of those. But it is a procedural approach that restricts democracy.

What is the matter with a system that says the voters can do whatever they want to do whenever they want to do it? And the honest thing I have heard is constant invocation of the Founding Fathers, the people who wrote the Constitution, to be told that they are really for something that is in there. I have to ask the brilliant constitutional scholars who have been advancing that, is it your contention that the Constitutional Convention meant to include term limits but they forgot? Was it a drafting error, did they run out of time? If they wanted to do it, why did they not do it?

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

Mr. FRANK of Massachusetts. I yield to the constitutional scholar from Florida.

Mr. SCARBOROUGH. Mr. Chairman, I thank the gentleman so much. I will not expand on *Plessy* v. *Ferguson,* but I will answer the gentleman's question with a question. There are writings in the Federalist Papers by James Madison that say that in general he would support the idea of a limited term for Representatives.

Mr. FRANK of Massachusetts. That answer is astounding.

Mr. SCARBOROUGH. Well, thank you, I appreciate that.

Mr. FRANK of Massachusetts. I say in my question if the Founding Fathers wanted to put it in the Constitution, why did they not? The gentleman said well, after the Constitution was over and it was not in there, in the Federalist Papers, one member of the Constitutional Convention said he liked it.

□ 1930

Maybe he liked the idea later. Maybe he did or did not. But the notion that the later reference to a concept in a series of essays somehow explains why that concept was not in the document is mindless. The gentleman did a better job before.

Again, the question was if the Founding Fathers meant to do this, why did they not. That would seem a simple question. The answer is, well, they did not, but one of them mentioned it in a book. If the gentleman thinks that is an answer, he understands even less than I thought.

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

Mr. FRANK of Massachusetts. I yield to the gentleman from Florida.

Mr. SCARBOROUGH. I thank the gentleman for yielding. I will say this, not only were there certain things excluded from the Constitution, there were other things mentioned that were not included in there such as issues regarding what eventually came in under the 13th and 14th amendments and the women's right to vote.

Mr. FRANK of Massachusetts. Reclaiming my time, I have to say to the gentleman the answer gets less and less intelligible. The fact is he says, oh, the explanation for that not being in there is that there are other things that were not in there. I understand that. There were a lot of things that were not in

there. But do not take the absence of this concept from the Constitution and argue that its absence really meant that they meant it.

This is fundamentally a derogation from the democratic process. It is an argument that you really cannot trust elections on a year-in, year-out basis, and it deprives individuals of their right to vote for whoever they want to vote for whenever they want to vote for them, and for that reason more than any other, I oppose it.

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

Mr. FRANK of Massachusetts. I yield to the gentleman from Virginia.

Mr. MORAN. I would just suggest that there is an answer to why it was not included in the Constitution.

In the original Articles of Confederation there was a limit on the period of time in which you could serve. You could not serve for longer than 3 years within a 6-year period. It did not work.

And so there was a debate, in fact, precedent to the Constitution, and it was deliberately decided not to include term limits, because it did not work when the Articles of Confederation were the law of the land. So it is deliberate that we do not have term limits in the Constitution, and that is one of the reasons why I do not think we should change the Constitution at this point either.

Mr. FRANK of Massachusetts. I thank the gentleman for clearing that up.

Mr. HILLEARY. Mr. Chairman, I yield 1 minute to my colleague, the gentleman from Iowa [Mr. LATHAM].

Mr. LATHAM. Mr. Chairman, I just want to say, the gentleman earlier referred to the idea of a charade around here. What has been the charade around here has been the past 40 years when this issue has never come up for a vote on this floor of the House of Representatives in the past, and when the former Speaker of this House, the Democrat, sues his own State because they want to limit his terms. That is a charade, folks.

And tonight I rise in support of term limits, the substitute offered by my colleague and good friend, the gentleman from Tennessee [Mr. HILLEARY].

I have been a strong supporter of term limits in my campaign and was a proud cosponsor of the McCollum term limits bill. However, the gentleman from Tennessee [Mr. HILLEARY] has developed even stronger language than the base bill, because the Hilleary substitute maximizes the ability of voters to participate in their government. It recognizes the rights of the people and the rights of the States over the rights of the Washington politicians, and I would also like to say that no matter whether the Hilleary version or the McCollum version get the most votes, I urge my colleagues to vote for final passage tonight.

Mr. CONYERS. Mr. Chairman, I yield 2 minutes to the gentleman from New York [Mr. SERRANO], a member of the Committee on the Judiciary.

Mr. SERRANO. I thank the gentleman for yielding.

I rise in opposition to all term limit amendments as they come here today. It is a silly notion put together by a bunch of losers.

Let us understand what we mean by that. The current movement started when some people who were running against incumbents lost and decided they were going to fix their defeats by creating this new movement. You recall a few years ago that is how it started.

I stand before you today as probably the person that should be used as the poster child for the anti-term-limits movement.

Yesterday was my 5th anniversary in Congress. I have already gone more than half the House in seniority in those 5 years. So obviously there is nothing broken that needs to be fixed. People are leaving this place. People are making other decisions. People are being defeated. There is no need to do this kind of a thing.

Now, every so often you get an opportunity to speak to people from Latin America who always question why we spend so much time in this country trying to undo our democracy. They tell us, ''You know, we would give our lives, and we do in many cases, to have your democracy. And what do you do? You talk about airport parking, you talk about salaries, you talk about people's private lives and term limits. We want an election. We want the ability to elect someone, and you want to unelect people.''

Now, in the last election, I receive 98 percent of the vote with an opponent. That was the highest in the Nation. According to you, the voters in my district were dumb and did not know what they were doing, and they should not be allowed to do that ever again, because they are dangerous to us, to themselves, and to their families, to their community, and certainly they are endangering my life.

And last but not least, under your plan, you would have to elect the most progressive people in the Nation who would come together every so often, look at each other and say, ''A couple of Hispanics, a couple of African-Americans, a couple of women, let's make those two chairmen of committees, that one subcommittee chairman. Let us give them equality.'' The seniority system works. Term limits is for losers. Let it stay with the losers.

Mr. Chairman, I rise in opposition to amending the U.S. Constitution to limit the terms of Members of Congress.

The Republicans keep talking about what a historic day this is. Well, that may be, but not for the reasons they claim. The House is being asked to vote on a measure of historic silliness, a measure that represents a knee-jerk reaction to a problem that, if it ever existed at all, no longer exists.

Mr. Chairman, term limits are simply silly. The American people already have—and exercised as recently as last November 8—the right to limit the length of service of their own Senators and Members of the House of Representatives.

It is argued that term limits are necessary to wrench legislatures away from entrenched career politicians, and the evidence of entrenchment is the high reelection rate of incumbents who seek reelection.

Incumbents who seek reelection, Mr. Chairman. We all know—or know of—incumbents who chose not to run for reelection because they knew they were likely to lose. Likely to lose, Mr. Chairman. They decided to go out gracefully rather than spend the time or raise and spend the money and be rejected all the same.

But look at my brief service in the House. I was elected in March 1990. In November 1990, 45 seats changed hands. In November 1992, another 110. In November 1994, another 87. By my calculations, at least 242 seats—more than half the membership of the House—have changed hands since March 1990.

The term limits movement is the brain child of losers, plain and simple. They ran for Congress and lost. Unable to remove incumbents through the normal political process, they have created a movement to remove incumbents automatically. They have been helped, and much public support has been whipped up, by radio talk show hosts and other professional Congress-bashers, who persist in painting government service as corrupting.

You know, Mr. Chairman, I am bilingual in Spanish and English, so I can keep in touch with scholars and politicians in Latin America. And all the time I hear, ''What is it about you Americans, that you are constantly trashing your own Government? What is it about you Americans that you spend so much time worrying about how much money Members of Congress make, what they drive, where they park, whether they have a gym? And now you are going to kick them out after a certain amount of time regardless of how the people they represent feel about them?''

Mr. Chairman, this comes from a part of the world where people literally die to have a government like ours, literally die for the opportunity to elect someone and keep electing them for as long as they want, not see them shot in the middle of the campaign. And they look at us and say to me, ''Serrano, que es lo que pasa?''

And they're right, Mr. Chairman. This is crazy.

Mr. Chairman, term limits aren't just silly, they are unfair to groups within our society that have traditionally been underrepresented in Congress. In the 30 years since the Voting Rights Act was enacted, minority and women Members have increased in numbers and increased in influence through the seniority system.

In fact, cynics observe that just as certain people—minorities and women—begin to gain some power in Congress, some people decided it is time to curtail terms. And once that's done, only the most good-hearted, progressive group of Members would look around and say, You know, Mr. CONYERS, Mr. WATTS, Ms. VELÁZQUEZ, we think we will share some of the power and influence in this place with you.

Term limits aren't just silly and unfair, they represent a major shift in power away from the people's branch of the Government. If we limit terms, sooner or later we will find Congress playing catchup to the executive branch, congressional staff, and lobbyists. So 10 years from now, we will see a new movement of people who demand unlimited terms, who say ''let people run.''

Mr. Chairman, I was sworn in on March 28, 1990. I chose that day because it was the 38th anniversary of my parents' arrival from Puerto Rico. I thought it would be a great tribute to their many years of working in a factory to give their children a better life to have their son enter Congress that day. I know they would not have thought of Congress as an institution that would corrupt their son or turn him into something they did not bring him up to be.

And that is why at bottom term limits are dangerous. they reinforce the false notion that Congress and our entire Federal Government are corrupt and that anyone who serves more than a certain time, regardless of his or her accomplishments or contributions, is by definition crooked and unworthy of serving the American people any more. That simply is wrong, and serves only to further diminish our most basic institutions in the public's eyes.

Mr. Chairman, some of our most eminent Members on both sides of the aisle are walking advertisements for letting the people choose their own representatives as many times as they like. I urge my colleagues to oppose any constitutional amendment to impose term limits on Congress.

Mr. HILLEARY. Mr. Chairman, I yield 2 minutes to the distinguished gentlewoman from Missouri [Ms. DANNER].

Ms. DANNER. Mr. Chairman, I rise today in unequivocal support of term limits. In 1992, 74 percent of the people of Missouri voted in favor of an 8-year term limit for their U.S. representatives and a 12-year term limit for their U.S. Senators.

As a strong supporter of term limits while serving in the Missouri State Senate and now as a member of the United States Congress, I agree with the peoples' decision.

Unfortunately, the original amendment I cosponsored, which would have provided limits identical to those passed in Missouri, will not be considered under the existing rule. There is, however, an acceptable alternative—the Hilleary amendment.

This amendment provides for 12-year limits of service for both House and Senate Members, yet—and this is very important—it protects individual States' laws limiting the congressional terms of service for their own Members. Since the Hilleary amendment works within the framework established by the people of Missouri, I strongly believe this amendment is the best alternative.

Therefore, Mr. Chairman, I urge my colleagues to remember where they came from, and remember where they are, in most cases, going back to—and vote to allow the States to implement their own term limits.

Mr. CONYERS. Mr. Chairman, I yield 3 minutes to the gentleman from Maryland [Mr. MFUME], the distinguished former chairman of the Congressional Black Caucus.

Mr. MFUME. Mr. Chairman, I thank the gentleman from Michigan for yielding me this time.

I want to stand here this evening and join with other Members of this body in absolute and unequivocal opposition of this nonsense in all of its versions that have been before us tonight and state a brief but very succinct case as to why. And on this particular bill, because it allows for all sorts of limits to be placed, in other words, you could serve for 12 years or your State could have you serve for 2 years, it creates chaos in a Government that is already too chaotic, and has no uniformity that brings about any sense of resolution of problems.

I keep hearing over and over and over again from Members who are in support of this, ''Well, you know, the majority of the American people want this. The majority of the American people think it is the right thing to do.''

We were sent here to govern on what was right and what was wrong and not to read some poll commissioned and published in a publication. If we have to do that, we do not need to be here, and maybe then term limits are effective. I do not want anybody representing me reading poll results and basing their work on that instead of using their judgment that they ought to have intuitively to do what is right and to see beyond the hype.

The last time I looked, since someone raised the question before, slavery was considered to be all right in the minds of most people in this country, so perhaps that is why all of those former Congresses just kept on voting it through and voting it through. The last time I looked, in 1939, the majority of the people in this country turned their backs on Jewish Americans and turned around the Saint Louis from the ports of Florida and sent it back to Europe so that people could be killed and found to be in all sorts of, or all kinds of things happening to them because the majority of people wanted it.

The majority of people in this country did not want women to have the right to vote. So if you read a public opinion poll in 1905 and you were in Congress, of course, you were going to vote against women's suffrage.

Please, do not give me that. Between death, voters, and voluntary change of occupation, 206 Members of this body in the last 3 years are no longer here. That is almost half. You do not need term limits to do that. You will not need them in the future to do that.

People make the choices as they have the right to do every 2 years, and for those who keep quoting the Constitution, well, here it is, ladies and gentlemen. I do not know when is the last time any of you read it. Beside it happens to be the Federalist papers, but, look, there is nothing in it that says you have to stay here. You can leave. And, in fact, if you believe in 6 years, please, go, so that we can carry on the people's work.

Let us not be disingenuous. Every Member of this body knows that none of these measures are going to pass tonight. Everybody knows that. And if you are honest, you would say it. But we are going to play games and have a charade.

The gentleman from Illinois [Mr. HYDE], the most distinguished Member I have served with on the other side of the aisle, has said over and over again we do not need the dumbing down of the Congress. This ought to be about substance and true debate and not a charade. We know that all of these measures are going to fail tonight.

Mr. HILLEARY. Mr. Chairman, I yield 1½ minutes to my good friend, the gentleman from Washington [Mr. TATE], who, along with his staff, helped an awful lot on this amendment.

Mr. TATE. Mr. Chairman, first of all, I would like to thank the gentleman from Tennessee for his hard work. He took the best of the McCollum bill and the best of the Inglis bill and put together an even better bill, a bill that will protect the rights of the citizens, those citizens of Washington State, for example, who took out petitions, went door to door, went to shopping malls, went outside at the State fairs, went out and gathered signatures, because they wanted to change Congress.

Why did they want to change Congress? Because we had a Congress that was more interested in doing what they wanted to do than what the people wanted to do, that was more interested in getting reelected than it was doing what was right, and things need to change.

We have heard a lot on this floor about the reason why we need term limits, because we need experience. Well, the folks across the aisle for the last 40 years have had a lot of experience, experience in raising our taxes, experience in raising the debt, experience in raising the deficit.

Now, to use the example, the Founding Fathers did not talk about that, well, maybe they did not know we would have 40 years of raising taxes and raising the debt. They would have wanted term limits.

The people want a new experience, my friends. They want a new change. And they want term limits. And that is exactly what we plan on giving them, and the Hilleary amendment is the best approach.

I urge your support.

Mr. CONYERS. Mr. Chairman, I am trying to move the debate along as quickly as we can, and I would like to reach across the aisle and yield 3 minutes to the gentleman from Florida [Mr. MCCOLLUM], the distinguished member of the Committee on the Judiciary.

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

Mr. MCCOLLUM. Mr. Chairman, I thank the gentleman for yielding me this time, and I rise here tonight reluctantly to oppose the Hilleary amendment, and I say reluctantly because of several reasons.

One, I respect the gentleman very much, and I know what he has offered is genuine. There are many Members on my side of the aisle and the other side of the aisle who do accept the concepts embodied in this amendment, and reluctantly because I am a term-limits supporter, and I will vote for this version should it prevail and get to final passage.

I do not agree with a lot of the rhetoric we have heard here tonight in opposition to this amendment and others.

But I do, nonetheless, believe I need to put on the record why I am going to vote against this amendment in the Committee of the Whole. The reason why is because I do not want to see us put into the Constitution a provision that gives the States greater rights than they have today under the Constitution, because I fear that if we wind up, after the Supreme Court decides the Arkansas case with a ruling, that says that under the present constitutional provisions, the States cannot do what they have been doing in these initiatives; we will then have passed the Hilleary amendment, and we will wind up in a situation where we will have given the States more rights than the Supreme Court says they have today, and that will assure a hodgepodge for a long time to come of 6 years, 8 years, 12 years for the House for many of the States around the country and many of the locations.

□ 1945

Now there are some who will say that is perfectly fine. I disagree with some of my colleagues who like the 6 years or the 8 years in large measure because I do not think that it is smart for us to have a term limit less for the House than for the Senate. I think it makes a weaker body for the House vis-a-vis the Senate in conference committees and so on.

I also think that it is a problem if we do that and have a hodgepodge. I do not believe that we will see the States do what some have suggested and, over time, go up to the cap of 12 years the gentleman sets. I think the politics and the political reality means some States will always have lower limits than the cap is, and therefore some States will have big advantages out here. Those who do not go to those higher limits will be disadvantaged, their Members will be in committee work, in seniority in the system that we have under term limits.

So I think the absence of uniformity is generally a bad idea, though my underlying base amendment allows whatever the Supreme Court to decide to be the case, and if indeed the Supreme Court decides that the States currently have the right to do what they have been doing, then so be it. I am silent on it, the base bill is silent on it, but I must, as I say, oppose this now. I do not believe we ought to give the States a right in the Constitution they do not currently have, and I urge a no vote on the Hilleary amendment.

Mr. HILLEARY. Mr. Chairman, I yield 2 minutes to the gentleman from Kansas [Mr. BROWNBACK].

Mr. BROWNBACK. Mr. Chairman, I thank the gentleman from Tennessee [Mr. HILLEARY] for yielding this time to me.

Mr. Chairman, I rise in support of term limits and the Hilleary substitute. My comments will probably not be as eloquent as a number of the other people on the other side of the aisle that have been here quite a bit longer than we have.

This is primarily a freshman initiative and one that we are putting forward, and so we do not, perhaps, have quite the member of years of experience that a number of other people do in this body. I think that we bring the will of the people clearly with us because one of the key reasons to have term limits, one of the key reasons it has not been discussed so much today to have term limits and limiting terms, is limiting government. I say, if you generally have people here for long periods of time, they're looking to build something for a legacy to live for for their life, and here is something of a legacy that they put forward, and the longer one is here, the more they want to build something, and that builds some more government, and that gets away from limited government toward an expansive government that we have had over the past number of years to a $5 trillion debt that is a mortgage on the children, and we have got to cut it back. The reason to have term limits is to limit government.

Mr. Chairman, I would like to respond very briefly to a couple of the arguments put forward here tonight already. One is that, well, if we have term limits, we are going to give all the power to the lobbyists and bureaucrats. I would ask my colleagues, ''Who has it now? Who is taking it now?'' I concede that a number of it would go to those places already.

A second point that people put forward is, well, it was not in the Constitution. Well, limiting the President to just two terms was not in the Constitution, but it was put forward by the people after we had a President that served nearly four terms, a very good President, I might add, that served nearly four terms, but the people said we do not need the same leaders for life, we do not need them for a career, we ought to have different people cycling in and out with new ideas and new leadership, and that is what term limits is about, new ideas, new leadership. We do not need the same people even though they are good people. There should be turnover coming into this body, and I think that is what the people are saying in their support for term limits, and those are the reasons that I strongly support term limits.

Mr. HILLEARY. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Arkansas [Mr. HUTCHINSON].

Mr. HUTCHINSON. Mr. Chairman, I thank the gentleman from Tennessee [Mr. HILLEARY] for yielding this time to me, and I want to compliment and commend the freshman class for their initiative and for the good work they have done on the term limits proposal before us.

I believe in term limits. I have supported it in the Arkansas Legislature.

I think that we have come a long, long ways in the last 2 years in the House of Representatives. I say to my colleagues, I can remember 2 years ago, when you could only get a handful of cosponsors for term limits legislation. I can remember when we couldn't get a hearing, we couldn't get a committee to take this proposal seriously. We have come a long way.

Twenty-two States have adopted it, and, Mr. Chairman, where the States have it it is working. It has brought healthy change, and the question ought not be before us: Well, how many good public servants are we going to lose if we have term limits? The question ought to be: How many great public servants will we never give an opportunity to serve in the House of Representatives because we do not have term limits?

Mr. Chairman, the Hilleary amendment, I think, is a good approach. It establishes a 12-year ceiling. It respects the rights of States to be more restrictive. In my home State of Arkansas the people, by more than a 60-percent vote, established a 6-year term limit. What right do we have up here to double that by passing a 12-year without allowing them to have more restrictive laws and honoring what they have done?

Politicians are like cookies. They get stale, and term limits will freshen this place up.

One of my colleagues said term limits are for losers, and I suggest to my colleagues that it is that very attitude that has fueled the term limits movement. It is not for losers. Eighty percent of the American people support it, and there is wisdom in the common sense of mainstream America who says we need to have term limits. It is a

populist movement that is sweeping America.

How can we deny the people, through their State legislatures, the right to debate and, if they so desire, to ratify an amendment to the Constitution that would limit the terms of their elected Congressmen, a proposal supported by almost 80 percent of the American people?

Mr. HILLEARY. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Georgia [Mr. KINGSTON].

Mr. KINGSTON. Mr. Chairman, I support the Hilleary amendment and the substitute tonight. I think it is a very reasonable approach. It allows States to have their own term limit if they want to go for 6 years, 10 years or whatever. It is important. But I also think the thing about the amendment offered by the gentleman from Tennessee [Mr. HILLEARY] that is important is that it does embody not just this current freshman class, but a new spirit in America saying, ''Come on home, guys. We don't want you to be prima donnas and become Washingtonian on us.''

Term limits is a concept. Think about it. We limit the term of the President of the United States. He is in charge, he or she is in charge, of the greatest country the world has ever seen, 260 million people, but a limited term. In my hometown on a smaller basis we limit the term of our mayor, and yet our mayor does a fine job.

Mr. Chairman, I was a part of the Georgia General Assembly. The Georgia General Assembly is comprised of citizen legislators, housewives, doctors, railroad retirees, lawyers, teachers, farmers, business people. All of them are connected to the real world. That is what term limits is all about, to get rid of professional politicians.

Mr. Chairman, I think this a good idea, and I hope my colleagues will support the Hilleary amendment.

Mr. HILLEARY. Mr. Chairman, I yield 1 minute to my very good friend, the gentleman from South Carolina [Mr. GRAHAM].

Mr. GRAHAM. Mr. Chairman, this is the only place in America that I know of where there is really a whole lot of doubt about this issue. There is a fog around this place like I have never seen before. I said something this morning that I believe more this evening. I ran on term limits personally saying I would only serve 12 years. I regret that the 6-year amendment did not pass. I am about to change my mind.

This place up here is amazing. We spend money like they are not going to make it anymore, and I wonder why the government is the way it is.

I say, ''You need to come up here and visit for a while. People are so detached from reality that it really is amazing.''

The amendment offered by the gentleman from Tennessee [Mr. HILLEARY] in my opinion is a good compromise. It reforms Congress, which we desperately need to do, and it allows the States to chart their own course.

Two things I ran on: reforming this institution and allow the States to chart their own course.

I say to my colleagues, please vote for this amendment if you want to change America.

Mr. HILLEARY. Mr. Chairman, I yield 1 minute to the gentleman from Nebraska [Mr. CHRISTENSEN].

Mr. CHRISTENSEN. Mr. Chairman, earlier we heard that term limits is mean spirited. I thought I heard it all last week, but this statement takes the cake. Somehow the protectors of the old order think that 70 percent of the American people are mean spirited. Well, we are having a debate, the first one here on term limits in 40 years, and it is welcomed by the American people.

In my State of Nebraska, Mr. Chairman, the voters overwhelmingly support term limits. As their Representative and as their hired hand, I am looking forward to casting that vote here tonight. As my colleagues know, I was an original cosponsor on the McCollum bill, but, as my colleagues know, the McCollum bill takes away States rights, and I will be voting against the McCollum bill, and I urge my colleagues to vote for the amendment offered by the gentleman from Tennessee [Mr. HILLEARY] because it protects States rights in the 22 States who have term limits.

We need to pass the amendment offered by the gentleman from Tennessee [Mr. HILLEARY]. I urge my colleagues to vote yes.

Mr. HILLEARY. Mr. Chairman, I yield 2 minutes to my good friend, the gentleman from Arizona [Mr. SALMON].

Mr. SALMON. Mr. Chairman, I thank the gentleman from Tennessee [Mr. HILLEARY] for all his hard work on this issue. He has put together a coalition, I believe, that is the envy of everybody in this body in a very, very short time, and I praise his efforts. I would also like to praise the 20 percent of my Democrat colleagues who support the term limits concept and the 80 percent of my Republican colleagues who support the same concept.

As my colleagues know, it is interesting. I heard one of the opponents say that only losers support term limits. Twenty-two States have passed term-limits laws, and what I am hearing from the opposition is the voters were smart because they voted for them, but they were not so smart when they voted for term-limits laws. What could be more democratic than 38 States having to ratify what we pass out today?

This does not end here. After we pass this as a constitutional amendment, it goes out to the States, and they then will make that decision.

I would like to tell my colleagues a little bit about Arizona's term-limits law because 5 years ago, when I started in the Arizona legislature, I sponsored the first term-limits law. I might point out also that it was a Democrat controlled Senate and they would not even hear the bill. Well, the people in Arizona got so frustrated that they, through the initiative process, went out and collected tens of thousands of signatures during the hot Arizona summer, and let me tell my colleagues it is hot and sweltering, and they collected the signatures to get it on the ballot. Seventy-four percent of the people in our State voted in favor of term limits.

Now I think that we have talked a lot about deferring to the States, about deferring to the will of the people. Here we have an opportunity to put up or shut up. The amendment offered by the gentleman from Tennessee [Mr. HILLEARY] gives the ability of the States to determine how long that their Representatives will serve. It is the ultimate in democracy. It allows the States to make that decision, but it sets a 12-year cap. I cannot understand why there would be any opposition to that.

Now I do not know if the Founding Fathers would have ever placed term limits initially. I cannot say that; I was not there, did not even get the T-shirt. But I will tell my colleagues this:

The Founding Fathers never envisioned a Congress like this that has plunged this country $5 trillion into debt. The American people deserve better, and, if we had 6 years or 12 years to serve in Congress, we would have a time certain, and we might stop the nonsense.

Mr. HILLEARY. Mr. Chairman, I yield 2 minutes to the gentleman from South Carolina [Mr. INGLIS].

Mr. INGLIS of South Carolina. Mr. Chairman, I thank the gentleman from Tennessee [Mr. HILLEARY] for yielding this time to me.

Mr. Chairman, I rise in support of the amendment offered by the gentleman from Tennessee [Mr. HILLEARY] and think that it really is an excellent way to go here, and I want to thank two folks or two groups of people in particular. First is the freshmen that have made such a tremendous contribution to where we are today.

As my colleagues know, prior to the 1992 election there were 30 cosponsors of term-limits legislation. After the 1992 election, where my class came in, there were over a hundred. Now, as a result of this new freshman class, I think today we are going to be way over 200. That is tremendous growth, and it is because of the people that are standing right here.

And in answer to something that the gentleman from Michigan asked earlier, how many of these folks would limit themselves, well, look at the freshman class, and my colleagues will find the answer. As I look across this sea of freshmen over here that are supporting this amendment, I will tell the gentleman from Michigan that quite a few of them are going to limit themselves to the term limit that they propose. The proof is in the pudding with these folks, and it is very exciting to

have them here and to have them part of this exciting and historic debate.

The second group that I think it is important to thank at this point for where we are in term limits is the leadership of this House. What a tremendous thing, to have a Speaker who is willing to bring this to the floor, a majority leader who is passionately for us, a subcommittee chairman of the constitutional committee of the Committee on the Judiciary who helped us get this far and everybody in between. It is an exciting day for term limits. There is the Committee on Rules chairman right there who worked very hard to get this rule to where we could win or get the closest to winning. It is an exciting day for term limits, and I particularly support the approach of the gentleman from Tennessee [Mr. HILLEARY] here. It makes a whole lot of sense.

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

Mr. Chairman, I enjoyed the debate on the most mixed up term-limit proposal of all, and that is the one that we are going to vote on in just a few minutes. Why is it mixed up? Well, it says not only will we put a 12-year Federal limitation on, but we will also allow each State to put six, five, four, three, two, one, yes, one term, if they choose, on, and it gives the States, as the gentleman from Florida pointed out, powers that are not presently in the Constitution.

□ 2000

I am also delighted to hear the increasing number of Members that realize that the constitutional dodge, which is what all this is tonight, is not going to be adhered to because they are going to voluntarily impose limitations on themselves. And I got up to the magnificent number of three people that I have recorded that have admitted that they would do that. There may be a fourth or a fifth around, I am not sure, and if they are, we want them to identify themselves.

I will still be earnestly soliciting the fervent supporters of constitutional amendments to find out who is going to impose it on themselves. You will not have to wait seven years. You will not have to take it through State legislatures.

In closing, on polls, the assault weapons ban poll says that there are a lot of people in America that want an assault weapon ban, and it is not stopping about half the Members of this Congress. Vote this amendment down.

Mr. HILLEARY. Mr. Chairman, I yield 1 minute to my colleague, 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 the time.

My colleagues, how did we get ourselves in this mess? Because this Congress says yes to everybody and no to nobody. And that is why we have a $4.5 trillion debt and about to add another trillion to it if we do not do something about it.

That is why we need term limitations in the worst possible way, so that these Members will not depend on this job and all of its salary and all of its benefits for a career. They need to come here, do the job and go back home.

Mr. HILLEARY. Mr. Chairman, I yield 1 minute to my colleague and fellow cosponsor, the gentleman from Indiana [Mr. MCINTOSH].

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

Mr. MCINTOSH. Mr. Chairman, I rise in support of the Hilleary amendment and am proud to be an original cosponsor of it. I think it is a valuable contribution to one of the most important things we will be voting on in this 100 days.

There has been a lot of talk about the Founding Fathers not putting term limits in the Constitution. But there have been many fundamental changes in our political process: limits on contributions, campaign limits that have made it very difficult for challengers to be able to actually challenge an incumbent, franking and other means in which the incumbents can preserve their powers.

We are making great changes in this Congress, and the people made great changes in the last election. But we need to be reminded, as Lord Acton pointed out, that power corrupts and absolute power corrupts absolutely. We do not have absolute power, but we do have power in this Congress, and we should guard against the possibility that this new majority would be corrupted by that power.

For that reason, I favor term limits because I think it would be a shame if what we see as a great advance forward is ended up being corrupted by the influences in this institution.

Mr. HILLEARY. Mr. Chairman, I yield 1 minute to my good friend and colleague, the gentleman from Tennessee [Mr. BRYANT].

Mr. BRYANT of Tennessee. Mr. Chairman, I thank my colleague from Tennessee for yielding this time.

I rise in strong support of this amendment to limit the terms for people in Congress. I am one of those folks who have only been up here about two months as a freshman, and I have taken the voluntary 12-year limit on my term, whether these amendments pass or not.

I think what it boils down to tonight, from what I have listened to as I hear the debate, is who is better to decide whether or not we have term limits. Many of my colleagues feel that we have more wisdom, we are better suited to decided if we need term limits. I think it is the American people that need to decide that. And by simply voting for this amendment tonight we do not make that decision. We simply hand it over to the people back in the States.

Thirty-eight States still have to ratify this amendment. That gives the people of America the opportunity to express clearly to us whether or not they want term limits. I believe they do. I believe they ought to have that opportunity to decide, and that is why I am supporting this amendment.

Mr. HILLEARY. Mr. Chairman, I yield 1 minute to my colleague the gentleman from Missouri [Mr. HANCOCK].

Mr. HANCOCK. Mr. Chairman, you know there has been a lot of conversation about the sincerity of the people who say they believe in term limits. Are they political opportunists? Is this just something that is a fad, that they do not really mean?

In 1988, when I originally came to the Congress, I said I would run for four terms. This is my fourth term. I will not be a candidate for the next term, even though we are now in a majority.

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

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

Mr. CONYERS. Mr. Chairman, may I extend to the gentleman my serious congratulations because he is the fourth person who is dedicated enough to impose term limits upon himself. The gentleman is to be congratulated.

Mr. HANCOCK. Mr. Chairman, reclaiming my time, I thank the gentleman very much. I appreciate the kind words.

However, I am convinced, I am convinced that with term limits the situations that occurred since I have been in the Congress, the type of thing that went on, quite frankly, with the House Bank, that went on with the Post Office would never have occurred if we had had term limits in the first place.

Mr. HILLEARY. Mr. Chairman, I yield an additional minute to my good friend, the gentleman from Arizona [Mr. SALMON].

Mr. SALMON. Mr. Chairman, I would just like to respond.

From the other side I have heard the allegation now that there is only four people. I just kind of wonder where you have been because last week there was a press conference held, and there were at least nine of us, some from the Democrat ranks as well, that went and signed a pledge and turned it in to the Secretary saying that we would not run more than our States had authorized us to run.

The State of Arizona has a six-year term limit and has stated that they do not want our representatives serving any more than six. I have made that pledge, as have a number of other Members in this Congress, and just because the other side does not know it happens does not mean it ain't so.

Mr. ARMEY. Mr. Chairman, I rise in support of the amendment from the gentleman from Tennessee. And let me say I am glad that our Contract With America has enabled us to have this first-ever vote on an idea so popular with the American people. Given that our predecessors in the Democrat Congress were never

even willing to let term limits be debated, that alone is progress.

And let me add that I am very proud of our Republicans. We have overwhelming support for term limits on our side of the aisle, more than 90 percent of us will vote ''yes'' tonight. So after tonight, the American people will know exactly which party is for term limits, and which party is against.

To the distinguished gentleman from Illinois, and to all of you who oppose term limits on principle, let me say I respect your position. Reasonable people can and do disagree on this issue, and I have heard eloquent arguments on both sides.

James Madison and George Mason supported term limits. Other equally luminous Founders opposed the idea. Obviously, the opponents prevailed back then. And perhaps that was the right decision 200 years ago. But times have changed, in two important ways.

First, reelection rates have skyrocketed. Thanks to gerrymandering and other devices, challengers now have an unfairly steep hill to climb. Term limits would, in effect, return matters to where they stood in the beginning, restoring what George Will has called a greater constitutional space between incumbents and the special interests that seek to control them. Term limits would take away a politician's incentive to try to build his own personal empire with other people's money.

The second important change is that the American people now overwhelmingly support term limits, to a degree verging on national consensus. A number of people today have argued that term limits show insufficient trust in the people. Well, I would argue just the opposite. The best way to show trust in the people is to respect their overwhelming support for term limits.

To those of you who plan to vote ''no'' on everything today—or vote ''no'' on final passage—I would simply remind you, as a friend, that anything your constituents support by a margin of 4-to-1 merits a good second look before you vote ''no.''

Finally, to those of you who are truly undecided on this issue—to those of you who are open to persuasion—I would simply urge you to give term limits the benefit of the doubt and vote ''yes.''

Mr. HILLEARY. Mr. Chairman, I yield myself the balance of the time.

Tonight, Mr. Chairman, I stand on the floor of the House and represent almost 25 million Americans who cast votes for term limits in 22 States. I stand here and represent the thousands of Americans who stood out in parking lots, gathered petitions, signatures in sweltering summer heat in Arizona, Oklahoma, and California, the frosty weekend mornings in the northeast and the rainy afternoons in the Pacific Northwest.

Mr. Speaker, those people who have already fought and won the term limit wars in 22 States did not get involved because they were Republicans or Democrats or liberals or conservatives. They got involved because they were not happy with the Government they were getting. They thought the Congress was too permanent and too arrogant. They saw a problem and were willing to do something about it.

Now we have a chance to join together in a bipartisan manner to honor that work. With this freshman term limits amendment we have a chance to tell people who voted for term limits, this Congress is different. This Congress heard your concerns and respected your wishes. Or we can tell the people in 22 States that they do not know what they are doing.

The people have always been way ahead of the politicians on the issue of term limits, and now is not the time for the Congress to tell the people they were absolutely wrong.

We all remember a former Speaker of this House who told the people of his home State they were wrong to pass term limits. He second-guessed the people who sent him here, and he paid a price on election day. Those of us in the 104th Congress, Democrats and Republicans alike, should not make that same mistake.

Tonight, I urge my colleagues to vote for a solution that shows respect for the most democratic form of lawmaking in this country, the citizen initiative. But, most importantly, I urge all of my colleagues to vote for the people who stood in those parking lots and to vote for those 25 million people who have already cast their votes for term limits. I urge my colleagues to support the Hilleary amendment.

Before I yield back the balance of my time, I would just simply like to say that we have had an incredible amount of work put in by so many freshmen and sophomores and even some upperclassmen here who got behind this bill in a very short period of time, got an awful lot of resolve behind it, and it shows a lot of steam. We do not know if we are going to win or not, but we are awful proud that we actually paid respect to the contract and even the implied promise not only to bring it to the House floor for a vote but to do everything we could possibly do to have real term limit reform in this House.

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 Tennessee [Mr. HILLEARY].

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

RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 164, noes 265, answered ''present'' 1, not voting 4, as follows:

[Roll No. 276]

AYES—164

Allard
Armey
Bachus
Baldacci
Ballenger
Barcia
Bartlett
Barton
Bass
Bevill
Bilbray
Bilirakis
Blute
Boehner
Bono
Brewster
Browder
Brownback
Bryant (TN)
Bunn
Burr
Canady
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clement
Coble
Coburn
Cooley
Cox
Cramer
Crane
Crapo
Cremeans
Danner
Davis
Deal
Deutsch
Dickey
Doolittle
Dornan
Dunn
Ehlers
English
Ensign
Everett
Ewing
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Furse
Ganske
Gillmor
Goodlatte
Goodling
Gordon
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hall (TX)
Hancock
Harman
Hastert
Hastings (WA)
Hayworth
Heineman
Herger
Hilleary
Hoekstra
Hoke
Hutchinson
Inglis
Jacobs
Jones
Kelly
Kim
Kingston
Klug
LaHood
Largent
Latham
LaTourette
Lazio
Lewis (KY)
LoBiondo
Luther
Manzullo
McCarthy
McCrery
McInnis
McIntosh
McKeon
McNulty
Meehan
Metcalf
Miller (FL)
Minge
Myrick
Nethercutt
Neumann
Ney
Norwood
Orton
Paxon
Peterson (FL)
Peterson (MN)
Petri
Portman
Pryce
Quinn
Radanovich
Ramstad
Riggs
Rohrabacher
Ros-Lehtinen
Roth
Royce
Salmon
Sanford
Scarborough
Schaefer
Schiff
Scott
Seastrand
Shadegg
Shaw
Smith (MI)
Smith (WA)
Solomon
Souder
Stearns
Stockman
Stump
Talent
Tate
Tauzin
Taylor (NC)
Thornberry
Tiahrt
Torkildsen
Traficant
Waldholtz
Walker
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wolf
Zimmer

NOES—265

Abercrombie
Ackerman
Andrews
Archer
Baesler
Baker (CA)
Baker (LA)
Barr
Barrett (NE)
Barrett (WI)
Bateman
Becerra
Beilenson
Bentsen
Bereuter
Berman
Bishop
Bliley
Boehlert
Bonilla
Bonior
Borski
Boucher
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Cardin
Castle
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Dingell
Dixon
Doggett
Dooley
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Dreier
Duncan
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Edwards
Ehrlich
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Farr
Fattah
Fawell
Fazio
Fields (LA)
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Ford
Frank (MA)
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Hall (OH)
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Hastings (FL)
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Hostettler
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Hoyer
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Hyde
Istook
Jackson-Lee
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Johnston
Kanjorski
Kaptur
Kasich
Kennedy (MA)
Kennedy (RI)
Kennelly
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Knollenberg
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Lewis (CA)
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Lightfoot
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Matsui	Pelosi	Stark
McCollum	Pickett	Stenholm
McDade	Pombo	Studds
McDermott	Porter	Stupak
McHale	Poshard	Tanner
McHugh	Quillen	Taylor (MS)
McKinney	Rahall	Tejeda
Meek	Rangel	Thomas
Menendez	Reed	Thompson
Meyers	Regula	Thornton
Mfume	Reynolds	Thurman
Mica	Richardson	Torres
Miller (CA)	Rivers	Torricelli
Mineta	Roberts	Towns
Mink	Roemer	Tucker
Moakley	Rogers	Upton
Molinari	Rose	Velazquez
Mollohan	Roukema	Vento
Montgomery	Roybal-Allard	Visclosky
Moorhead	Rush	Volkmer
Moran	Sabo	Vucanovich
Morella	Sanders	Walsh
Murtha	Sawyer	Ward
Myers	Saxton	Waters
Nadler	Schroeder	Watt (NC)
Neal	Schumer	Waxman
Nussle	Sensenbrenner	Wicker
Oberstar	Serrano	Williams
Obey	Shays	Wilson
Olver	Shuster	Wise
Ortiz	Sisisky	Woolsey
Owens	Skaggs	Wyden
Oxley	Skeen	Wynn
Packard	Skelton	Yates
Pallone	Slaughter	Young (AK)
Parker	Smith (NJ)	Young (FL)
Pastor	Smith (TX)	Zeliff
Payne (NJ)	Spence	
Payne (VA)	Spratt	

ANSWERED ''PRESENT''—1

Longley

NOT VOTING—4

de la Garza	Pomeroy
Gephardt	Stokes

□ 2026

So the amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. It is now in order to consider amendment No. 4 printed in House Report 104–82.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. MCCOLLUM

Mr. MCCOLLUM. Mr. Chairman, I offer an amendment in the nature of a substitute.

The CHAIRMAN. The Clerk will designate the amendment in the nature of a substitute.

The text of the amendment in the nature of a substitute is as follows:

Amendment in the nature of a substitute offered by Mr. MCCOLLUM: Strike all after the resolving clause and insert the following:

That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years from the date of its submission to the States by the Congress:

''ARTICLE —

''SECTION 1. No person who has been elected for a full term to the Senate two times shall be eligible for election or appointment to the Senate. No person who has been elected for a full term to the House of Representatives six times shall be eligible for election to the House of Representatives.

''SECTION 2. No person who has served as a Senator for more than three years shall subsequently be eligible for election to the Senate more than once. No person who has served as a Representative for more than one year shall subsequently be eligible for election to the House of Representatives more than five times.

''SECTION 3. No election or service occurring before this article becomes operative shall be taken into account when determining eligibility for election under this article.''.

Mr. MCCOLLUM. Mr. Chairman, I ask unanimous consent that the time for debate on this amendment in the nature of a substitute be limited to 15 minutes per side. We do not need to have a vote on the amendment now, and we can go to final passage after that time, if everybody is agreeable. I can later withdraw the amendment, if the gentleman from Michigan [Mr. CONYERS] is agreeable to that.

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

Mr. CONYERS. Mr. Chairman, reserving the right to object we agree to the request, and I withdraw my reservation of objection.

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

There was no objection.

The CHAIRMAN. The gentleman from Florida [Mr. MCCOLLUM] will be recognized for 15 minutes, and the gentleman from Michigan [Mr. CONYERS] will be recognized for 15 minutes.

The Chair recognizes the gentleman from Florida [Mr. MCCOLLUM].

□ 2030

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

Mr. Chairman, we have reached a point in this debate on term limits now where we are going to have a historic final passage vote in a few minutes on the underlying bill, which is the same as my amendment. So with the consent of everybody involved to save time, as I said a moment ago, I will in a few minutes, after the agreed-upon time has passed, ask unanimous consent to withdraw the amendment and move on to the final passage vote.

What I think needs to be explained, first of all, is what is the vote going to be on final passage?

What my amendment is is a pure vanilla 12-year term limit for both the House and the Senate. There is no retroactivity. There is no State preemption. There is a provision that simply says that each body, no one may serve more than 12 years in either body. It is a permanent lifetime limit on both sides.

It leaves the question of the current debate in front of the Supreme Court on the Arkansas case and the state initiatives up to the court. It is completely silent on the question with respect to whether or not the States currently have any right or any power with respect to the election clause in the Constitution, which is where that debate is over there right now, to set term limits indirectly through the process they have been using of having people have to be a write-in candidate and not be able to appear on the ballots.

Whatever the Supreme Court decides under this amendment would be the law of the land, if this one were to pass.

I, of course, prefer uniformity. If the Court decides that what the States have been doing is unconstitutional and this amendment were to go out and be ratified by the necessary number of States, then this 12-year limit would be the law of the land. It would be written into the Constitution. It would be uniform nationwide. If on the other hand the Supreme Court decides that indeed the States have the power that they might have under the argument being made over there right now, the States would, of course, which have passed these initiatives, have the power that is granted by the Constitution as it exists today.

It is nothing more than and nothing less than that.

Let me assure my colleagues, this is the term limits vote. For those of us who believe deeply, as I do, and I know many Members do, that we need to limit the terms of the Members of the U.S. House and Senate in order to restore what the Founding Fathers really envisioned in the way of balancing this Constitution of ours, if you believe as I do that we need to end what has become a career orientation attitude on the part of Congress, with a tendency to vote more frequently to please special interests than is good for the country, and if you believe that we need to put permanently into the Constitution a restriction that makes sure that no time in the future will we have any situation again where Members can serve as chairman of committees for 15 or 20 years and hold that kind of power, if you believe as I do that you will bring new blood to Congress and refresh this place if we have a renewal every so often of new Members with term limits and if you believe as I do that while we will lose some experienced men and women who have served well and honorably in this Congress but that it is absolutely necessary, if we are going to get rational debate into things like balanced budget issues and so forth, then you are going to vote for the term limits proposal that is here for final passage night that is supported in general principle by nearly 80 percent of the American people.

I would urge a ''yea'' vote.

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

Mr. CONYERS. Mr. Chairman, I yield myself 2 minutes.

I would like to ask my colleagues, the gentleman from Florida [Mr. MCCOLLUM] if I can gain his attention, please, your proposal before us tonight, the final one, is silent on the question of States' preemption.

I presume that that means that there will not be State preemption. Does the gentleman agree with that?

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

Mr. CONYERS. I yield to the gentleman from Florida.

Mr. MCCOLLUM. Mr. Chairman, the interpretation, given to me by Griffin Bell, who is the former attorney general who represents Arkansas and Washington State, is that that would be the case. He has the cases before the Supreme Court now. He has read the amendment. It is his opinion and that of several other legal scholars whom I have sought that indeed if my amendment passed there would be no State preemption of the existing constitutional provisions.

Of course, if the U.S. Supreme Court ruled that what the States are doing now is unconstitutional, then obviously there would be a uniformity of 12 years throughout the country written into it.

Mr. CONYERS. Mr. Chairman, I think that is very interesting because it leaves it wide open. It might have been more settling for the decisions of many of the Members had you put it in one way or the other, but just leaving it to be decided. Griffin Bell was an OK attorney general. I am not sure where he will go down in the record of attorneys general, but at any rate, we see what a slim reed you are using here in this instance and for this part of your amendment.

Mr. Chairman, I yield 2 minutes to the gentleman from Minnesota [Mr. MINGE] who has sought the floor constantly.

Mr. MINGE. Mr. Chairman, term limits are a tough proposition for any elected official. Term limit proposals are fundamentally an attack on the nature of the political process and politicians. Naturally, we resent this. We must, however, look at the positive side of term limits.

They help ensure a participatory, representative, and sensitive democracy—one that is inclusive. One of the themes of American constitutional history is the drive for inclusiveness in our political process and avoidance of the creation of a political elite.

The original Constitution requires the direct election of representatives to Congress.

The 15th amendment adopted in 1870 guaranteed the right to vote to all citizens regardless of their race.

The 17th amendment adopted in 1913 required the direct election of Senators.

The 19th amendment adopted in 1920 guaranteed the right to vote to all citizens regardless of their gender.

The 22d amendment adopted in 1951 limited the President to two terms.

The 24th amendment in 1964 prohibited a poll tax to vote.

And the 26th amendment adopted in 1971 guaranteed the right to vote to all citizens at least 18 years of age.

Each of these proposals had its critics. But all recognized the overwhelming value of a participatory democracy.

Term limits embody a positive view of the American people. There are thousands of men and women who can capably represent their State and communities in Congress. Term limits encourage broader participation.

Another goal is to find a balance between an effective Congress—one that knows enough to stand up to the executive branch and to the bureaucrats—and one that includes the freshness, the openness, the new ideas, and the creativity that turnover provides. A well-crafted term limit can strike that balance.

Term limits helps to avoid the natural instinct that each of us has that we are indispensable. No one wants to see this great Nation and the American experiment fail. But we can smother it with love and neglect by our longevity in office and the cult of personality.

Term limits offset the impact of parochial interests that can exercise a distorting influence on our legislative process given the continuing role of seniority. Turnover not only gives more people a chance to participate, it also reduces the time one Member in a leadership position can protect a policy or the interests of one State or congressional district. Term limits assure turnover in leadership, something that is healthy for any institution.

In summation, I support a term limit amendment for the broader participation and the more democratic process it promises. I urge its passage.

Mr. MCCOLLUM. Mr. Chairman, I yield such time as she may consume to the gentlewoman from Washington [Ms. DUNN].

(Ms. DUNN of Washington asked and was given permission to revise and extent her remarks.)

Ms. DUNN of Washington. Mr. Chairman, I rise in support of House Joint Resolution 73.

Mr. Chairman, like many Members of Congress, I campaigned on the issue of reform. It is my belief that in order to change government we must change the attitudes of those who govern. We need public servants who are closely attuned and accountable to their constituents. The evidence suggests that, under current law, we have a system that ultimately erodes accountability and responsiveness. Conversely, we now have the opportunity to reverse the downward trend by limiting the terms of our elected officials. This is the first step toward putting our legislative system back on track.

Term limits will help revive the concept of a citizen legislator. Officials should serve their communities in a national forum for a limited time and then return to private life to live under the laws they have created. Term limits provide the necessary turnover to ensure that fresh new minds are given a chance to participate in the process. We do not need any more lifetime professional politicians.

In 1992, my State of Washington passed what has become the most famous term limit law in the country. Former House Speaker Tom Foley sued the voters of Washington, his own State, to overturn the peoples' decision to impose term limits. This ''Washington D.C. Knows Best'' attitude of entrenched politicians proves that the longer Members serve in Congress, the more removed they become from the people who elect them. This lack of accountability must be replaced with citizen-legislators who would bring with them valuable private sector experience, knowledge, and motivation.

Our Nation is endowed with a multitude of bright and talented people. While it is true that some very good Members of Congress may be forced into early retirement by term limits, those limits are necessary to remove the mentality that politics as a career that permeates this institution. Creating open seats with term limits will increase representation of more women and minorities, and more small business operators and educators, making Congress more reflective of the American people. Congress must pass this constitutional amendment guaranteeing that more Americans have real opportunities to serve the public.

If we fail to garner 290 votes for this amendment, be assured like the fight for the balanced budget amendment and the line-item veto, we will continue to keep the pressure on this body to do the right thing and vote again and again until we pass term limits.

If we do approve this amendment, it will free Congress from the grip of entrenched incumbency and prevent the abuses of office that fueled the term limits movement in the first place. It will help ensure that our Nation's legislative body, when making tough decisions, is beholden to the most special interest of all: the citizens of America.

Mr. MCCOLLUM. Mr. Chairman, I yield such time as he may consume to the gentleman from Ohio [Mr. OXLEY].

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

Mr. OXLEY. Mr. Chairman, I rise in opposition to all term limits. We have term limits now, they are called elections.

Mr. Chairman, this vote is a classic example of a solution in search of a problem.

Let us consider the facts. More than half of the House of Representatives was elected in the 1990's. The momentous change of most recent election ended 40 continuous years of one-party rule. The average length of time a Member of Congress serves is 8½ Years. Because of this fact, it is entirely possible that a 12-year term limit would create less competition for congressional seats not more, the exact opposite of its intention. Right now, with energetic freshman and sophomore classes, this House is more vibrant and more responsive than it has been in years.

For this supposed problem, we must amend the Constitution of this Nation?

I do not minimize or ignore the public frustration and outrage that brought us to this debate. It is real and justifiable. We have already passed and implemented a great number of significant congressional reforms in response to that sentiment. The Speaker of the House can now serve for 8 years only. Chairmen may hold their posts for 6 years. Congress is now accountable to all the laws of the land. This body is leaner than it was last year, and it costs the taxpayers less.

One of the hallmarks of American democracy is orderly change directed by the voters. The voters are powerful, and the Constitution provides them regular opportunities to use that power for change.

Mr. Chairman, we owe our constituents representation of their views. But we also owe them our best judgment. This is not a miracle cure. This is not the real thing. This is the wrong way to go.

Mr. MCCOLLUM. Mr. Chairman, I yield 2 minutes to the gentleman from Georgia [Mr. BARR].

Mr. BARR. Mr. Chairman, I thank the distinguished gentleman from Florida for yielding me 2 minutes to speak to this extremely important issue.

Mr. Chairman, what we are doing here tonight is the culmination of a process that began over 200 years ago, based on that magical document, the Constitution of the United States.

Our Founding Fathers, the Framers of that document, I think envisioned exactly what we are doing here this evening. And that is not being presumptuous and making a decision on the part of the American people for the American people, but being their voice and their vehicle to ensure that a very broad proposition, such as whether or not there shall be limits on the number of terms that a Member of Congress may serve, shall indeed be presented to the American people so that they can decide.

That is what we are doing here this evening, Mr. Chairman. We are not making that decision for the American people. What we are doing is ensuring the process that has been used over and over again on the fundamental issues of our day, representing the Constitution and changes thereto, simply to ensure that where there is a broad interest on the part of the people to decide an issue that goes to a constitutional issue, that that issue shall be indeed heard and there will be a vehicle through which the voice of the people can be heard.

It is for that very limited purpose here this evening, Mr. Chairman, that we rise and that I support this amendment, not because I presume to speak for the American people but simply because I want the American people to have the right to make the decision. That is the very limited purpose for which we seek this evening to pass not a constitutional amendment but the vehicle through which the people in their State legislatures all across this country can indeed make that decision.

That is precisely the way the system is supposed to operate. Let us not tonight stifle that process. Let us open it up and say to the American people, you decide this issue. It is that fundamental an issue. It is that important. And I rise in strong support of the gentleman's amendment.

Mr. CONYERS. Mr. Chairman, I yield 3 minutes to the gentleman from Arizona [Mr. SALMON].

Mr. SALMON. Mr. Chairman, with utmost respect, I must differ with my friend and colleague from Florida, although I know he has championed the idea of term limits for a lot of years. I respect him for that. I have got to differ on this issue.

We have had three amendments so far tonight on term limits. I voted for every one of them. One was a term limit proposal which would be retroactive. The second one was the Inglis 6 year in the House, 12 year in the Senate. And the third one was the Van Hilleary amendment which was a 12 and 12 but would yield to the states that have already passed term limit laws.

I said this earlier, when I testified for the Van Hilleary bill, that the citizens of Arizona, because the Arizona State legislature did nothing on this issue, in their frustration took on the initiative process and braved the summer heat collecting tens of thousands of signatures just to get this issue on the ballot. And they voted for a 6 and 12, overwhelmingly. Seventy-four percent of Arizonans voted for a 6 and 12. I, in good conscience, cannot come to this body and say Arizona voters, you do not know what you were doing. We know better than you. We are the font of all knowledge in this hallowed place.

I cannot do that here today. It is for that reason, even though I support strongly the concept of term limits, I cannot sell Arizona voters down the river on this issue by voting for something that is silent.

And if the Supreme Court does, and I think it will, I think most of us here know that the Supreme Court will probably overturn the States laws, it will become null and void. I cannot in good conscience do that to my voters.

Mr. MCCOLLUM. Mr. Chairman, I yield 1 minute to the gentleman from Virginia [Mr. GOODLATTE].

Mr. GOODLATTE. Mr. Chairman, I thank the gentleman from Florida for yielding time to me.

Mr. Chairman, now is the moment of truth for those who say they support term limits. Those who voted for any one of the other three amendments should step forward now and vote for real term limits, because this is certainly a step in the direction that the American people want us to take.

□ 2045

This is, indeed, the opportunity to change the seniority system in this Congress. This is the opportunity to create more balance in terms of people having the opportunity to run for Congress. It is one that is vastly supported by the American people.

Mr. Chairman, I have heard during this debate those who have said our Founding Fathers did not want to have term limits, but I do not think our Founding Fathers ever contemplated the situation we have today, where the vast majority of Members run for far longer terms than they ever ran for in the 19th century or the 18th century. Fifty-four years is now the new record.

Before 1895, there was never an instance when more than 20 Members of this house had served more than 12 years. It is time to restore this citizen legislature. I urge Members to vote for term limits.

Mr. CONYERS. Mr. Chairman, I yield 1 minute to the gentleman from Montana [Mr. WILLIAMS].

Mr. WILLIAMS. Mr. Chairman, I ask my colleagues if they can hear that sound. That is the sound of the good ship Contract With America breaking apart and sinking at sea only 3 months away from port on what was supposed to have been a 2-year cruise.

It is not that the political waters were choppy, it is that the passengers began to abandon ship. They watched the mainsail go when the balanced budget amendment was killed. They watched the keel come asunder when the Senate refused to accept the moratorium on regulations. The Speaker has announced the tax bill is a goner, and now, and now the rudders are falling off with term limits. The good ship Contract With America is sinking at sea.

Mr. MCCOLLUM. Mr. Chairman, I yield 30 seconds to the gentlewoman from Florida [Mrs. FOWLER].

Mrs. FOWLER. Mr. Chairman, I just want to stress to my colleagues, we have an historic opportunity here tonight. I urge all Members to vote ''yes'' on final passage of term limits.

This is the first time this House has been allowed to vote on term limits. This is important reform for the House of Representatives. We need to pass it. We need to show the American people that we will send this back to the States.

What we do tonight is just saying yes, we will allow the citizens of the States of this country to make the final decisions on whether our terms should be limited. I urge Members to vote ''yes.''

Mr. CONYERS. Mr. Chairman, I yield 1 minute to the gentleman from Hawaii [Mr. ABERCROMBIE].

Mr. ABERCROMBIE. Mr. Chairman, I rose last week and spoke of three things that determine what a democracy is, particularly American democracy. Among them was the right to a trial by jury, the right to sue, and the absolute right to be able to cast our votes freely and without coercion.

I have heard the word ''absolute'' used many times today. I will say this, that restricted access to the ballot box is what this is all about. Term limits is a way to tell the American people who they cannot vote for. It is an opportunity for those who want to restrict access to the ballot box.

I have a term limit. We all have term limits. The Constitution says every 2 years we must present ourselves before the American people, before our constituents, to seek their judgment on our performance. It could not be shorter.

The gentleman from Tennessee [Mr. TANNER] made the point earlier today, not only is it wrong to restrict access to the ballot, but it is dangerous, a fundamental danger to American democracy. I say, turn down term limits and vote for democracy in America.

Mr. MCCOLLUM. Mr. Chairman, I yield 1 minute to the gentleman from South Carolina [Mr. INGLIS] who has worked so long and hard with the gentlewoman from Florida [Mrs. FOWLER] and the gentleman from Tennessee [Mr. HILLEARY] on term limits.

Mr. INGLIS of South Carolina. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I would make two points. First, in response to the gentleman from Hawaii [Mr. ABERCROMBIE], I do not know that democracy is in danger due to the fact that all but 19

Governors have term limits, and the President of the United States is limited to two terms in office. I have not heard any hue and cry on this floor about how dangerous ground democracy is on by virtue of those term limits.

The second observation, on the first vote today, the Democratic alternative offered by admitted opponents of term limits, there were 81 Democrats voting in favor of term limits. We need some votes right now for final passage. Eighty percent of the American people want term limits. Eighty percent of this side is going to vote for term limits.

We need 80 percent on this side. If we get 80 percent over here, particularly those 81 folks who voted for term limits first out today, we will pass term limits in a matter of minutes.

Please, vote for term limits. We have the opportunity here in a matter of moments.

Mr. CONYERS, Mr. Chairman, I reserve the balance of my time. We have one speaker remaining.

The CHAIRMAN. The gentleman from Florida [Mr. MCCOLLUM] is recognized as the proponent of the amendment, and the gentleman from Florida has the right to close.

Mr. MCCOLLUM. Mr. Chairman, may I inquire how much time I have remaining?

The CHAIRMAN. The gentleman from Florida [Mr. MCCOLLUM] has 7½ minutes remaining, and the gentleman from Michigan [Mr. CONYERS] has 6 minutes remaining.

Mr. MCCOLLUM. Mr. Chairman, I yield such time as he may consume to the gentleman from Missouri [Mr. EMERSON].

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

Mr. EMERSON. Mr. Chairman, in 1992, Missourians voted in overwhelming numbers for term limits. What they voted for is not what is before the House, and I have never come to the conclusion that the arbitrary limitation of terms is a very good idea. I have long maintained that we have a good term limitation procedure in place right now that was devised by the Founding Fathers. It's called an election, and one occurs every 2 years.

There is no panacea to solving problems; there are no magic answers; and, I am concerned that the arbitrary limitation of terms will create as many problems, if not more, than it may by chance resolve.

There is no panacea to solving problems; there are no magic answers; and, I am concerned that the arbitrary limitation of terms will create as many problems, if not more, than it may by chance resolve.

At the same time, I have no interest in blocking the will of the people. They do have the right to amend the Constitution on this issue if that is their will. I think that the best way to have a reasonable national debate on this subject is for Congress itself to not be the impediment, to set the wheels in motion for an amendment to the Constitution if the people so desire, and thus return the matter to state legislatures for debate and ratification or rejection. I am voting to do that.

I believe the substantive debate on this subject has some way to go. The debate is not fully joined at this time. I don't believe the issues involved, pro and con, have adequately been laid before the people; and I believe debate in State legislatures will help heighten the people's awareness of what is at stake. For example, I am not certain that the arbitrary limitation of terms will result in the positive benefits that ardent proponents believe would result. The arbitrary limitation of terms could limit the choice of the people and empower an unselected bureaucracy to stretch beyond its current reach.

If the debate were to end right here and the choice devolved purely upon the House of Representatives, I would consider my responsibility to be different than it is in the current context. My vote is to not be an impediment of the people's will. I am voting to send the issue to the respective states for further discussion and debate—ratification or rejection—whatever the will of the people may be.

Mr. MCCOLLUM. Mr. Chairman, I yield 30 seconds to the gentleman from Pennsylvania [Mr. FOX].

Mr. FOX of Pennsylvania. Mr. Chairman, the McCollum amendment is the last effort to answer the call of the people for term limits. Over 85 percent of the American people want term limits. People expect us to listen to their call.

Term limits will ensure vitality, provide an infusion of new ideas, people who will question the system. We were sent here to serve, but not sent here to stay. Republicans and Democrats can join together for term limits. Vote for the McCollum bill.

Mr. McCOLLUM. Mr. Chairman, I yield 30 seconds to the gentleman from Florida [Mr. STEARNS].

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

Mr. STEARNS. Mr. Chairman, today the House of Representatives can make history. I want to compliment my colleague, the gentleman from Florida [Mr. MCCOLLUM], for all the hard work he has done.

Today, after years of delay and obstruction and partisan politics, we will vote on term limits on the floor of this Chamber for an amendment that is truly the best one of the four. Today we will finally have that chance. I ask all my colleagues to come forward and vote for the McCollum amendment.

Mr. Chairman, I rise in support of the McCollum amendment. Today the House of Representatives will make history. Today, after years of delay, obstruction, and partisan politics, we will vote on term limits on the floor of this chamber for the first time ever. Today we will finally have the chance to prove to the American people that their elected representatives truly place the interests of the Nation above their own.

As we all know, the American people have consistently voiced strong support for a constitutional amendment limiting the terms of their elected leaders. Recent polls indicate that support now approaches 80 percent and encompasses every demographic group in the country. If it is our job as legislators to represent the will of the American people, this amendment is a way to do that more than almost any other.

Twenty-two States have already approved term limits, with an average level of support of 66 percent. All across the Nation, whenever voters have had the opportunity to impose term limits, they have done so. This broad-based support shows the American people understand what our Founding Fathers believed: that rotation in office is essential to preserve a truly representative government, indeed, to preserve a citizen legislature.

We must bring to an end the career politician. We must bring to an end a system that looks to most Americans like oligarchy—rule by the few for the few—that has come to define business as usual in Washington. There is no better way, and perhaps no other way, to do this than with term limits.

Today, the House has a chance to make a change that will give the American people the kind of government they not only demand, but deserve. It would be ironic, not to mention offensive, to vote against the one change the people back home endorse more strongly than almost any other. In my State of Florida, the voters have already sent a resounding message to the politicians by voting in overwhelming numbers for term limits.

Obviously, not all the Members of this body share the same opinion about term limits, which explains why we have four alternative versions of the bill before us today. We can vote for whatever bill we like best. But the crucial vote is not on which of the four versions you like best, it is on final passage. Support whichever substitute you want, but band together for the American people and vote for final passage.

Remember the people back home and cast the vote you know will be best for them. My colleagues, vote for final passage of House Joint Resolution 2—vote for term limits.

Mr. MCCOLLUM. Mr. Chairman, I yield 1 minute to the gentleman from Indiana [Mr. BUYER], a member of the Committee on the Judiciary and a strong term limit supporter.

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

Mr. BUYER. Mr. Chairman, I rise in strong support of the McCollum amendment. I do not believe that the Founders ever visualized a system of incumbency that produces lifetime politicians here in Congress.

The uniformity issue I think is extremely important. We can talk about whether or not the Supreme Court is going to act on that issue, but I think we have to be very careful.

Mr. Chairman, if we are going to set a constitutional amendment, it would be very unfortunate if we had Members serving in this body, those only here for three terms, some here for only four terms, some five, some six. It would be very difficult to operate in this body, especially if you could try to visualize a system of seniority, I think it would be very, very difficult.

I think that the gentleman from Montana [Mr. WILLIAMS], who spoke,

tried to visualize some form of political eloquence with regard to the sinking of the Contract With America. I would only say to the gentleman, I do not believe that he meant to insult conservative Democrats who have been supporting most of the issues in the Contract With America with regard to his issues.

Mr. Chairman, I support the amendment.

Mr. MCCOLLUM. Mr. Chairman, I yield myself 30 seconds.

Mr. Chairman, I simply want to say that this is our opportunity to vote for term limits. It is the last opportunity. It is going to be a victory tonight for term limits, regardless of whether we get 290, but we certainly need it to get there.

The fact of the matter is, a few years ago we only had 33 Members, three or four years ago, willing to support term limits. Last Congress it was 107. Now we are going to go well over 200 on this vote, I am sure. It is a movement whose time has come.

It is time to vote for term limits. Eighty percent or so on our side of the aisle are going to vote for term limits. I would urge at least 50 percent, and hopefully 80 percent, on the other side to do it. This is the opportunity for term limits.

Mr. Chairman, I reserve the balance of my time. I only have one closing speaker.

Mr. CONYERS. Mr. Chairman, I yield such time as he may consume to the gentleman from New York [Mr. FLAKE].

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

Mr. FLAKE. Mr. Chairman, I rise in strong opposition to the amendment. The people have determined who they want to represent them and how long. I think we should let the people speak.

Mr. CONYERS. Mr. Chairman, it has been a long day. We have had an excellent debate. I yield the balance of my time to the gentleman from Massachusetts [Mr. FRANK], our ranking member on the Constitutional Subcommittee, to close the debate for our side.

Mr. FRANK of Massachusetts. Mr. Chairman, I congratulate the Republican leadership, because they have outmaneuvered the U.S. term limits people. They have gotten where they wanted to be.

The Committee on the Judiciary reported out a bill which preempted State term limits less than 12 years. That caused a great hullabaloo. What ensued was not a charade, because charades do not have words that are spoken. It was an elaborate grand opera.

The result is, we are right back just about where the Committee on the Judiciary was because, be very clear, this amendment is intended to preempt. The gentleman from Arizona who spoke against it on this ground was correct.

It is silent on the question, but the Supreme Court is now dealing with it. If it is true the Supreme Court would decide that States have the right to set their own, then this will not preempt, but if the Supreme Court decides that the States cannot do it on their own, then this would preempt the States.

If Members doubt that, they have to ask why 90 Republicans voted against the Hilleary amendment, because the Hilleary amendment differed from this one in one particular: It explicitly allowed the States to do what they want. The only difference between the McCollum and the Hilleary amendments is that the McCollum amendment is intended to preempt.

What does that mean? First of all, all this invocation of public opinion gets invalidated because, as has been pointed out, the States, 20-some-odd States that have voted by referendum for term limits, have voted for less than 12 years, so vote for this amendment and you probably overrule all those States.

How are you going to claim to wrap yourself in the mantle of pure democracy and public opinion when you will be overruling the States?

California will get 12 years instead of 6. Massachusetts will get 12 years instead of 8. Therefore, this amendment cleverly puts it right back where it was. It is intended to preempt.

The gentleman from Florida [Mr. MCCOLLUM] said that, and the previous Speaker said that. They said, and I have heard the gentleman from Florida say it, ''This is too important to be left to the States to make their own decisions. We have to state it uniformly. This is not poor people's income, some trivial subject like that. This is not whether or not kids get enough to eat. This is our careers. We cannot allow that to be done on a State-by-State basis.''

There goes the democratic argument, because Members are going to overrule 20-some-odd States.

The leadership, I understand the Speaker is going to close, and that is a great day, because the Members of the leadership have been as scarce on the floor of this House as it is possible to be. The gentleman from Mississippi showed us a list of Members who cosponsored a 12-year limit who have been here more than 12 years. They may have been here more than 12 years, but they were not on this floor for 12 seconds today. Not one of them spoke except the gentleman from Florida.

This side of the aisle is full of Members who are in their 15th and 20th year, and they are very consistent. In their 15th and 20th years, they have been saying for 12 years, ''You have got to get out,'' but they do not want to make it effective immediately.

My friend, the gentleman from Florida, said ''You know, if you are here more than 12 years you start to get sour. You start to lose your integrity to the process.'' I asked him at what point did this happen?

I want to know. Maybe they did not tell us this. Maybe the rest of us could benefit from the superior moral fiber that has enabled so many on this side to resist the corruption that inevitably occurs when you have been here 12 years, but they will not tell us how, because all of them who have been here more than 12 years skedaddled. They did not want to be here. They did not want to be asked ''How can you do this?''

Let us be very clear. We have an amendment which would preempt the States, so we have no democratic argument here, because you are overruling every referendum if you vote for this amendment. Every referendum will be overruled.

In fact, the philosophical argument comes down again to this: Yes, the majority of the public in a poll says they are for this today, but democracy is not permanently enshrining what a majority thinks at any one time. Democracy is a system which guarantees to people the right to participate, the right to debate, the right to change the minds of others, and a majority cannot give away the fundamental democratic right of others.

If some people think that you should not serve more than 12 years, and others think you should, let them contest that at the polls. Do not rig our basic document and say ''From now on we will not have free and open elections, we will from here on forever have elections that reflect one particular viewpoint, and we will lock that in.''

This is the most restrictive amendment ever adopted to the Constitution. The Constitution began somewhat restrictively. I do not believe we never change it, but almost every other change has gone to the expansion of democracy: so black people could vote and women could vote and 18-year-olds could vote. This one says that because Congress recently fell into disrepute, and because we had during the 1980's a large deficit, we will lock in forever under our constitutional system a restriction on the right of the voters.

□ 2100

This is not about the individuals here. No, we are not the important ones, although we were important enough for you all to vote for preemption because you want to protect your uniformity, but we are not the key. The key is the right of the voters.

Do not enshrine in this Constitution the biggest restriction on the untrammeled right of the voters to vote for whomever they want. If some voters think that someone should be here for more than 12 years and others do not, the place to solve that is in debate and at the ballot box. Don't rig that contest now by this particular amendment. I hope that you will be consistent to democracy in the broadest sense, that you will not overrule all those State referenda and that you will not for the first time put the Constitution in reverse and say the result of this particular amendment will be less democratic choice and not more.

Mr. MCCOLLUM. Mr. Chairman, while holding a few seconds for the purpose of asking unanimous consent in a few minutes to withdraw the substitute amendment, I yield 4½ minutes to close the debate to the gentleman from Georgia [Mr. GINGRICH], the Speaker of the House.

Mr. GINGRICH. I thank my friend the gentleman for yielding me the time.

Mr. Chairman, I listened with great fascination to the extraordinarily articulate gentleman from Massachusetts, and I tried to remember back to the platonic concern about the ability of one to argue any side of a question with equal facility. I looked up the word ''sophistry''.

A subtle, tricky, superficially plausible but generally fallacious method of reasoning.

And I realized that speed of language is not the same as wisdom. Let me give just a few examples.

This amendment does not preempt the States. It sets a cap. The Supreme Court will decide what that cap means, but the cap is not in any way worded to be binding and, in fact, in no way would change any of the current relationship of the States to their ability to do what they wish to do.

I can assure the House that if the Supreme Court rules later on this year that the Congress need act, that we will visit that question and it may well be on a legislative rather than constitutional basis which will take 218 and not 290 votes.

Let me say second that I believe this is a historic vote. I have been frankly surprised by our friends on the left. I would have thought, having been defeated last fall for the first time in 40 years, that paying some attention to the American people would have been useful.

But I will tell you where I think we are historically. This is not a new experience in America. In the late 19th century, a radical idea emerged, that Senators should be elected by popular vote, that State legislatures should no longer select the Senators. This was a change in the Constitution, an effort to take power away from professional politicians, the State legislature, and return it to the people.

It took about 20 years for the idea to permeate Washington. But in that 20-year period, it became obvious and even the most entrenched old-time political machine came to realize that in fact there was no alternative.

I think term limits is a very similar pattern to the election of U.S. Senators. When it first came up, I rejected it. I am troubled by it. I think in some ways it is anti-democratic. I think that part of the argument is fair. On the other hand, from city council to county commission, to school board, to State legislature, to governor, to the Congress, everywhere in America the people say they are sick of the professional politicians, they are tired of those who use the taxpayers' money to stay entrenched, and they want to find a device to take power back from the professional political class. They say it in New York City, they say it in Los Angeles. They say it in Idaho, they say it in Florida. Everywhere in America.

Now, we are being visited tonight by the fifth grade from Cliffside School in Rutherford County, North Carolina. I would bet a great deal of money that by the time they are old enough to vote, we will have passed term limits, because in the end, the will of the American people is sovereign, no matter how much sophistry, and no matter how many reservations. The fact is that if over time in State after State in county after county the American people say this is an experiment they are willing to risk, sooner or later they will get their way.

One of our good friends the gentleman from Montana got up and said. ''This is the sound of the Contract dying.'' Let me tell you, my friend, tonight 85 percent or more of the Republican Party will vote with the American people for term limits. My guess is tonight 60 to 70 percent of the Democratic party will vote against the American people and against term limits. We will go to the country in 1996 with a simple pledge. It will be a new version of the contract. We are not going to have one of these between now and 1997, but a new version. It will say H.R. 1, Term Limits, will be voted on as the first item in the new Congress if we are the majority.

The Democratic Party has it in its power tonight, if half the Democrats, only half, vote with 85 percent of the Republicans, term limits will pass tonight. It will take deliberate decision of the Democratic Party to deny the American people an opportunity, and we are not even fully passing it, we just send it to the Senate, then the Senate has to send it to the States.

We are not afraid to allow the American people to have a chance in their State legislatures to render judgment. We are not afraid to allow the Senate to look at this amendment. But I can promise you, if the Democratic Party tonight defeats term limits, the Contract may have been postponed in one of its 10 items, but it will be back and when we have picked up enough additional seats in 1996, we will pass it as H.R. 1 in 1997.

Mr. MCCOLLUM. Mr. Chairman, I yield myself the remaining 30 seconds for the sole purpose of offering a unanimous-consent request in order for us to avoid an unnecessary vote tonight. The underlying bill is precisely the same as the amendment that I would have offered or would be offering here tonight we have been debating on the agreed-upon timetable.

With the agreement with the gentleman from Michigan and the gentleman from Massachusetts and others on that side of the aisle, I now then request unanimous consent to withdraw the substitute amendment.

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

Mr. FRANK of Massachusetts. Mr. Chairman, reserving the right to object, I take this time just because I had had some questions. Previously some of us talked about the gentleman's amendment being one more substitute. If he gets unanimous consent, as I hope he will, that will be withdrawn as a substitute and we will go immediately to a vote on whether or not we adopt his version as the amendment. So there will be no more vote about substitutes. The next vote then would occur on whether or not we adopt the joint resolution.

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

Mr. FRANK of Massachusetts. Further reserving the right to object, I yield to the gentleman from Florida.

Mr. MCCOLLUM. The gentleman is 100 percent correct. We would be going to final passage. I do not believe the minority is going to offer a motion to recommit. I think we will be going to the next vote, and it will be on the final passage of the underlying bill.

Mr. TAYLOR of Mississippi. Mr. Chairman, will the gentleman yield?

Mr. FRANK of Massachusetts. Further reserving the right to object, Mr. Chairman, I yield to the gentleman from Mississippi.

Mr. TAYLOR of Mississippi. Mr. Chairman, I was hoping that at some point this body would be made aware, at which point in his 17 years as a Congressman did the Speaker decide that he was for a 12-year term limit.

Mr. FRANK of Massachusetts. I did not know the gentleman was going to say that.

Mr. Chairman, I withdraw my reservation of objection.

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

There was no objection.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. TORKILDSEN) having assumed the chair, Mr. KLUG, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the joint resolution (H.J. Res. 73) proposing an amendment to the Constitution of the United States with respect to the number of terms of office of Members of the Senate and the House of Representatives, pursuant to House Resolution 116, he reported the joint resolution back to the House.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, and was read the third time.

(By unanimous consent, Mr. ORTON was allowed to speak out of order).

PERSONAL EXPLANATION

Mr. ORTON. Mr. Speaker, on yesterday evening, I was unavoidably detained at the hospital with my wife who gave birth to our first-born child.

I preferred to be there but had I been here, I would have voted ''aye'' on recorded vote No. 270, ''aye'' on recorded vote No. 271, and ''aye'' on recorded vote No. 272.

I ask unanimous consent that my statement be included in the RECORD at the end of those votes.

The SPEAKER pro tempore. Without objection, so ordered.

The Chair joins the House in congratulating the gentleman from Utah.

The question is on the passage of the joint resolution.

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

RECORDED VOTE

Mr. CONYERS. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 17-minute vote.

The vote was taken by electronic device, and there were—ayes 227, noes 204, answered ''present'' 1, not voting 3, as follows:

[Roll No. 277]

AYES—227

Armey
Bachus
Baker (CA)
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Bass
Bereuter
Bevill
Bilbray
Bilirakis
Blute
Boehner
Bonilla
Bono
Brewster
Browder
Brown (OH)
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chenoweth
Chrysler
Clement
Clinger
Clyburn
Coble
Coburn
Collins (GA)
Combest
Condit
Cooley
Cox
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
Deal
Deutsch
Diaz-Balart
Dickey
Doolittle
Dornan
Doyle
Duncan
Dunn
Ehlers
Emerson
English
Ensign
Eshoo
Everett
Ewing
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Furse
Gallegly
Ganske
Gekas
Gilchrest
Gillmor
Gingrich
Goodlatte
Goodling
Gordon
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hall (TX)
Hancock
Hansen
Harman
Hastert
Hastings (WA)
Hayes
Hayworth
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Holden
Horn
Houghton
Hutchinson
Inglis
Istook
Jacobs
Johnson (SD)
Johnson, Sam
Jones
Kasich
Kelly
Kim
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (KY)
Lightfoot
Linder
LoBiondo
Lucas
Luther
Manzullo
Martini
Mascara
McCarthy
McCollum
McCrery
McInnis
McIntosh
McKeon
McNulty
Meehan
Metcalf
Meyers
Mica
Miller (FL)
Minge
Moorhead
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Orton
Packard
Paxon
Peterson (FL)
Peterson (MN)
Pombo
Portman
Poshard
Pryce
Quinn
Radanovich
Ramstad
Regula
Riggs
Rohrabacher
Ros-Lehtinen
Rose
Roth
Royce
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Shadegg
Shaw
Shuster
Smith (MI)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stump
Talent
Tate
Tauzin
Taylor (NC)
Thomas
Thornberry
Thornton
Tiahrt
Torkildsen
Traficant
Upton
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wilson
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—204

Abercrombie
Ackerman
Allard
Andrews
Archer
Baesler
Baker (LA)
Barrett (WI)
Barton
Bateman
Becerra
Beilenson
Bentsen
Berman
Bishop
Bliley
Boehlert
Bonior
Borski
Boucher
Brown (CA)
Brown (FL)
Bryant (TX)
Cardin
Chapman
Christensen
Clay
Clayton
Coleman
Collins (IL)
Collins (MI)
Conyers
Costello
Coyne
DeFazio
DeLauro
DeLay
Dellums
Dicks
Dingell
Dixon
Doggett
Dooley
Dreier
Durbin
Edwards
Ehrlich
Engel
Evans
Farr
Fattah
Fawell
Fazio
Fields (LA)
Filner
Flake
Foglietta
Ford
Frank (MA)
Gejdenson
Gephardt
Geren
Gibbons
Gilman
Gonzalez
Green
Gutierrez
Hall (OH)
Hamilton
Hastings (FL)
Hefley
Hefner
Hilliard
Hinchey
Hostettler
Hoyer
Hunter
Hyde
Jackson-Lee
Jefferson
Johnson (CT)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
King
Kleczka
Klink
LaFalce
Lantos
Laughlin
Levin
Lewis (CA)
Lewis (GA)
Lincoln
Lipinski
Livingston
Lofgren
Longley
Lowey
Maloney
Manton
Markey
Martinez
Matsui
McDade
McDermott
McHale
McHugh
McKinney
Meek
Menendez
Mfume
Miller (CA)
Mineta
Mink
Moakley
Molinari
Mollohan
Montgomery
Moran
Morella
Murtha
Myers
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Petri
Pickett
Porter
Quillen
Rahall
Rangel
Reed
Reynolds
Richardson
Rivers
Roberts
Roemer
Rogers
Roukema
Roybal-Allard
Rush
Sabo
Salmon
Sanders
Sawyer
Schroeder
Schumer
Scott
Sensenbrenner
Serrano
Shays
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (NJ)
Spratt
Stark
Stenholm
Stokes
Studds
Stupak
Tanner
Taylor (MS)
Tejeda
Thompson
Thurman
Torres
Torricelli
Towns
Tucker
Velazquez
Vento
Visclosky
Volkmer
Ward
Waters
Watt (NC)
Waxman
Wicker
Williams
Wise
Woolsey
Wyden
Wynn
Yates

ANSWERED ''PRESENT''—1

Stockman

NOT VOTING—3

de la Garza
Frost
Pomeroy

□ 2133

Mr. CLYBURN changed his vote from ''no'' to ''aye.''

Mr. STOCKMAN changed his vote from ''aye'' to ''present.''

Mr. LONGLEY changed his vote from ''present'' to ''no.''

So (two-thirds not having voted in favor thereof) the joint resolution was not passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. CANADY of Florida. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the joint resolution just considered.

The SPEAKER pro tempore (Mr. TORKILDSEN). Is there objection to the request of the gentleman from Florida?

There was no objection.

REPORT ON RESOLUTION WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 831, PERMANENT EXTENSION OF HEALTH INSURANCE DEDUCTIBILITY FOR THE SELF-EMPLOYED

Mr. SOLOMON, from the Committee on Rules, submitted a privileged report (Rept. No. 104–93) on the resolution (H. Res. 121) waiving points of order against the conference report to accompany the bill (H.R. 831) to amend the Internal Revenue Code of 1986 to permanently extend the deduction for the health insurance costs of self-employed individuals, to repeal the provision permitting nonrecognition of gain on sales and exchanges effectuating policies of the Federal Communications Commission, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON ADMINISTRATION'S RECORD OF SUPPORT FOR SOUND INVESTMENTS IN SCIENCE AND TECHNOLOGY—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

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

To the Congress of the United States:

This Nation's future depends on strong public and private support for science and technology. My Administration's decision to make sound investments in science and technology even as the Federal Government cuts other spending is premised on three basic assumptions:

—Technology is the engine of economic growth.
—Scientific knowledge is the key to the future.
—Responsible government advances science and technology.

The Congress and the American people can find evidence of the Administration's dedication to responsible government support for science and technology in our defense and economic policies as well as our management of the science and technology enterprise. We have decreased the Federal deficit, helped to create millions of new jobs, and improved the tax treatment of small businesses and of investments in research and development. Hemispheric and global trade agreements as well as relaxation of outdated export controls have opened huge export markets to America's high-tech industries. My *National Security Strategy of Engagement and Enlargement* (February 1995) depends on farsighted and efficient science and technology investments. Our foreign policy and security interests are also supported by mutually beneficial international cooperation in science and technology.

We have consistently endorsed technology policies to increase prosperity and enhance environmental quality. In *Technology for America's Economic Growth* (February 1993) and *Technology for a Sustainable Future* (July 1994) this Administration conveyed to the American people our plans for public/private partnerships to improve the business environment, enhance access to quality education and training, support development of information infrastructure, ensure continued excellence in health care, and strengthen America's global competitiveness.

Streamlined government based on strong partnerships—within the government, with the private sector, and among nations—is a hallmark of the Clinton/Gore Administration. The ''virtual department'' I created by establishing the National Science and Technology Council (NSTC) has cut bureaucratic red tape and produced a historic first: an integrated research and development budget that focuses on national goals. The NSTC has also produced large savings by enabling agencies to coordinate their efforts, divide tasks, and share resources.

My Committee of Advisors on Science and Technology (PCAST) provides critical links to industry and academia. Their oversight of NSTC activities, such as development of strategies for the management and disposition of fissile materials, promises to improve the Federal effort. So, too, do the forums and workshops that have drawn in thousands of experts and stakeholders to help develop priorities in areas as diverse as fundamental science; environmental technology; and health; safety; and food research.

I am also very proud of the steps we have taken to improve international cooperation in science and technology. Through the Gore-Chernomyrdin Commission we have used science and technology cooperation to ease the Russians' transition to democracy and a market economy. We have received valuable new technology and cultivated a crucial partner in global affairs through Russian participation in the international space station. We have used the Megasciences Forum of the Organization for Economic Cooperation and Development and other international forums to explore ways to share the increasing costs of cutting-edge research while maintaining our position of world leadership. Bilateral science and technology cooperation with other nations, including advanced industrial economies such as Japan, and big, emerging markets such as the People's Republic of China, serve us well in the global economy—giving us access to new ideas and new technologies while creating new opportunities for business.

Economists have estimated that the social rate of return on investments in research and development averages about 50 percent, or about double the average private rate of return. Clearly a solid Federal investment program is justified even in the leanest times. It is especially important for the Federal Government to maintain its investments in science and technology when the pressures of the international competition are leading businesses to focus on shorter term payoffs at the expense of more basic, longer term, and riskier research and development.

In *Science in the National Interest* (August 1994), the Vice President and I reaffirmed our longstanding commitment to world leadership in science, mathematics, and engineering. Scientific discoveries inspire and enrich us. Equally important, science and mathematics education provides all Americans with the knowledge and skills they need to prepare for and adapt to the high-technology jobs of the future and to exercise the responsibilities of citizenship.

This Administration has articulated clear goals and established priorities for Federal spending, and our economic policies have improved the climate for private investment as well. We intend to work closely with the Congress to ensure the well-being of our children and grandchildren. These investments will prepare us for the challenges of the 21st century.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *March 29, 1995.*

COMMUNICATION FROM THE HONORABLE BOB FRANKS, MEMBER OF CONGRESS FROM THE STATE OF NEW JERSEY

The SPEAKER pro tempore laid before the House the following communication from the Honorable BOB FRANKS, a Member of Congress from the State of New Jersey:

SEVENTH DISTRICT, NEW JERSEY,
March 21, 1995.

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

DEAR MR. SPEAKER: This is to formally notify you pursuant to Rule L (50) of the Rules of the House that I have been served with a subpoena issued by the Municipal Court for Manville, New Jersey.

After consultation with the General Counsel, I have determined that compliance with the subpoena is not consistent with the privileges and precedents of the House.

Sincerely,

BOB FRANKS,
Member of Congress.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, and under a previous order of the House, the following Members are recognized for 5 minutes each:

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan [Mr. HOEKSTRA] is recognized for 5 minutes.

[Mr. HOEKSTRA 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 gentlewoman from Ohio [Ms. KAPTUR] is recognized for 5 minutes.

[Ms. KAPTUR addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.]

TERM LIMITS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. DORNAN] is recognized for 5 minutes.

Mr. DORNAN. Mr. Speaker, what was the final vote there? Do any of my colleagues know? 227 to 204? So our brilliant Speakers prediction was right on the nose almost. We got way in the high 80's on the Republican side of the aisle and let me see, let me do a little arithmetic, 205 Democrats in this Chamber, the oldest party in America, Andy Jackson, great tradition, and, yeah, they did not give us enough here to get through.

OK. Do we not already have term limits by way of elections? Well, obviously not when 90 percent of all the incumbents in the House and Senate who wanted their seats back got it. Forty-two people did not even have an opponent. I guarantee you that number will not be that high on November the 5, 1996. Particularly if this great oldest party in America puts up Clinton, we are not going to have 42 unchallenged seats. The goal of the Grand Old Party is to have no unchallenged seat in the United States of America comes 1996 election year.

Number two, is it hypocritical for anyone to advocate term limits who have already served longer than that?

Now, they were throwing around a lot of false figures here. I have announced that I am in my last term. Nobody gave me credit for that all during the debate. I served 6 years, had my seat chopped in four parts because they could not find a candidate, including Gregory Peck's son, to whip me twice, the most expensive race in the history of the House. I raised over $2 million, he raised over $1.5 million in 1980, then, bingo, they cut my seat up.

I said to President Reagan, ''What do you think I should do?'' He said, ''Bob, there is a Democrat liberal down there in Orange County and don't you guys call that Reagan country. Why don't you go down there and knock him off.'' So I did and I said I would only stay for 12 years because one of the most arrogant things I heard here all night is that in each district in America, and some compliments went back and forth, each district has found the greatest statesman or stateswoman that that district was ever going to produce in American history.

Well, I can tell you something, in every district in America there is a woman, there is a man, there is a retired military person, there is a sharp young man or woman just out of college that would like to serve for 6, 12 years, get it over with and then go in the private sector and create jobs and carry that government experience with them the rest of their life.

Has it ever occurred to anybody that since Jeremiah Dent left the House there is not a single admiral or general over in the other body and only SONNY MONTGOMERY in this House, and then people complimented all the World War II people in this House. I have watched Watergate babies, pro-Sandinista, pro-Hanoi demonstrators try to knock off all our World War II people in this majority party and take their chairmanships away from them. So where was the respect factor for World War II veterans there?

Then it was inherent on both sides of the aisle, arguing against term limits that somehow or other the process is not broken. If this process is not broken, how do we get into bloody $5 trillion worth of debt this coming September? Every man, woman and child, every newborn baby on September 20 of this year and every man or woman about to meet their maker owes $20,000. Just how did that happen, if this process is so wonderful?

And we are the greatest assemblage of statesmen and women that this Nation has ever seen. No, I loved it when our dynamic Speaker said this will be H.R. 1 next year.

□ 2145

Look, folks, here is the countdown watch. I may market these later in the year if I can get it through the Committee on Ethics. Here is the countdown watch. I do not like that backward running watch. I am an analog guy. I want it to go the right way, clockwise. Here is the countdown. Here is Clinton taking a little tumble there and it says 587 days to the election day. My wife has one that is 76 days longer. Her watch counts down to the inauguration, January 20, 1997, 587 days. And if the American people give us the White House to sink it up for the first time since I was too young to vote, and we have the House and the Senate and the White House, as Eisenhower had in January of 1953 when I got sworn in that same week into the Air Force, you are going to see amazing things happen in this country. The gentleman from New York [Mr. SOLOMON], one of our finest Congressmen, was saying in the cloakroom after the vote, imagine, imagine, he said, if we get the White House, and hold the House and Senate, what we can do for this great country of ours. Faith, family and freedom. That should be the focus of this House, and that freedom means liberty from big, oppressive taxing-taxing, spending-spending government. $5 trillion, term limits, maybe in the next Congress. God bless you, Madam Speaker. Thank you for those 5 minutes.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland [Mr. MFUME] is recognized for 5 minutes.

[Mr. MFUME 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 Georgia [Mr. KINGSTON] is recognized for 5 minutes.

[Mr. KINGSTON addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

STUDENT LOAN PROGRAMS IN JEOPARDY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. BECERRA] is recognized for 60 minutes.

Mr. BECERRA. Madam Speaker, I would like to discuss something of grave concern to me, because although I do not have a child who is of college age yet, in about 6 years I will, and in about 18 years, God willing, I will also have another child that will be preparing to go to college.

Today I would like to address the whole issue of what is happening in this Congress, and to me what is happening and what will happen perhaps next week is the devastation of the opportunity of young people to become professionals and become productive members of our society.

The Republican Contract With America calls for cuts. It calls for tax cuts that will go to those privileged few in our society that are very wealthy. And it calls for cuts, cuts to programs that help seniors, cuts to programs that help children, and cuts to people who are preparing to go on to college.

Whether you are 5 years of age or whether you are 22 years of age, it does not matter; the Contract With America is bad news for you. Last week we passed in this House welfare proposals that were contained within the Contract With America. Unfortunately, what this proposal did was cut school lunch programs, it cut child care, it cut aid to disabled students, all for the purpose of trying not just as we were told to try to reform welfare, but also to provide billions of dollars to pay for these tax cuts that we will see next week on the floor of this House for discussion, which will ultimately go mostly as I said before to the privileged few.

Within the next weeks we will also see something that will be of interest not to just to those that are 5 years of age, not just to those who have children 5 years of age, but to those who wish to go on to college, and that is, of course, what we see written, for example, in U.S. News and World Report where they say that ''Every major Federal college aid program is considered a target in one form or another by the new Republican majority in Congress.''

What does that mean? Financial aid for middle-class students today is in jeopardy. In fact, it is not only in jeopardy, it may become a thing of the past. Why? The Contract With America calls for the Congress to pay for these tax cuts. And one of the ways they plan to do that, as we understand so far from the majority, is they plan to eliminate four major student aid programs. The first is subsidized Stafford student loans; the second is work study programs; the third is supplemental education opportunity grants for very low income and disadvantaged students; and fourth is a Perkins loan program, which also provides loans to low- and middle-income students. These four programs constitute about 75 percent of all the student aid that we see given out in this Nation.

Why are the Republicans in this Contract on America doing this? As I said before, they have to pay for their tax cuts, which amount to about $200 billion over 5 years, and I believe over $800 billion over 10 years. Somewhere they need to find the money, and they are doing it going after not just the kids and school lunch, but we now see college students will have to pay the price.

What we find is that on November 8 people said they wanted to vote for change, but what we are finding is people are beginning to realize this is not the kind of change that they wish to have. When you talk to people, they say that along with things like Social Security, we wish to preserve programs that help people become professionals, to become productive citizens. We do not wish to deny them the opportunity to become full-fledged members of our society.

These cuts to student aid programs will be devastating. Millions of individuals may very well see their economic futures go down the drain. This in turn,

of course, will threaten the economic future of our own country. Getting rid of these four student aid programs will cost about $20 billion over the next 5 years for middle-income families.

Now, let us look at it this way. It is not just the cost, it is a tax. Because these are middle-income families that otherwise would have been able to help their children go on to college. But because they are being taxed in higher fees, less money for student loans, they will now be paying the cost of these tax cuts that will be going mostly to the privileged few in their Contract With America.

This is the worst time, by the way, to be cutting back on student aid. Tuition is rising rapidly throughout the country. Without any assistance, the cost of attending college will go up even more. Some will be forced to forgo school altogether.

In California, tuition rates have skyrocketed. The goal of California's master plan of giving every young person the chance to go to college, whether it is community college, State university or the University of California campuses, is evaporating rapidly. Those students who represent the first generation of college students in their family just might come home without a degree, a devastating blow for parents, students and siblings alike.

I can give an example: I myself am the first in my family to get an education. My parents were immigrants. I would not have been able to go, but I took advantage of work study and student aid and student loans.

I hope we will understand this is not the way to go, and we will not support the Contract With America's attempt to go after our college students.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Connecticut [Mr. SHAYS] is recognized for 5 minutes.

[Mr. SHAYS 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.]

JULIA BAILEY IS MISSISSIPPI WINNER IN VFW VOICE OF DEMOCRACY SCHOLARSHIP PROGRAM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Mississippi [Mr. MONTGOMERY] is recognized for 5 minutes.

Mr. MONTGOMERY. Mr. Speaker, I want to share with my colleagues the winning entry from Mississippi in the VFW's annual Voice of Democracy contest. It was submitted by Julia Bailey of West Point, MS.

Julia is a senior at West Point High School and the daughter of Eugene and Elizabeth Bailey. I had the chance to meet and visit with this outstanding young lady when she came to Washington recently. Her patriotic essay is one of the best I have read and commend it to all my colleagues.

''MY VISION FOR AMERICA''

The people who fought for the American Revolution had a vision of a country they governed themselves. The South had a vision of keeping their slaves. The North had a vision of defeating the South. Abraham Lincoln had a vision of forming a Union again, and the slaves had a vision of being free. History is a picture show of many groups with many visions. I am following in a long line of history because I, too, have a vision.

Everyday I go to school, and, to me, it is a small scale America. In our school we have black people, white people, people with learning disabilities, and straight A students. We have as many visions as we do groups of people, but all the students and faculty come together five days a week for one purpose, whether it is conscious or buried under all their other concerns. We come to school to educate and to be educated because we all have a vision of success. My vision for America is that, like the school, we will recognize that we, too, have a common goal to work towards—unity.

The civil rights movement was perhaps a time when many people combined dreams to form one vision. Sit-ins, boycotts, and marches were all a part of a people's fight for justice. The civil rights movement was special because it included everyone. The object of the movement was unity. A person did not have to be black to fight for civil rights but simply a person with an eye for justice and a belief that it was time for the truth to be acted upon that all people are created equal, not ''separate but equal,'' equal.

We tend to focus on the qualities that we can see are equal—like our color or our financial status—rather than the qualities that we cannot see. In my vision our new focus will be on equality of mind and spirit, of opinions and beliefs, equality, not agreement, unity of spirit, not race. Spirit has no color; it has no age, it is not divided into categories.

I had the privilege of standing on the steps of the Lincoln Memorial in Washington, D.C. The Washington Monument pierced the air, and the green glow of the Capitol filtered from behind it. I felt powerful, humble, and thankful. Not only are those monuments reflected in the water they rise above, they are reflected in me.

I realize that even though the states are not always united, and that corruption threatens our freedom, in the capital of my country I can stand and ponder and pray for as long as I want without being threatened or dragged away or embarrassed. We have a starting point for equality. We are all free. The answer for a truly united nation is not at the top of the Washington Monument or clutched by Lady Freedom on the tip of the Capitol. It is as low and as humble as we make it in our hearts. Those monuments are not representing a country about to fall, but a country with the potential to rise, not in concrete, in power, or money, but in unity and goodness. My vision for our nation to be united through spirit begins in the seedbed of real freedom—our hearts.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Virginia [Mr. DAVIS] is recognized for 5 minutes.

[Mr. DAVIS 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 gentlewoman from New York [Mrs. MALONEY] is recognized for 5 minutes.

[Mrs. MALONEY addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.]

KEEP LONG ISLAND SMALL BUSINESS ADMINISTRATION OFFICE OPEN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York [Mr. FORBES] is recognized for 5 minutes.

Mr. FORBES. Madam Speaker, I rise today on behalf of the hundreds of thousands of small businessmen and women and the potential hundreds of thousands of small businessmen and women on Long Island. Earlier this week the Clinton Administration announced that they were going to streamline and consolidate departments at the Small Business Administration, something that I on the face of it applaud, and I commend the administrator, Phil Lader of the Small Business Administration, for his leadership in that endeavor.

Unfortunately, included in this measure to downsize the agency is the closing of a very valuable office, the Small Business Administration's Long Island office in Melville. I am most supportive of the efforts to consolidate. As a former head of the Small Business Administration in New York, we led a pilot program to do just that. I strongly urge, however, that the Clinton Administration reconsider closing the Long Island office.

Long Island is in a unique situation. For most of the century, Long Island's economy has been dependent on a healthy defense industry. However, in recent years, draconian cuts to the defense budget have left the Long Island economy reeling, and today we are searching for an alternative. Forced to diversify, Long Island now more than ever looks to the small business sector as its major source of jobs, revenue, and income. Small businesses on Long Island look to the local Small Business Administration office for valuable help and counsel. The closing of the Long Island office would be devastating to an economy so dependent on a viable small business sector.

Madam Speaker, the administration's plan to close the Long Island office would negatively impact, as I have said, over 82,000 small businesses in Nassau and Suffolk County. This is an area larger in population than some 20 States. While the economy in most of the Nation has rebounded of late, the Long Island economy continues to lag. Long Island has endured extensive cuts in defense spending and the loss of the SBA office on Long Island would be another blow to an economy already struggling to right itself.

For the months ahead, Congress will have some very difficult decisions to make about the budget and the future

spending by the Federal Government. But instead of eliminating an SBA office that is a value-added commodity to the taxpayers, that the Small Business Administration generates more in local income and is a stimulus to the local economy and is not, I repeat, not a drain on Federal taxpayers, it would be wrong-headed to go forth and close an office that is a value-added commodity to the taxpayer.

I propose that instead the Small Business Administration consider closing down the Office of Advocacy. This Office of Advocacy was created in a political climate and for political reasons, and with today's budget of $7 million, it is an economy well worth considering. The Office of Advocacy is often the source of reports and research that many have come to understand to be 7, 8, 9, 10 years old, research that is often outdated.

By retaining the Long Island office of the Small Business Administration, we can generally give a hand up to the local people in Nassau and Suffolk County. I urge that the Clinton administration reconsider the closing of that office.

Let me just mention one case in point. There are many small businesses that have been helped through the guaranteed loan program that works with private lenders. One such case is J. D'Addario and Company, a family owned small business that produces guitar and other instrument strings.

This company benefited from several loans administered by the Long Island office of the Small Business Administration that eventually allowed the business to relocate from rented space where they employed originally 25, to a new location where they are now employing over 250 people. They purchased the land and constructed a site that was four times the size of the previous location.

There are literally hundreds and hundreds of success stories as a result of the efforts made by the men and women who work for the Small Business Administration on Long Island. I know the difficulties administrator Phil Lader faces in making the tough decisions, and he is right to consolidate duplicating programs. To date his efforts have been superb. But again I would ask that the Clinton Administration and the Small Business Administration in particular reconsider closing the Long Island office, and add that this important resource to the small businessmen and women of Long Island be kept open.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon [Mr. DEFAZIO] is recognized for 5 minutes.

[Mr. DEFAZIO addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

TERM LIMITS AMENDMENT SHOULD HAVE PASSED

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. KIM] is recognized for 5 minutes.

Mr. KIM. Madam Speaker, I was very disappointed today that we were not able to pass the resolution to limit our own congressional terms. I was very disappointed. I think it is a sad day for us. Shame on us. I cannot understand it, because more than two dozen states sent a strong message to us that they want some kind of term limits. The people are tired of all these professional politicians entrenched in Washington, D.C. They want some circulation. Yet we ignore them, because we are so arrogant that we know the best. Today, again, we ignored those people's wishes.

I was listening carefully why some Members are opposed to term limits. Let me tell you how ridiculous it is, the arguments I heard today. The first argument is experience. We need the experience here. What kind of experience do we need, experience how to play politics? Experience how to present speech, feel good speech? Experience how to understand the parliamentary procedure? Is that experience we need?

All this Washington, D.C. experience we do not need. All we need is experience, fresh experience from the outside, the real world. What is happening there us people are suffering every day. Small business is suffering, trying to maintain their business, trying to meet the payroll. That kind of experience we need, not inside-the-beltway experience. It is a ridiculous comparison.

Also one Member from the other side of the aisle mentioned Gen. Colin Powell's statement that it took him 30 years to learn the job, implying that it will take us 30 years to learn this job. That is a ridiculous comparison.

□ 2200

I think it is a sad day that Members using that kind of comparison try to justify why term limits should not be implemented. The second argument I am hearing is that people should decide, not us. Especially from the gentlewoman from California, I was surprised. Only 30 years ago the California voters voted overwhelmingly to supporting term limits. How quickly we forgot. That is another reason why we have got to have some rotation here. How arrogant it is. Only 30 years ago the California people overwhelmingly passed this term limit, yet we forgot. Say they, people should decide. They did, they spoke already.

The other one I am hearing is this nonsense that we are going to give more power to nonelected staff members. Come on. Our staff members, until we passed the bill not too long ago, they do not have very much power. They can be fired, they can be dismissed any time. Laws do not apply to them even. Look at California, we have term limits out there and state assemblies, the state Senate, the staff does not bother us. They do not take over any powers. They are running fine in Sacramento. That is another stupid argument that I cannot understand.

Finally, this retroactive. I voted yes on that, 12 years retroactive. What is wrong with it? Is not 12 years long enough?

The argument is we need an orderly transfer, otherwise we are going to have a chaotic situation, that so many Members will resign. That is nonsense. The last 2 years ago, when I came to Congress, we had 110 freshmen. This year something like 87. Added together, more than 200 changes in the last 3 years. I do not see any chaos. It was very, a very orderly transfer. As a matter of fact, we made so much change, so much dynamic changes the last two years, I think it is good that we should have such a dramatic change.

Look at California. I do not see any disorderly chaotic situation out there serving only 2 years, only 6 years and give up the seat.

Also they say that they are against it because Democrats are playing games. They do not want to have a term limit. They are playing games. They are using this as an excuse to play games. I do not understand that. I do not know what kind of playing games they are doing. If it is true, then shame on them. But that is another reason why we have to get rid of those folks who know how to play games. They have been here too long. That is why they are playing games. I do not know how to play games. Maybe I should be here 10 years, and then I know how to play games. This bunch of rhetoric that I cannot understand coming from the private sector, it is totally beyond my comprehension why we are rejecting our own term limits.

I think it is really a sad day.

The SPEAKER pro tempore (Mrs. SEASTRAND). Under a previous order of the House, the gentleman from Illinois [Mr. POSHARD] is recognized for 5 minutes.

[Mr. POSHARD addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

PERMISSION TO SUBSTITUTE SPECIAL ORDER

Mr. HOKE. Madam Speaker, I ask unanimous consent to speak in substitution for the gentleman from California [Mr. RIGGS] for 5 minutes.

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

There was no objection.

TERM LIMITS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio [Mr. HOKE] is recognized for 5 minutes.

Mr. HOKE. Madam Speaker, I want, first of all, to commend the gentleman from California [Mr. KIM]. He is a genuine American hero. Those were great remarks. Absolutely truthful, absolutely right on the money, right on the mark, cutting through the, well, I cannot say that, just cutting through it all. And really telling it exactly like it is. Maybe a lot of people are in mourning tonight because they feel like they have been betrayed by this Congress because the American public understands that term limits is the cornerstone of congressional reform. The public understands that.

But do not be in mourning. Do not be in mourning. There is no reason to, because really, this is a situation of pay me now or pay me later. Vote for term limits tonight or your replacement will vote for term limits in 2 years.

That is exactly what goes on here. What you are going to have tonight or what we have seen tonight is with the defeat of this bill, we are going to see a ton of replacements in two years.

Mr. HAYWORTH. Madam Speaker, will the gentleman yield?

Mr. HOKE. I yield to the gentleman from Arizona.

Mr. HAYWORTH. Madam Speaker, I thank the gentleman for yielding to me. It has been very interesting to listen to the debate, and I would associate myself in full with the remarks of the gentleman from California who preceded you in the well.

But, Madam Speaker, it was very interesting earlier tonight to hear one of our friends on the other side talk about the ship Contract with America listing and creaking and the bow breaking and all these terrible things. Amazingly, and undoubtedly since so many members of the media in this town work in complicity with those on the left, I just think they have missed the story.

The fact is that we pledged to bring 10 items to the floor for an up or down vote. And even though there is disappointment tonight, as my friend from Ohio mentions, the fact is there is cause for jubilation because now we have enjoined the dialogue. And coming from a State in which the major city is named Phoenix, I assure the American people tonight, Madam Speaker, that this issue will again rise from the ashes.

Mr. HOKE. Let us look at the numbers on this. The fact is the Republicans voted 189 yes, 40 no. That is about 82, 83 percent of the Republican Conference voted in favor of term limits. On the other hand, Democrats voted 38 yes, 163 no; 80 percent of the Democrat Caucus voted against term limits. Who defeated term limits? Democrats defeated term limits.

Who is going to be defeated in November of 1996? Well, the public will decide. The public will decide. But what I would urge, right out there tonight, there are people who should be stirred. There are men and women who have thought, I want to serve my country, I have something to offer. I have wanted to do this for some time, but I have not had the courage, the motivation, the specific interest, the specific initiative to do this. Doggone it, there are 22 States out there that have already enacted term limits. Or is it 24? Twenty-two?

Mr. HAYWORTH. Twenty-two.

Mr. HOKE. Twenty-two States have enacted term limits; 24 million people in this country have voted for them. They have carried by a margin of 70 to 80 percent in every single one of those States. In each of those 22 States, there are men and women who ought to use this as their issue, because if your representative voted against term limits in one of those 22 States, that representative is saying, I know better than the people. I do not care what the people say. I do not care that 70 or 80 percent of the people demand that we have limited terms. I do not care that the public understands that this truly is the cornerstone of congressional reform, that this is the way that we are going to eliminate congressional careerism forever.

I do not care because I know better. And I know better because, gosh, after all, I have been here 20, 30, 40 years. How else would I not know better?

Those people should be inspired tonight and they should grab this and take this opportunity and get involved. And this is your campaign issue for November 1996.

Mr. HAYWORTH. Madam Speaker, I think the gentleman from Ohio has noted, as many of us have, during the course of these first 100 days, that indeed many folks who walk to the chamber in fact become walking advertisements for term limits, walking examples of the reasons why we should enact them.

Let me pause here to make a distinction because I also want to point out that good people can disagree and no doubt others will follow us in the chamber, making distinctions of conscience, of conviction, but we abhor the gamesmanship that was played during the course of this debate, really spurning the notion of what the will of the people might be.

MORE ON TERM LIMITS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman form Maine [Mr. LONGLEY] is recognized for 5 minutes.

Mr. LONGLEY. Madam Speaker, I think sometimes it is appropriate, again, to reflect a little bit on history. I happened to be sitting in the well this evening and looking up to the ceiling. Just behind the speaker's platform and above the clock is a saying on the wall and it is a very appropriate quote. It says, ''Let us develop the resources of our land, call forth its powers, build up its institutions, promote all its great interests and see whether we also in our day and generation may not perform something worthy to be remembered.''

Those words were uttered by Daniel Webster, a former member of this body and a former member of the United States Senate.

Intrigued by that, I happened to check his biography and noted that he served in both the House and the Senate, that he first served in the House for 4 years, was defeated, took 6 years in the private sector, ran again for the House, this time from another State. Initially he had been in New Hampshire, moved to Massachusetts, and then switched, ran for the Senate, served 14 years, resigned, spent 4 more years in the private sector and ended his career in the Senate with a term of 4 years before he resigned in, I believe, 1851 or 1852.

I mention that because there has been a lot that has changed in this country since men of the caliber of Daniel Webster served here. Let us hope that the actions that we take today and in the future will encourage more men and women of his caliber to serve in this body.

But I was very torn today on the issue of term limits. As many may know, my State enacted a referendum in the fall of 1994 imposing a 6-year limit, which I intend to honor, and which I believe is binding on representatives from the State of Maine. But given the fact that we were presented with a bill tonight on the floor that did not provide me with the required degree of certainty that it would not preempt State law, I voted against the bill and I did so reluctantly. But I want to add a message because it would be inappropriate to say that the debate has taken place entirely on this floor. Because I think the debate has taken place across the country in all 50 States and in the thousands of communities that make up this great land.

I think the people are speaking very loudly and clearly that they want some form of system that will guarantee that the lack of professionalism in the sense of people making a lifetime career out of service in this body, and we have seen enough information about the longevity of service, I think an average of some 25 or 30 years, particularly for committee chairs, and extended service by others well past their prime of life and well past their ability to display the type of sensitivity to the private sector that we would like to see displayed by representatives in this body. And so I call upon the three groups that have been active across the country, the groups supporting the 6-year term limit, the group supporting the 8-year limit, and the group supporting the 12-year limit, to get together and, in the words of our speaker, be prepared to support H.R. 1 on the first day of the next session that will somehow or other find a way to respect the difference in the diversity among the 50 States and provide for a term-limit because that will allow us to have once and for all one standard that we can apply in this country and not

confront representatives such as myself with a very difficult dilemma where we are being asked to support a concept that we believe in very deeply but, yet, which we find at odds with the laws of our own State.

Madam Speaker, I appreciate the opportunity to serve in this body.

ANOTHER VIEW ON TERM LIMITS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from West Virginia [Mr. WISE] is recognized for 5 minutes.

Mr. WISE. Madam Speaker, I rise as one who voted against the term-limit limitations, because as I have heard the arguments tonight, it is not how many terms you have, it is what you do with the term, the term, the one term at a time. It is what you do with that term and then it is what the voters think that you have done with that term and how they feel about that term that determines or should determine whether or not you return.

In the case of my State, West Virginia, we are a small state. We have three House Members. Other States have far bigger delegations. I think that my State would be, the majority of my State would say, why is it that we should be limited as to whether or not we can vote for ROBERT C. BYRD, for instance, and the distinguished service that he has had? Why is it that we should be limited in whether or not we can vote for other leaders who may rise and show themselves to be able?

In the case of a small State like West Virginia, with three House Members, please remember that when you have term limits what you are going to do is to turn this place over to the large States. And so the Californias, the Floridas, the Texases will dominate every 2 years who it is that becomes chairs and subcommittee chairs and ranking Members.

So small States have a vested interest in making sure that there is some kind of equality here so that we have an equal say as well. There are many here who say, term limits, we will really rein in the Members on this thing. Nobody ever talks about the staff. Nobody limited the staff. Nobody limited the lobbyists. Nobody limited the others that all are part of this mix called democracy and called a legislative body.

So what happens is then the institutional memory now resides entirely with those who are truly the paid professionals here. I do not say that disparagingly of them, except just to make that observation that those people who become the ranking members and subcommittee chairs and the chairs will have less and less to say about what actually happens in their committees.

□ 2215

I would also like for people to think for a second, what is it that everyone is to be ashamed about for having some kind of experience, particularly if that experience has been reinforced every 2 years in something wonderful called an election? I refuse to be ashamed for the fact that I have developed more experience, and feel that I am a more able representative of my constituency, but knowing all the time that my constituency decides every 2 years whether or not that is the kind of experience they want, or whether I am exercising that properly, or in what they think is a proper format.

Does anyone around here ever walk into a law office, a physician's office, or any there office, into a store, and say ''Hey, could I have the most junior person around here? I want the one who just got here, the one who just got out of medical school, the one who just got their certification. Please, I want to skip over the most senior person. I don't want to get to somebody who has had even maybe 13 years, of course not.''

What is it that is supposedly bad about experience if the voters are truly exercising their control? That gets to a very important point, Madam Speaker, that what we are talking about here is the frustration that is very real in our country about whether or not Congress is responding. That frustration needs to be dealt with in campaign finance reform.

It would be my hope that H.R. 1 would not be a term-limit bill. Actually, let us hope there does not need to be a campaign finance reform bill in 1997, because I would like to see it out on the floor in 1995. That, I think, limiting the amounts of money, curbing the money chase, making it easier for challengers to take on incumbents, that is real term limitation.

Somebody pointed out that 90 percent of incumbents, 91 percent, were reelected last time, but what they did not point out was that so many chose not to run because they saw the odds, they read the polls, they talked to their constituents. The fact of the matter is that over half this Congress, 219 Members, have been here 5 years or less. Almost one-half has been renewed in just the last two elections, the last 4 years.

Madam Speaker, I think those are important statistics. The average lifespan, political lifespan of a Member of Congress in the House is less than 12 years, that very term, that very limitation which many would seek to impose.

Madam Speaker, for all those reasons I happen to think that term limits is one of those bumper sticker phrases which sounds good, but which in reality does not further our democracy.

I think our voters, in West Virginia our voters do not need term limits. I would point out that in our State, for instance, over half of the House of Delegates, on any given election 40 to 50 percent of our House of Delegates is changed. Indeed, many members of our State Senate this year were changed. Our voters know how to judge people and how to limit terms on their own, and that is through a process, a wonderful process called an election.

A HISTORIC NIGHT WITH VOTES ON TERM LIMITS

The SPEAKER pro tempore (Mrs. SEASTRAND). Under a previous order of the House, the gentleman from South Carolina [Mr. GRAHAM] is recognized for 5 minutes.

Mr. GRAHAM. Mr. Speaker, rather than to try to make a speech, I just have a few minutes of reflection on what I think happened tonight and what is going to happen in the future.

It is a historic night. The Contract With America said we would allow votes on term limits, and we did. Now it is up to the public to see who voted and how they voted on all the votes. If you really want term limits, you are going to have to act on what the body did tonight. If you think there is some correcting that needs to be done, it is up to you to do it.

I can assure you this, after having been here almost 100 days, that this body is not going to give in to the will of the people easily. There is plenty of blame to go around, and the numbers speak for themselves. Eighty percent of the Democratic Party voted against final passage on this bill. Eighty percent of the Republican Party voted for final passage. Those are pretty compelling numbers. However, to be honest, Mr. Speaker, there is shared blame here. The Republican Party needs to push term limits harder, from the bottom and the top. My class, 73 Republican freshmen, about 90, 95 percent of us believe in term limits and believe in it deeply. I admire people who disagree with me who have equally strong beliefs, and they do exist, but what we have to do as a party is to get more focused and make sure the bill does not get messed up in committee and have to explain our positions here and get off track.

I think we will learn something from tonight, that we will be more focused next year, and when the vote comes in the first part of the 105th Congress, that we will be more focused as a party and we will really, really push for term limits.

The good news is that people have voted, they are sort of out in the public's eye now, and you can determine who is with you and who is against you. The bad news is that the people who are not members of a term limits organization, and I do feel sorry for those people who are Members of term limits organizations that have worked so hard to get their message across, that it fell short, but the average, everyday citizen who is not a member of anything, other than maybe their church, who is trying to raise their kids, trying to make it through life, we let them down. That is what really bothers me the most.

The only hope that we have in changing this country, in my humble opinion, is to pass some form of term limits. I ran on four issues. I am the first Republican to be elected in 120 years in my district. I ran not so much on Republican-Democrat differences, and they are great, and I am very proud to be a Republican, but I ran on the idea of let us change Congress for the good of our country.

Let us have a balanced budget amendment and make sure both parties, regardless of who is in control, spend within their limits. Let us give the President of the United States, regardless of party, the line-item veto so he or she can strike from our budget pork barrel projects to get us reelected, which both parties can succumb to.

Let us make every law in the land apply to every Member of Congress, so we will understand what it is like to live in America, not just in Washington, DC, in a protected class.

The fourth institutional reform I ran on was term limits. After being up here 100 days, that is the cornerstone of reform. We need to have people come to this body with a different motivation, with a different mind-set. People should come here wanting to make the world where they came from better, not the world in Washington better for themselves. The game should not be ''How can I become a committee chairman or subcommittee chairman?'' The game should be ''How can I make my community better, how can I make my Nation better, and go home?''

There are so many people in America who have been denied the opportunity to serve in this body because when you are an incumbent, the money is great. I agree with the gentleman about lobbying reform and finance reform. I came from a State, South Carolina, where 18 people went to jail, who served in the General Assembly, for taking bribes. We have the strongest ethics law in the country. You can operate government and have reform, lobbying reform, campaign finance reform. I am for that.

However, the gentleman who just spoke misses the point for the needs of term limits. It works hand-in-hand. Money is a problem, but motivation is the real problem. People come up here and get trapped in the world which they become a part of, Washington, DC. It is unlike any world I have ever been in in my life. People spend money up here like you are not going to make it anymore. It is the most detached place I have ever been. It is so different from the world that I know.

The only way you are going to change our country, in my opinion, is to make sure that people come up here for a limited period of time and that they are working on improving the world from which they came.

Term limits, unfortunately, in many ways, is the only vehicle I know to bring that about. I am optimistic in 1996 that the votes of the American public will reflect the votes tonight, and that there will be a correlation between the people who defied the will of the American people in this body and those who get reelected on both sides of the aisle.

THE VOTE ON TERM LIMITS

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. Madam Speaker, I want to also join with my colleague, the gentleman from South Carolina, LINDSEY GRAHAM, who I think spoke eloquently about the fact that the fight is not over. We may have fallen short tonight by not having 290 votes, but we had 208 votes, which as compared to years ago when they had 107 votes, we are much closer to our goal.

The Contract With America pledged to the American people that the House Republicans would bring this to a floor vote, and we are pledged to getting a successful 290 votes. This is going to happen one day.

Remember what brought us to this point. Forty years of Democratic rule in the House has created an institution less accountable by the American people. The longer Members have served in Congress, the more removed they become to the people who elected them. That lack of accountability in prior Congresses forced an environment that resulted in corruption of the House bank and the House post office.

Those scandals, along with Congress' inability to balance the budget and control runaway deficit spending, have rallied a significant majority of the American people in support of term limits. Term limits will end careerism in Congress. The Founding Fathers never envisioned the House as a House of Lords, but rather as a citizen legislature.

Term limits provide real choices for voters. Term limits do not restrict voter choices. On the contrary, they create more choices. After California, for instance, passed its term limits in 1990 for State legislators, the number of candidates running for office increased by 40 percent.

The American people also overwhelmingly support term limits. That is why tonight we should have passed it. There should have been more Democratic support for this legislation. Eighty-three percent of the Republicans supported it and only 18 percent of the Democrats. Yet poll after poll shows overwhelming support for term limits, in some polls as high as 85 percent of the public. There are already 22 States that have adopted term limit laws.

Finally, I would say this, Madam Speaker. The term limit laws are already imposed on other political offices. There is legal precedent for this. The President is limited to two terms of offices. Thirty-five States impose term limits on their Governors, as they do in our State of Pennsylvania.

I would ask those listening tonight and those in the gallery and my colleagues who are still here in the Chamber and those in their offices, consider when this legislation is brought back up, if you were not part of the movement to make the change, please talk to your constituents, talk to your friends and neighbors, and realize that along with the kinds of reforms we are going to have with franking and the gift ban and with campaign reform, this is just one more reform that the American people want us to do, because they realize that Congress can be accountable and can be accessible, and with their help and God's, we will make the final reform of term limits.

AN IMPORTANT FACTOR IN TERM LIMITS: CHANGING PEOPLE'S ATTITUDES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota [Mr. GUTKNECHT] is recognized for 5 minutes.

Mr. GUTKNECHT. Madam Speaker, this has been a very historic day. For many years the Congress has wrestled with whether or not they would have an open vote under rules in which amendments could be offered to the whole issue of term limits.

I come to the Congress from the State of Minnesota, and having served 12 years in the Minnesota legislature, I became a late adapter to the whole notion of term limits. On the front of the House Chamber in the Minnesota House of Representatives, there is a sign in gold leaf. It says ''Vox Populorum est vox Dei.'' In Latin I guess that translates to the voice of the people is the voice of God.

Before I was in the legislature, I was in sales, and went to a number of sales training programs. One of the most important words in terms of changing human behavior is the word ''attitude.'' Before you can change people's behavior, you have to change their attitude. I think one of the most important arguments in favor of term limits is changing the word attitude or changing people's attitudes.

I think if people go to the Congress or if they go to the State legislature, if they go to the presidency, whatever the public office may be, if they know they are only going to serve for a limited amount of time, I think they go into that office with a much different attitude than if they see that as a lifelong career.

I think the American people are way out in front of us on this. I think in the final analysis they will prevail. In fact, the late Senator Everett Dirksen perhaps said it best when he said ''The more I feel the heat, the more I see the light.'' I think more and more Members of Congress now are beginning to feel the heat from the American people, and they are beginning to see the light.

Am I disappointed, I would ask the gentleman from South Carolina [Mr. GRAHAM], in the outcome tonight? To be sure, I am. I thought we were going to do much better. As a matter of fact I am an incurable optimist, and I thought if we could ever get this item up for a vote, the pressure of the American people alone would cause us to vote for it.

This is only round one in what will probably be a 15-round fight. I am reminded again when I think of the people of the immortal poem of Carl Sandburg. He wrote the poem ''The People, Yes.'' He said ''The people will live on. The learning and blundering people will live on. They will be tricked and sold, and again sold, and return to the nourishing earth for root holds. The people, so amazing in their resiliency, you can't laugh off their capacity to take it.''

Well, the people have been tricked and the people have been sold, and the people will be tricked and sold again, but sooner or later, the people will prevail. The people of this country will stand loudly and strongly on the next election and they will say ''We want people to go to Washington who will vote for term limits.''

I believe and I predict that if we don't pass term limits yet in this session of the Congress, they will be passed in the 105th Congress, because I believe the Speaker was correct. It was not a hollow threat. I think he was only stating fact, that sooner or later the will of the people will prevail. As Sandburg said, ''The People, Yes.''

The SPEAKER pro tempore. There being no designee of the majority leader, under the Speaker's announced policy of January 4, 1995, the gentlewoman from Georgia [Ms. MCKINNEY] is recognized for 60 minutes as the designee of the minority leader.

[Ms. MCKINNEY addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Vermont [Mr. SANDERS] is recognized for 60 minutes.

[Mr. SANDERS 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 Florida [Mr. SCARBOROUGH] is recognized for 60 minutes.

[Mr. SCARBOROUGH addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

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. BECERRA) to revise and extend their remarks and include extraneous material:)

Ms. KAPTUR, for 5 minutes, today.
Mr. MFUME, for 5 minutes, today.
Mr. BECERRA, for 5 minutes, today.
Mr. OWENS, for 5 minutes, today.
Mrs. MALONEY, for 5 minutes, today.
Mr. DEFAZIO, for 5 minutes, today.
Mr. POSHARD, for 5 minutes, today.
Mr. MONTGOMERY, for 5 minutes, today.

(The following Members (at the request of Mr. HAYWORTH) to revise and extend their remarks and include extraneous material:)

Mr. FORBES, for 5 minutes, today.
Mr. NORWOOD, for 5 minutes, on March 30.
Mr. BEREUTER, for 5 minutes, on March 30.
Mr. KIM, for 5 minutes, today.
Mr. RIGGS, for 5 minutes each day, on today and March 30.
Mr. LONGLEY, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. WISE, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. FOX of Pennsylvania, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. GRAHAM, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. GUTKNECHT, 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. BECERRA) and to include extraneous matter:)

Mr. NEAL.
Mr. ROMERO-BARCELÓ.
Ms. RIVERS.
Mr. HAMILTON.
Mr. STOKES.
Mrs. MEEK of Florida in three instances.
Mr. GIBBONS.
Mr. ENGEL in two instances.
Mr. HOYER.
Mr. MONTGOMERY.
Mr. BERMAN.
Ms. LOFGREN.
Mr. ACKERMAN.
Mr. KILDEE.
Mr. SANDERS.
Mr. JACOBS.
Mr. MANTON.

(The following Members (at the request of Mr. HAYWORTH) and to include extraneous matter:)

Mr. DAVIS.
Mr. GILMAN.
Mr. BILIRAKIS.
Mr. PACKARD.
Mr. LAZIO of New York.
Mr. WALSH.

(The following Members (at the request of Mr. GUTKNECHT) and to include extraneous matter:)

Ms. FURSE.
Mr. FILNER.
Mr. KLECZKA.

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ADJOURNMENT

Mr. GRAHAM. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 31 minutes p.m.), the House adjourned until tomorrow, Thursday, March 30, 1995, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

636. A letter from the General Counsel, Department of Defense, transmitting a draft of proposed legislation entitled, ''National Defense Technology and Industrial Base, Defense Reinvestment, and Defense Conversion''; to the Committee on National Security.

637. A letter from the Comptroller of the Currency, transmitting the annual report on enforcement actions taken by the Office of the Comptroller of the Currency during the 12-month period ending December 31, 1994, pursuant to 12 U.S.C. 1833; to the Committee on Banking and Financial Services.

638. A letter from the Secretary of Health and Human Services, transmitting a draft of proposed legislation to extend the authorization of appropriations for programs under the Native American Programs Act of 1974, and for other purposes, pursuant to 31 U.S.C. 1110; to the Committee on Economic and Educational Opportunities.

639. A letter from the Secretary of Commerce, transmitting the Department's final spectrum reallocation report, pursuant to title VI of the Omnibus Budget Reconciliation Act of 1993; to the Committee on Commerce.

640. A letter from the Director, Defense Security Assistance Agency, transmitting the Department of the Army's proposed lease of defense articles to the Netherlands (Transmittal No. 16–95), pursuant to 22 U.S.C. 2796a(a); to the Committee on International Relations.

641. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a copy of Presidential Determination No. 95–17: Drawdown of Commodities and Services from the Inventory and Resources of the Department of Defense to Support Activities of the Palestinian Police Force, pursuant to 22 U.S.C. 2348a; to the Committee on International Relations.

642. A letter from the Director, Defense Security Assistance Agency, transmitting a copy of Transmittal No. C–95 which relates to enhancements or upgrades from the level of sensitivity of technology or capability described in section 36(b)(1) AECA certification 93–22 of June 24, 1993, pursuant to 22 U.S.C. 2776(b)(5); to the Committee on International Relations.

643. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification that the Department has authorized danger pay for DEA employees assigned to Colombia, Bolivia, Peru, and Mexico, pursuant to 5 U.S.C. 5928; to the Committee on International Relations.

644. A letter from the Federal Housing Finance Board, transmitting the annual report under the Federal Managers' Financial Integrity Act for fiscal year 1994, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform and Oversight.

645. A letter from the Chairman, Thrift Depositor Protection Oversight Board, transmitting the annual report on the status of the Board's audit and investigative coverage, pursuant to 5 U.S.C. app. 8G(h)(2); to the Committee on Government Reform and Oversight.

646. A letter from the General Counsel, Department of Commerce, transmitting a draft of proposed legislation entitled, the ''Patent Reexamination Reform Act of 1995''; to the Committee on the Judiciary.

647. A letter from the Director, Federal Judicial Center, transmitting the Federal Judicial Center's annual report for 1994, pursuant to 28 U.S.C. 623(b); to the Committee on the Judiciary.

648. A letter from the Director, U.S. Office of Personnel Management, transmitting OPM's report on actions taken to implement the metric system of measurement, pursuant to Public Law 100–418, section 5164(c) (102 Stat. 1452); to the Committee on Science.

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. ARCHER: Committee of conference. Conference report on 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 provision permitting nonrecognition of gain on sales and exchanges effectuating policies of the Federal Communications Commission, and for other purposes (Rept. 104–92). Ordered to be printed.

Mr. QUILLEN: Committee on Rules. House Resolution 121. Resolution waiving points of order against the conference report to accompany the bill (H.R. 831) to amend the Internal Revenue Code of 1986 to permanently extend the deduction for the health insurance costs of self-employed individuals, to repeal the provision permitting nonrecognition of gain on sales and exchanges effectuating policies of the Federal Communications Commission, and for other purposes (Rept. 104–93). Referred to the House Calendar.

Mr. CLINGER: Committee on Government Reform and Oversight. H.R. 1271. A bill to provide protection for family privacy; with an amendment (Rept. 104–94). 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. BURTON of Indiana:

H.R. 1344. A bill to amend title II of the Marine Protection, Research, and Sanctuaries Act of 1972 to direct the Under Secretary of Commerce for Oceans and Atmosphere to conduct a research program to evaluate technology for depositing certain waste on the deep ocean seabed; to the Committee on Science, and in addition to the Committee on Resources, 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. DAVIS (for himself, Ms. NORTON, Mr. WALSH, Mr. DIXON, Mr. CLINGER, Mrs. COLLINS of Illinois, Mr. MCHUGH, Mr. GUTKNECHT, Mr. LATOURETTE, Mr. FLANAGAN, Mr. FATTAH, Miss COLLINS of Michigan, Mr. WOLF, Mr. MORAN, Mrs. MORELLA, and Mr. WYNN):

H.R. 1345. A bill to eliminate budget deficits and management inefficiencies in the government of the District of Columbia through the establishment of the District of Columbia Financial Responsibility and Management Assistance Authority, and for other purposes; to the Committee on Government Reform and Oversight.

By Mr. SPENCE (for himself, Mr. DELLUMS, Mr. BATEMAN, and Mr. TAYLOR of Mississippi) (all by request):

H.R. 1346. A bill to amend the guarantee fee provisions of the Federal Ship Mortgage Insurance Program in the Merchant Marine Act, 1936; to the Committee on National Security.

H.R. 1347. A bill to authorize appropriations for fiscal year 1996 for certain maritime programs of the Department of Transportation, and for other purposes; to the Committee on National Security.

H.R. 1348. A bill to amend the Panama Canal Act of 1979 to reconstitute the Panama Canal Commission as a United States Government corporation, and for other purposes; to the Committee on National Security.

H.R. 1349. A bill to authorize expenditures for fiscal year 1996 for the operation and maintenance of the Panama Canal, and for other purposes; to the Committee on National Security.

By Mr. SPENCE (for himself, Mr. DELLUMS, and Mr. BATEMAN) (all by request):

H.R. 1350. A bill to amend the Merchant Marine Act, 1936 to revitalize the U.S.-flag merchant marine, and for other purposes; to the Committee on National Security.

By Ms. DANNER (for herself, Mr. EMERSON, Mr. SKELTON, Mr. TALENT, Mr. VOLKMER, and Mr. HANCOCK):

H.R. 1351. A bill to ensure the primary principle and priority of the Missouri River system focus on the control of water relative to navigation and flood control, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. DE LA GARZA (for himself, Mr. ROBERTS, Mr. EMERSON, Mr. CONDIT, Mr. STENHOLM, Mr. BOEHNER, Mrs. THURMAN, Mr. CANADY, Mr. ROSE, Mr. EWING, Mr. DOOLEY, and Mr. POMEROY):

H.R. 1352. A bill to amend the Federal Insecticide, Fungicide, and Rodenticide Act with respect to the minor use of a pesticide; to the Committee on Agriculture.

By Mr. MINGE (for himself, Mr. DICKEY, Mr. SHAYS, Mr. KLUG, Mr. BARRETT of Wisconsin, Mr. MCHALE, Mr. CASTLE, Mr. DEAL of Georgia, and Mrs. WALDHOLTZ):

H.R. 1353. A bill to amend title 5, United States Code, to provide that, for purposes relating to retirement, Members of Congress and congressional employees shall be treated in the same manner as are employees in the executive branch generally; to the Committee on House Oversight, and in addition to the Committee on Government Reform and Oversight, 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. PAYNE of New Jersey:

H.R. 1354. A bill to eliminate the Department of Agriculture and certain agricultural programs, to transfer other agricultural programs to an agribusiness block grant program and other Federal agencies, and for other purposes; to the Committee on Agriculture, and in addition to the Committee on Government Reform and Oversight, 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. SANDERS:

H.R. 1355. A bill to amend the National Labor Relations Act, to establish the National Public Employment Relations Commission, and to amend title I of the Employment Retirement Income Security Act of 1974 to provide for joint trusteeship of single-employer pension plans; to the Committee on Economic and Educational Opportunities.

By Mr. SANDERS (for himself, Mr. HINCHEY, Ms. MCKINNEY, Mr. DEFAZIO, and Ms. VELAZQUEZ):

H.R. 1356. A bill to amend the Ethics in Government Act of 1978 to strengthen financial disclosure requirements, and for other purposes; to the Committee on Rules, and in addition to the Committee on House Oversight, 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. SANDERS:

H.R. 1357. A bill to provide certain employee protection benefits for railroad employees; to the Committee on Transportation and Infrastructure.

By Mr. TORKILDSEN:

H.R. 1358. A bill to require the Secretary of Commerce to convey to the Commonwealth of Massachusetts the National Marine Fisheries Service laboratory located on Emerson Avenue in Gloucester, MA; to the Committee on Resources.

By Mr. HOYER (for himself, Mr. HYDE, Mr. BERMAN, Mr. SKAGGS, Mr. SENSENBRENNER, Mr. GIBBONS, Mr. WILSON, Mr. OXLEY, Mr. SABO, Mr. FRANK of Massachusetts, and Mr. PALLONE):

H.J. Res. 81. Joint resolution proposing an amendment to the Constitution of the United States repealing the 22d article of amendment to the Constitution; to the Committee on the Judiciary.

By Mr. MASCARA:

H.J. Res. 82. Joint resolution proposing an amendment to the Constitution of the United States relating to the terms of office of Senators, Representatives, and the President and Vice President; to the Committee on the Judiciary.

By Mr. LANTOS (for himself, Mr. SOLOMON, Mr. TORRICELLI, and Mr. ACKERMAN):

H. Con. Res. 53. Concurrent resolution expressing the sense of the Congress regarding a private visit by President Lee Teng-hui of the Republic of China on Taiwan to the United States; to the Committee on International Relations.

By Mr. STEARNS:

H. Res. 120. Resolution expressing the sense of the House of Representatives regarding American citizens held in Iraq; to the Committee on International Relations.

By Mr. GORDON:

H. Res. 122. Resolution expressing the sense of the House of Representatives that the levels for higher education financial aid programs should not be reduced; to the Committee on Economic and Educational Opportunities.

By Mr. ROHRABACHER (for himself, Mr. TORRES, Mr. MORAN, Mr. BURTON of Indiana, Mr. PAXON, Mr. CALVERT, Mr. WILSON, and Mr. NETHERCUTT):

H. Res. 123. Resolution relating to the conflict in Kashmir; to the Committee on International Relations.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. TORKILDSEN introduced a bill (H.R. 1359) to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel *Triad*; which was referred to the Committee on Transportation and Infrastructure.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

[Omitted from the Record of March 28, 1995]

H.R. 849: Mr. PETERSON of Minnesota.

[Submitted March 29, 1995]

H.R. 65: Mr. SAXTON.

H.R. 95: Mr. HOLDEN.

H.R. 103: Mr. COOLEY, Mr. HILLIARD, and Mr. PICKETT.

H.R. 127: Mr. LEWIS of Georgia and Mr. MARKEY.

H.R. 218: Mr. WELDON of Pennsylvania.

H.R. 303: Mr. SAXTON.

H.R. 311: Mr. LUTHER.

H.R. 312: Mr. LUTHER.

H.R. 326: Mr. TORKILDSEN.

H.R. 467: Mr. STEARNS.

H.R. 485: Mr. TAYLOR of North Carolina.

H.R. 500: Mr. ALLARD, Mr. BLILEY, Mr. COMBEST, Mr. CREMEANS, Mr. EVERETT, and Mr. SOUDER.

H.R. 530: Mrs. LINCOLN, Mr. WELLER, Mr. BACHUS, and Mr. CHRISTENSEN.

H.R. 582: Mr. ENGLISH of Pennsylvania.

H.R. 592: Mr. TAYLOR of North Carolina and Mr. SHADEGG.

H.R. 731: Mr. FRAZER, Mr. CLYBURN, Mr. JEFFERSON, Mr. THOMPSON, Mr. SCOTT, Ms. BROWN of Florida, Mr. DIXON, Mr. MFUME, Ms. NORTON, Mr. BISHOP, Mr. FATTAH, Mrs. CLAYTON, Ms. JACKSON-LEE, Mr. TUCKER, Mr. FLAKE, Ms. MCKINNEY, Mr. LEWIS of Georgia, Mr. HILLIARD, Ms. WATERS, Mr. CLAY, Mr. PAYNE of New Jersey, Mr. WYNN, and Mr. OWENS.

H.R. 797: Mr. MARTINEZ, Mr. UNDERWOOD, Mr. FILNER, Mr. FRANK of Massachusetts, Mr. EVANS, and Ms. RIVERS.

H.R. 801: Ms. DELAURO and Mr. OBERSTAR.

H.R. 804: Mr. CANADY.

H.R. 820: Mr. SENSENBRENNER, Mr. SCARBOROUGH, Mr. CLYBURN, and Mr. DUNCAN.

H.R. 833: Mr. BEILENSON.

H.R. 843: Mr. ENSIGN and Mr. ENGLISH of Pennsylvania.

H.R. 860: Mr. LINDER.

H.R. 932: Mr. MCHUGH.

H.R. 940: Mr. TORRES and Mr. ENGEL.

H.R. 941: Mr. HILLIARD, Mr. FATTAH, Mr. CLEMENT, and Mrs. MINK of Hawaii.

H.R. 967: Mrs. LOWEY and Mr. EVANS.

H.R. 997: Mr. FILNER.

H.R. 1024: Mr. BURTON of Indiana.

H.R. 1033: Mr. FOX and Mr. SHAYS.

H.R. 1073: Mrs. LOWEY, Mr. DEFAZIO, Mr. FROST, Ms. MOLINARI, Mr. TEJEDA, Mr. ABERCROMBIE, Ms. RIVERS, Mr. DELLUMS, Mr. FOGLIETTA, and Mr. EVANS.

H.R. 1074: Ms. LOWEY, Mr. DEFAZIO, Mr. ABERCROMBIE, Ms. RIVERS, Mr. DELLUMS, Mr. FOGLIETTA, and Mr. EVANS.

H.R. 1085: Mr. DAVIS.

H.R. 1090: Mr. DEUTSCH.

H.R. 1103: Mr. RADANOVICH and Mr. HASTINGS of Florida.

H.R. 1118: Mr. HANCOCK and Mr. KIM.

H.R. 1127: Mr. WELLER and Mr. BROWN of Ohio.

H.R. 1143: Mrs. KELLY and Mr. HUTCHINSON.

H.R. 1144: Mrs. KELLY and Mr. HUTCHINSON.

H.R. 1145: Mrs. KELLY and Mr. HUTCHINSON.

H.R. 1150: Ms. NORTON.

H.R. 1233: Mr. COLEMAN, Ms. ESHOO, Mr. FATTAH, Ms. FURSE, Mr. HINCHEY, Mr. LIPINSKI, Mr. UNDERWOOD, Mr. JEFFERSON, and Mrs. MINK of Hawaii.

H.R. 1256: Mr. ACKERMAN, Mr. SMITH of New Jersey, and Mr. PAYNE of New Jersey.

H.R. 1258: Ms. MCKINNEY, Mr. HASTINGS of Florida, Mrs. CLAYTON, Ms. JACKSON-LEE, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. SCOTT, Mr. OWENS, Ms. WATERS, Mr. LEWIS of Georgia, Mr. TUCKER, and Mr. FROST.

H.R. 1278: Mr. JACOBS, Mr. MEEHAN, Mr. DEUTSCH, Mr. ROMERO-BARCELO, Mr. UNDERWOOD, Ms. WOOLSEY, Mr. LIPINSKI, and Mr. DEFAZIO.

H.R. 1302: Mr. CLYBURN, Ms. ESHOO, Mr. BOUCHER, Ms. FURSE, Mr. JEFFERSON, and Mrs. MINK of Hawaii.

H.J. Res. 79: Mr. EWING.

H. Con. Res. 5: Mr. LEWIS of Kentucky, Mr. LUCAS, and Mr. ENGLISH of Pennsylvania.

H. Con. Res. 12: Mr. YOUNG of Alaska.

H. Con. Res. 23: Mr. DEAL of Georgia, Mr. LIGHTFOOT, Mr. STUDDS, Mr. WATT of North Carolina, Mr. ROBERTS, Mr. BOEHLERT, Mr. TANNER, Mr. TORKILDSEN, Mrs. KELLY. Mr. MINGE, Mr. ENGLE, and Mr. SMITH of New Jersey.

H. Res. 21: Mr. PETERSON of Minnesota, Mr. MINGE, and Mr. FILNER.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 1215

OFFERED BY: MR. GOODLING

AMENDMENT NO. 3: In section 23 of the Internal Revenue Code of 1986 (relating to family tax credit), as proposed to be added by section 101 of the bill—

(1) strike ''$200,000'' each place it appears and insert ''$95,000'',

(2) strike ''100 times'' in subsection (b)(2) of such section 23 and insert ''50 times'',

(3) strike subsection (d) of such section 23 (relating to inflation adjustment), and

(4) redesignate subsection (e) as subsection (d).

H.R. 1215

OFFERED BY: MR. SANDERS

AMENDMENT NO. 4: Strike sections 103 and 104 of the bill and insert after section 102 the following new subtitle (and conform the table of contents accordingly):

Subtitle B—Middle Class Flexible Savings

SEC. 111. HIGHER MAXIMUM IRA DEDUCTION AND INCOME PHASEOUT LIMITS; INFLATION ADJUSTMENT OF MAXIMUM IRA DEDUCTION AND PHASEOUT LIMITS.

(a) HIGHER MAXIMUM IRA DEDUCTION.—

(1) IN GENERAL.—The following provisions of the Internal Revenue Code of 1986 are each amended by striking ''$2,000'' and inserting ''$3,000'':

(A) Subsections (b)(1)(A) and (c)(2) of section 219.

(B) Subsections (a)(1), (b), and (j) of section 408.

(2) CONFORMING AMENDMENT.—Sections 219(c)(2) and 408(d)(5) are each amended by striking ''$2,250'' and inserting ''$3,500''.

(b) HIGHER INCOME PHASEOUT LIMITS.—

(1) Subparagraph (B) of section 219(g)(3) is amended—

(A) by striking ''$40,000'' and inserting ''$60,000'', and

(B) by striking ''$25,000'' and inserting ''$40,000''.

(2) Clause (ii) of section 219(g)(2)(A) is amended to read as follows:

''(ii) $15,000.''

(c) INFLATION ADJUSTMENT OF MAXIMUM IRA DEDUCTION AND INCOME PHASEOUT LIMITS.—Section 219 is amended by inserting after subsection (f) the following new subsection:

''(g) INFLATION ADJUSTMENT OF MAXIMUM DEDUCTION AND INCOME PHASEOUT LIMITS.—

''(1) IN GENERAL.—In the case of any taxable year beginning in a calendar year after 1995, each applicable dollar amount shall be increased by an amount equal to—

''(A) such dollar amount, multiplied by

''(B) the cost-of-living adjustment under section 1(f)(3) for the calendar year in which the taxable year begins, determined by substituting 'calendar year 1994' for 'calendar year 1992' in subparagraph (B) thereof.

''(2) APPLICABLE DOLLAR AMOUNT.—For purposes of paragraph (1), the term 'applicable dollar amount' means—

''(A) the $3,000 amount in subsections (b)(1)(A), (c)(2), and (c)(3) of this section and in subsections (a)(1), (b) and (j) of section 408,

''(B) the $3,500 amount in subsection (c)(2) of this section and in section 408(d)(5),

''(C) the $60,000 and $40,000 amounts in subsection (g)(3)(B), and

''(D) the $15,000 amount in subsection (g)(2)(A)(ii).

''(3) ROUNDING.—If any amount as adjusted under paragraph (1) is not a multiple of $50, such amount shall be rounded to the nearest multiple of $50.''

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1994.

SEC. 112. IRA FOR NONWORKING SPOUSE WITH YOUNG CHILDREN COMPUTED ON BASIS OF COMPENSATION OF BOTH SPOUSES.

''(a) IN GENERAL.—Subsection (c) of section 219 (relating to special rules for certain married individuals) is amended by adding at the end thereof the following new paragraph:

''(3) HIGHER LIMIT FOR SPOUSE WITH YOUNG CHILDREN.—

''(A) IN GENERAL.—In the case of a qualifying spouse, the amount allowable as a deduction under paragraph (1) shall not exceed the lesser of—

''(i) $3,000, or

''(ii) the sum of—

''(I) the compensation includible in such individual's gross income for the taxable year, plus

''(II) the compensation includible in the gross income of such individual's spouse for the taxable year reduced by the amount allowable as a deduction under subsection (a) to such spouse for such taxable year.

''(B) QUALIFYING SPOUSE.—For purposes of subparagraph (A), the term 'qualifying spouse' means any spouse of an individual if—

''(i) such individual and spouse file a joint return for the taxable year,

''(ii) such spouse has less than $1,000 of compensation (determined without regard to section 911) for the taxable year, and

''(iii) such spouse has a child (as defined in section 151(c)(3)) who has not attained age 6

as of the close of such taxable year and who is a dependent (as defined in section 152) of the taxpayer for such year.''

''(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 1994.

SEC. 113. PENALTY-FREE WITHDRAWALS FROM CERTAIN PLANS TO PAY EDUCATIONAL EXPENSES, MEDICAL EXPENSES, BUSINESS START-UP EXPENSES, AND FIRST-TIME HOMEBUYER EXPENSES.

''(a) EDUCATIONAL EXPENSES AND BUSINESS STARTUP EXPENSES.—

(1) IN GENERAL.—Paragraph (2) of section 72(t) (relating to exceptions to 10-percent additional tax on early distributions from qualified retirement plans) is amended by adding at the end thereof the following new subparagraph:

''(D) DISTRIBUTIONS FROM CERTAIN PLANS FOR EDUCATIONAL EXPENSES AND BUSINESS START-UP EXPENSES.—

''(i) IN GENERAL.—Distributions to an individual from an individual retirement plan, or from amounts attributable to employer contributions made pursuant to elective deferrals described in subparagraph (A) or (C) of section 402(g)(3) or section 501(c)(18)(D)(iii) to the extent such distributions do not exceed the sum of—

''(I) the qualified higher education expenses (as defined in paragraph (6)) of the taxpayer for the taxable year, and

''(II) the start-up expenditures (as defined in section 195(c)) of the taxpayer for the taxable year.

''(ii) ADJUSTED GROSS INCOME LIMIT.—Clause (i) shall apply to distributions from an individual retirement plan only if the adjusted gross income of the distributee for the taxable year in which the distribution occurs does not exceed—

''(I) $60,000 in the case of an unmarried individual,

''(II) $80,000 in the case of a joint return, and

''(III) $40,000 in the case of a married individual filing a separate return.''

(2) QUALIFIED HIGHER EDUCATION EXPENSES DEFINED.—Section 72(t) is amended by adding at the end thereof the following new paragraph:

''(6) QUALIFIED HIGHER EDUCATION EXPENSES.—For purposes of paragraph (2)(D)—

''(A) IN GENERAL.—The term 'qualified higher education expenses' means tuition, fees, books, supplies, and equipment required for the enrollment or attendance of—

''(i) the taxpayer,

''(ii) the taxpayer's spouse, or

''(iii) a child (as defined in section 151(c)(3)) of the taxpayer,

at an eligible educational institution (as defined in section 135(c)(3)).

''(B) COORDINATION WITH SAVINGS BOND PROVISIONS.—The amount of qualified higher education expenses for any taxable year shall be reduced by any amount excludable from gross income under section 135.''

(b) CATASTROPHIC ILLNESS EXPENSES.—Subparagraph (A) of section 72(t)(3) is amended to read as follows:

''(A) CERTAIN EXCEPTIONS NOT TO APPLY TO INDIVIDUAL RETIREMENT PLANS.—

''(i) IN GENERAL.—Except as provided in clause (ii), subparagraphs (A)(v), (B), and (C) of paragraph (2) shall not apply to distributions from an individual retirement plan.

''(ii) DISTRIBUTIONS FOR MEDICAL EXPENSES FROM CERTAIN INDIVIDUAL RETIREMENT PLANS.—Subparagraph (B) of paragraph (2) shall apply to distributions from an individual retirment plan if the adjusted gross income of the distributee for the taxable year in which the distribution occurs does not exceed the applicable limitation under paragraph (2)(D).''

(c) PENALTY-FREE DISTRIBUTIONS FOR CERTAIN UNEMPLOYED INDIVIDUALS.—Paragraph (2) of section 72(t) (as amended by the preceding provisions of this section) is amended further by adding at the end the following new subparagraph:

''(E) DISTRIBUTIONS TO UNEMPLOYED INDIVIDUALS.—A distribution from an individual retirement plan to an individual after separation from employment, if—

''(i) such individual has received unemployment compensation for 12 consecutive weeks under any Federal or State unemployment compensation law by reason of such separation, and

''(ii) such distributions are made during any taxable year during which such unemployment compensation is paid or the succeeding taxable year.''

(d) EXPENSES FOR FIRST-TIME HOMEBUYERS.—

(1) IN GENERAL.—Paragraph (2) of section 72(t) (as amended by the preceding provisions of this section) is amended further by adding at the end the following new subparagraph:

''(F) DISTRIBUTIONS FROM INDIVIDUAL RETIREMENT PLANS FOR FIRST-TIME HOMEBUYERS.—

''(i) IN GENERAL.—Distributions to an individual from an individual retirement plan which are qualified first-time homebuyer distributions (as defined in paragraph (7)).

''(ii) ADJUSTED GROSS INCOME LIMIT.—Clause (i) shall apply to distributions from an individual retirement plan only if the adjusted gross income of the distributee for the taxable year in which the distribution occurs does not exceed—

''(I) $60,000 in the case of an unmarried individual,

''(II) $80,000 in the case of a joint return, and

''(III) $40,000 in the case of a married individual filing a separate return.''

(2) DEFINITION.—Section 72(t) (as amended by the preceding provisions of this section) is amended further by adding at the end the following new paragraph:

''(7) QUALIFIED FIRST-TIME HOMEBUYER DISTRIBUTIONS.—For purposes of paragraph (2)(F)(i)—

''(A) IN GENERAL.—The term 'qualified first-time homebuyer distribution' means any payment or distribution received by an individual to the extent such payment or distribution is used by the individual before the close of the 60th day after the day on which such payment or distribution is received to pay qualified acquisition costs with respect to a principal residence of a first-time homebuyer who is such individual or such individual's spouse.

''(B) QUALIFIED ACQUISITION COSTS.—For purposes of this paragraph, the term 'qualified acquisition costs' means the costs of acquiring, constructing, or reconstructing a residence. Such term includes any usual or reasonable settlement, financing, or other closing costs.

''(C) FIRST-TIME HOMEBUYER; OTHER DEFINITIONS.—For purposes of this paragraph—

''(i) FIRST-TIME HOMEBUYER.—The term 'first-time homebuyer' means any individual if such individual (and if married, such individual's spouse) had no present ownership interest in a principal residence during the 10-year period ending on the date of acquisition of the principal residence to which this paragraph applies.

''(ii) PRINCIPAL RESIDENCE.—The term 'principal residence' has the same meaning as when used in section 1034.

'(iii) DATE OF ACQUISITION.—The term 'date of acquisition' means the date—

''(I) on which a binding contract to acquire the principal residence to which subparagraph (A) applies is entered into, or

''(II) on which construction or reconstruction of such a principal residence is commenced.

''(D) SPECIAL RULE WHERE DELAY IN ACQUISITION.—If any distribution from any individual retirement plan fails to meet the requirements of subparagraph (A) solely by reason of a delay or cancellation of the purchase or construction of the residence, the amount of the distribution may be contributed to an individual retirement plan as provided in section 408(d)(3)(A)(i) (determined by substituting '120 days' for '60 days' in such section), except that—

''(i) section 408(d)(3)(B) shall not be applied to such contribution, and

''(ii) such amount shall not be taken into account in determining whether section 408(d)(3)(A)(i) applies to any other amount.''

(e) CONFORMING AMENDMENTS.—

(1) Section 401(k)(2)(B)(i) is amended by striking ''or'' at the end of subclause (III), by striking ''and'' at the end of subclause (IV) and inserting ''or'', and by inserting after subclause (IV) the following new subclause:

''(V) the date on which distributions for qualified higher education expenses (as defined in section 72(t)(6)) or start-up expenses (as defined in section 195(c)) or qualified first-time homebuyer distributions (as defined in section 72(t)(7)(A)) are made, and''.

(2) Section 403(b)(11) is amended by striking ''or'' at the end of subparagraph (A), by striking the period at the end of subparagraph (B) and inserting '', or'', and by inserting after subparagraph (B) the following new subparagraph:

''(C) for the payment of qualified higher education expenses (as defined in section 72(t)(6)), start-up expenses (as defined in section 195(c)), or qualified acquisition costs (as defined in section 72(t)(7)) with respect to a principal residence (as so defined) of a first-time homebuyer (as so defined).''

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to payments and distributions after the date of the enactment of this Act.

After the title heading for title I of the bill insert the following (and conform the table of contents accordingly):

Subtitle A—Family Tax Credit; Credit to Reduce Marriage Penalty

At the end of title III of the bill insert the following new subtitle:

Subtitle F—Minimum Tax on Foreign and Foreign-Owned Corporations

SEC. 361. MINIMUM TAX ON FOREIGN AND FOREIGN-OWNED CORPORATIONS.

(a) IN GENERAL.—Subchapter A of chapter 1 (relating to determination of tax liability) is amended by adding at the end thereof the following new part:

''PART VIII—MINIMUM TAX ON CERTAIN FOREIGN AND FOREIGN-OWNED CORPORATIONS

''Sec. 59B. Minimum tax on certain foreign and foreign-owned corporations.

''SEC. 59B. MINIMUM TAX ON CERTAIN FOREIGN AND FOREIGN-OWNED CORPORATIONS.

''(a) IMPOSITION OF TAX.—In the case of a corporation to which this section applies, there is hereby imposed (in addition to any other tax imposed by this subtitle) a tax equal to the excess (if any) of—

''(1) 35 percent of the product of—

''(A) 9 percent, and

''(B) an amount equal to 75 percent of the gross receipts of the taxpayer from the sale or leasing of property manufactured by the taxpayer or by any foreign person that is a related party of the taxpayer, over

''(2) the aggregate tax imposed under sections 11, 55, and 1201 for such year.

''(b) TAXPAYERS TO WHICH SECTION APPLIES.—This section shall apply to a corporation for the taxable year if—

''(1) such corporation is—

''(A) a domestic corporation which is 25-percent foreign-owned, or

''(B) a foreign corporation engaged in a trade or business within the United States, and

''(2) the gross receipts from the sale or leasing of property manufactured by the such corporation or by any foreign person that is a related party of such corporation are greater than the lesser of—

''(A) $2,000,000, or

''(B) an amount equal to 10 percent of the total gross receipts of such corporation.

''(c) DEFINITIONS.—For purposes of this section, the term '25-percent foreign-owned', 'foreign person', and 'related party' have the respective meanings given such terms by section 6038A(c).''

(b) CLERICAL AMENDMENT.—The table of parts for such subchapter A is amended by adding at the end thereof the following new item:

''Part VIII. Minimum tax on certain foreign and foreign-owned corporations.''

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1994.

H.R. 1215

OFFERED BY: MR. TRAFICANT

AMENDMENT NO. 5; At the end of title III of the bill insert the following new subtitle (and conform the table of contents accordingly):

Subtitle F—Investment for America

SEC. 361. REINSTATEMENT OF 10-PERCENT DOMESTIC INVESTMENT TAX CREDIT.

(a) ALLOWANCE OF CREDIT.—Section 46 (relating to amount of investment credit) is amended by striking ''and'' at the end of paragraph (2), by striking the period at the end of paragraph (3) and inserting '', and'', and by adding at the end thereof the following new paragraph:

''(4) the domestic investment credit.''

(b) AMOUNT OF CREDIT.—Section 48 is amended by adding at the end thereof the following new subsection:

''(c) DOMESTIC INVESTMENT CREDIT.—

''(1) IN GENERAL.—For purposes of section 46, the domestic investment credit for any taxable year is an amount equal to 10 percent of the qualified investment for such taxable year.

''(2) QUALIFIED INVESTMENT.—

''(A) IN GENERAL.—For purposes of paragraph (1), the qualified investment for any taxable year is the aggregate of—

''(i) the applicable percentage of the basis of each new domestic section 38 property placed in service by the taxpayer during such taxable year, plus

''(ii) the applicable percentage of the cost of each used domestic section 38 property placed in service by the taxpayer during such taxable year.

''(B) APPLICABLE PERCENTAGE.—For purposes of subparagraph (A), the applicable percentage for any property shall be determined under paragraphs (2) and (7) of section 46(c) (as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990).

''(C) CERTAIN RULES MADE APPLICABLE.—The provisions of subsections (b) and (c) of section 48 (as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990) shall apply for purposes of this paragraph.

''(3) DOMESTIC SECTION 38 PROPERTY.—For purposes of this subsection, the term 'domestic section 38 property' means any section 38 property if—

''(A) the property was completed in the United States, and

''(B) more than 50 percent of the basis of the property is attributable to value added within the United States.

For purposes of the preceding sentence, the term 'United States' includes the Commonwealth of Puerto Rico and the possessions of the United States.

''(4) SECTION 38 PROPERTY.—For purposes of this subsection, the term 'section 38 property' means—

''(A) tangible personal property (other than an air conditioning or heating unit), or

''(B) other tangible property (not including a building and its structural components) but only if such property—

''(i) is used as an integral part of manufacturing, production, or extraction or of furnishing transportation, communications, electrical energy, gas, water, or sewage disposal services, or

''(ii) constitutes a research facility used in connection with any of the activities referred to in clause (i), or

''(iii) constitutes a facility used in connection with any of the activities referred to in clause (i) for the bulk storage of fungible commodities (including commodities in a liquid or gaseous state), or

''(C) elevators and escalators, but only if—

''(i) the construction, reconstruction, or erection of the elevator or escalator is completed by the taxpayer, or

''(ii) the original use of such elevator or escalator commences with the taxpayer, or

''(D) single purpose agricultural or horticultural structures; or

''(E) a storage facility (not including a building and its structural components) used in connection with the distribution of petroleum or any primary product of petroleum.

Such term includes only property to which section 168 applies without regard to any useful life and any other property with respect to which depreciation (or amortization in lieu of depreciation) is allowable and having a useful life (determined as of the time such property is placed in service) of 3 years or more.

''(5) COORDINATION WITH OTHER CREDITS.—This subsection shall not apply to any property to which the energy credit or rehabilitation credit would apply unless the taxpayer elects to waive the application of such credits to such property.

''(6) CERTAIN PROGRESS EXPENDITURE RULES MADE APPLICABLE.—Rules similar to rules of subsection (c)(4) and (d) of section 46 (as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990) shall apply for purposes of this subsection.''

(c) TECHNICAL AMENDMENTS.—

(1) Subparagraph (C) of section 49(a)(1) is amended by striking ''and'' at the end of clause (ii), by striking the period at the end of clause (iii) and inserting '', and'', and by adding at the end thereof the following new clause:

''(iv) the basis of any new domestic section 38 property and the cost of any used domestic section 38 property.''

(2) Subparagraph (E) of section 50(a)(2) is amended by inserting ''or 48(c)(6)'' before the period at the end thereof.

(3) Paragraph (5) of section 50(a) is amended by adding at the end thereof the following new subparagraph:

''(D) SPECIAL RULES FOR CERTAIN PROPERTY.—In the case of any domestic section 38 property which is 3-year property (within the meaning of section 168(e))—

''(i) the percentage set forth in clause (ii) of the table contained in paragraph (1)(B) shall be 66 percent,

''(ii) the percentage set forth in clause (iii) of such table shall be 33 percent, and

''(iii) clauses (iv) and (v) of such table shall not apply.''

(4)(A) The section heading for section 48 is amended to read as follows:

''SEC. 48. OTHER CREDITS.''

(B) The table of sections for subpart E of part IV of subchapter A of chapter 1 is amended by striking the item relating to section 48 and inserting the following:

''Sec. 48. Other credits.''

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to periods after December 31, 1994, under rules similar to the rules of section 48(m) of the Internal Revenue Code of 1986 (as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990).

SEC. 362. CREDIT FOR PURCHASES OF DOMESTIC DURABLE GOODS.

(a) IN GENERAL.—Subpart A of part IV of subchapter A of chapter 1 (relating to nonrefundable personal credits) is amended by inserting after section 25B the following new section:

''SEC. 25C. PURCHASES OF DOMESTIC DURABLE GOODS.

''(a) GENERAL RULE.—In the case of an individual, there shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to 7 percent of the aggregate amount paid during the taxable year for the purchase of domestic durable goods.

''(b) DOMESTIC DURABLE GOODS.—For purposes of this section—

''(1) IN GENERAL.—The term 'domestic durable good' means any durable good if—

''(A) the property was completed in the United States, and

''(B) more than 50 percent of the basis of the property is attributable to value added within the United States.

''(2) UNITED STATES.—The term 'United States' includes the Commonwealth of Puerto Rico and the possessions of the United States.

''(c) LIMITATION.—The amount of the credit allowed under subsection (a) for any taxable year shall not exceed $1,000.''

(b) CONFORMING AMENDMENT.—The table of sections for such subpart A is amended by inserting after the item relating to section 25B the following new item:

''Sec. 25C. Purchases of domestic durable goods.''

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1994.

SEC. 363. CREDIT FOR CERTAIN COSTS INCURRED IN PURCHASING AN AMERICAN-MADE PASSENGER VEHICLE.

(a) IN GENERAL.—Subpart A of part IV of subchapter A of chapter 1 (relating to nonrefundable personal credits) is amended by inserting after section 25C the following new section:

''SEC. 25D. CERTAIN COSTS INCURRED IN PURCHASING AN AMERICAN-MADE PASSENGER VEHICLE.

''(a) IN GENERAL.—In the case of an individual, there shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to the qualified payments made by the taxpayer during such year.

''(b) QUALIFIED PAYMENTS.—For purposes of this section, the term 'qualified payments' means any payment of—

''(1) any State or local sales tax imposed on the purchase by the taxpayer of any qualified automobile, and

''(2) any interest on any loan which is secured by a qualified automobile and which was incurred by the taxpayer to purchase such automobile.

''(c) QUALIFIED AUTOMOBILE.—For purposes of this section, the term 'qualified automobile' means any automobile (as defined in section 4064(b))—

''(1) which is purchased after December 31, 1994,

''(2) which is domestically produced,

''(3) the original use of which begins with the taxpayer, and

''(4) substantially all of the use of which is for personal, nonbusiness purposes.

For purposes of the preceding sentence, an automobile is domestically produced if more than 50 percent of the automobile is produced in the United States and its final assembly occurs in the United States.

''(d) DENIAL OF DOUBLE BENEFIT.—No deduction or credit shall be allowed under any other provision of this title for any payment for which a credit is allowable under this section.''

(b) CLERICAL AMENDMENT.—The table of sections for such subpart A is amended by inserting after the item relating to section 25C the following new item:

''Sec. 25D. Certain costs incurred in purchasing an American-made passenger vehicle.''

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years ending after December 31, 1994.

SEC. 364. PLACEMENT OF MADE IN AMERICA LABELS ON PRODUCTS.

(a) REQUIREMENTS FOR USE OF LABELS.—No product may bear a label which states or suggests that the product was made in America unless—

(1) the product has been registered with the Department of Commerce under subsection (b); and

(2) the Secretary of Commerce has determined that—

(A) 60 percent of the product was manufactured in the United States; and

(B) final assembly of the product took place in the United States.

(b) REGISTRY OF AMERICAN-MADE PRODUCTS.—Not later than 12 months after the Secretary has promulgated regulations regarding the registration of products with the Department of Commerce under this section, a person shall register with the Department of Commerce any product on which there is or will be affixed a label which states or suggests that the product was made in America.

(c) PENALTIES FOR FRAUDULENT USE OF LABELS.—

(1) CIVIL FINE.—Any person who, with an intent to defraud or mislead, places on a product a label which states or suggests that the product was ''made in America'' in violation of this section may be assessed a civil penalty by the Secretary of not more than $100,000. The Secretary may issue an order assessing such civil penalty only after notice and an opportunity for an agency hearing on the record. The validity of such order may not be reviewed in an action to collect such civil penalty.

(2) INJUNCTIVE RELIEF.—The Secretary may bring an action to enjoin the violation of, or to compel compliance with, this section, whenever the Secretary believes that such a violation has occurred or is about to occur.

(d) REGULATIONS.—Not later than 12 months after the date of the enactment of this Act, the Secretary shall promulgate regulations establishing procedures under which a person shall register a product under this section.

(e) DEFINITIONS.—For purposes of this section:

(1) LABEL.—The term ''label'' means any written, printed, or graphic matter on, or attached to, a product or any of its containers or wrappers.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of Commerce.

H.R. 1215

OFFERED BY: MR. TRAFICANT

AMENDMENT NO. 6: Strike subtitles A and B of title III of the bill (other than section 322) and insert the following (and conform the table of contents accordingly):

Subtitle A—Reduction of Tax on Capital Gain If Proceeds Used To Purchase Public Debt Obligations

SEC. 301. REDUCTION OF TAX ON CAPITAL GAIN IF PROCEEDS USED TO PURCHASE PUBLIC DEBT OBLIGATIONS.

(a) IN GENERAL.—Subsection (h) of section 1 (relating to maximum capital gains rate) is amended to read as follows:

''(h) MAXIMUM CAPITAL GAINS RATE.—

''(1) IN GENERAL.—If a taxpayer has a net capital gain for any taxable year, then the tax imposed by this section shall not exceed the sum of—

''(A) a tax computed at the rates and in the same manner as if this subsection had not been enacted on the greater of—

''(i) taxable income reduced by the amount of the net capital gain, or

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Senate

(Legislative day of Monday, March 27, 1995)

The Senate met at 9:45 a.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

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

Let us pray:

Holy, Holy, Holy, Lord God almighty. Heaven and Earth are filled with Your glory. Praise and honor be to You, Lord most high. Lord of all creation, re-create our hearts to love You above all. Ruler of the universe, reign over us. Lord of our Nation, we invite You to live in us as our personal Lord. Sovereign of history, guide the vital page in history that will be written today. As we begin this new day, we declare our dependence and interdependence. We confess with humility that we are totally dependent on You, dear God. We could not breathe a breath, think a thought, or exercise dynamic leadership without Your constant and consistent blessing. We praise You for the gifts of intellect, education, and experience. All You have done in us has been in preparation for what You want to do through us now. We are here by Your divine appointment.

And we know we could not achieve the excellence You desire without the tireless efforts of others. We thank You for our families and friends, the faithful and loyal staffs that make it possible for the Senators to function so effectively, and for all who make the work of this Senate run smoothly. Help us express our gratitude by singing our appreciation for the unsung heroes and heroines who do ordinary tasks with extraordinary diligence. We praise You for the gift of life and those who make work a joy. In the name of Him who taught us the greatness of being servant leaders. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDING OFFICER (Mr. BURNS). The distinguished Senator from Colorado is recognized.

SCHEDULE

Mr. CAMPBELL. Mr. President, this morning the leader time has been reserved, and there will be a period for morning business until the hour of 10:45 a.m., with Senators to speak for up to 5 minutes each with the exception of the following: Senator CAMPBELL, 10 minutes, and Senators NICKLES and REID, 10 minutes combined. At the hour of 10:45 a.m. today, the Senate will proceed to a 15-minute rollcall vote on passage of S. 219, the regulatory moratorium bill. Immediately following the vote on passage of S. 219, the Senate will begin consideration of H.R. 1158, the supplemental disaster assistance bill. Therefore all Senators should be aware that votes can be expected throughout today's session.

MORNING BUSINESS

(The remarks of Mr. CAMPBELL pertaining to the introduction of S. 644 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. CAMPBELL. Mr. President, I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. 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.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The minority leader is recognized.

Mr. DASCHLE. Mr. President, I will use my leadership time this morning to talk about a couple of issues, if I may.

REGULATORY TRANSITION ACT

Mr. DASCHLE. Mr. President, I wish to commend, first of all, Senator NICKLES and Senator REID for their leadership over the last couple of days. The legislation that the Senate will be voting on a little later on is legislation that I believe enjoys broad bipartisan support. It does so because it is moderate, because it addresses a serious problem, and because it gives us a tool with which to work more effectively through the regulatory morass that has existed now for a long period of time.

I think it is equally clear that the moratorium is dead. We have driven a wooden stake through the heart of the moratorium. It is dead and I say good riddance.

This legislation, were it to come up again out of conference, would suffer the same consequences. I want everyone to understand the great disappointment that would be felt on our side were the moratorium to come back at some later date or in some other form. We have negotiated and worked in good faith, and I think we, as a result of that good-faith work over the last couple of days, have come up with an alternative to the moratorium, something that we expect to be an effective tool, something that we strongly support on this side of the aisle.

We have laid out the adverse consequences of a moratorium. I believe that both Republicans and Democrats want to ensure that we do not jeopardize meat safety, that we do not jeopardize children with dangerous toys, that we do not jeopardize women with the loss of good mammography, that we do not jeopardize people with the problems that a moratorium would

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

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have created in our efforts to achieve clean air and clean water.

So we recognize that a moratorium is an extreme measure that, frankly, does not work. It is an extreme measure that may have been part of a 100-day plan in the House. Nevertheless, I do not care whether we take 1,000 days in the State, it is not something that we can support here.

Let me also commend Senators GLENN and LEVIN for their work over the last couple of days. They have improved the original version of the regulatory veto in a very significant way. I think their efforts have given even greater life and support to the concept that Senators REID and NICKLES have presented to the Senate in the regulatory veto.

Let me just say in closing, Mr. President, that this is an example of the moderating influence of the Senate. We have seen extreme measures acted upon in the House over the last couple of months. Those extreme measures are not ones that we feel very comfortable with on this side of Capitol Hill. Indeed, we had similar reactions to the House proposals on unfunded mandates, congressional coverage, and line-item veto, and a number of very important pieces of legislation.

Because of the moderating influence of the Senate, because of the ability of Democrats and Republicans to work together more effectively, we have been able to take the extreme proposals and put them away, hopefully for good, and pass legislation that many of us are very pleased to support.

CONSERVATION RESERVE PROGRAM

Mr. DASCHLE. Mr. President, this year we are going to be involved in a very significant debate about the Conservation Reserve Program. From time to time, I want to address the Senate on various agricultural-related issues. Perhaps one of the most important of all is the Conservation Reserve Program. It has touched nearly every facet of life in rural States, including that of the distinguished Presiding Officer. It has reduced soil erosion, it has substantially increased wildlife habitat, it has improved water quality, and it has reduced crop surpluses.

As I look back at the many programs that Congress has contemplated, considered, and ultimately enacted in the last 10 years, I think one would be hard pressed to find a program that has worked better than the CRP. No program has more effectively invested Federal dollars in natural resources than has the CRP. As a consequence of the program's tremendous success, it enjoys broad support from agricultural groups, conservation groups, environmental groups, and virtually everybody else in rural America.

Mr. President, 2.1 million of the 36.4 million acres enrolled in the CRP are located in my State. In South Dakota, the erosion rate on CRP land fell from 12 tons an acre to just over 1 ton an acre over the last 10 years—a dramatic reduction in destructive and wasteful erosion. All told, the CRP has generated a reduction of soil erosion in my State alone of over 22 million tons.

Nationwide, soil erosion has decreased by 19 tons per acre. So the program has had an even greater effect in other States than it has had in South Dakota.

Chart 1 shows where the bulk of the success has been. The red depicts those areas where we have seen significant soil erosion reduction—the Mountain States, the southern plains, and the northern plains, which includes, of course, South Dakota. We have seen about 126 million tons of soil erosion reduction in the Mountain States; 145 million tons of soil erosion reduction in our area of the country; and in the southern plains, we have seen the greatest success story of all, 170 million tons in soil erosion reduction.

So in every part of the country, we have seen a substantial degree of progress in reduction of soil erosion. But if you look more carefully at the chart you will see that where the greatest potential lies for soil erosion, where we saw the greatest consequences of soil erosion in the past, we have now seen the greatest progress. That really, in one picture alone, depicts what I consider to be the success story of CRP over the last 10 years.

Simply looking at the topsoil savings really does not tell the whole story, however. Costs to society of impaired water quality from farmland erosion are $208 billion a year. We are substantially preserving and improving water quality through the CRP because it idles so much highly erodible land.

The CRP has also had a significant positive effect on several species that were endangered. The prairie chicken and the sharp-tailed grouse were threatened and endangered species. Those have come back to flourish as a result of the efforts in CRP.

More than 85 percent of the CRP acres have now been planted to grasses. The CRP also has fostered tree plantings on 3,600 square miles. That, Mr. President, is the equivalent of Yosemite and Glacier National Parks combined. In a sense, with the CRP, we have actually created the equivalent of two new national parks, if you just consider the effect in tree plantings alone. So the program has created a substantial new incentive to plant trees and, obviously, when trees are planted, it is far less likely that the enrolled land will come back into production in the future.

In my State, of course, pheasants are very prominent, and we are very proud of the fact that we are probably the pheasant capital of the world. We have attracted 128,000 hunters in 1993 who spent more than $50 million in our rural communities. More than $13 billion in resource-based benefits to society have been generated by the CRP over the life of the program.

So I guess the short summary is, Mr. President, if you look at endangered species, if you look at the tree plantings, if you look at the consequences for recreation and tourism—and in my State, something I love personally to do, the opportunities for more pheasant, goose, and duck hunting—CRP has vastly expanded the opportunities to do the kinds of things that we go out West to do each and every year.

CRP has also had significant consequences with regard to reductions in Federal spending. We have saved the Federal Treasury $16 million in subsidy payments just in 1 year alone by removing the marginal lands from production. We save money in large measure because the CRP gives farmers an opportunity to do something other than plant for the program on their highly erodible acres. It is no longer necessary for producers to plant their erodible land just to get deficiency payments, to get disaster payments, or to get whatever other payments the Federal Government may have. Now, CRP gives them an ecologically and economically sound alternative.

In South Dakota, nearly 1.5 million cropland base acres were enrolled into the CRP. If commodities had been planted on this land, taxpayers would have paid crop subsidy payments on these acres, and the figure would have been millions of dollars more than what it is right now.

Chart 2 depicts really the anticipated result of what would happen if we lost the CRP in the future. The post contract CRP land uses have been the subject of a good deal of discussion. What we see here is that all of the green would be what we anticipate going back into production. There would be plant to crop, 43 percent; cash rent to other farmers, 13 percent; annual set-asides, 4 percent; and, of course, some would go into the 0/92 program.

In essence, you have a good percentage of current CRP acreage that would go back into the same kind of production activity that we experienced in the mid-1980's, that massive production was one of the primary causes of the cataclysmic economic situation that rural America experienced in the mid-1980's.

The contracts begin to expire this year, and over half of the CRP contracts will expire by 1997. All will expire by the year 2001. Only 63 percent of contract holders now plan to return the CRP acres. That is this green that I have mentioned. Only 9 percent would voluntarily keep their land in wildlife habitat or trees. That is something we hope to expand dramatically. Obviously, 9 percent is a good start, but we have to go a lot further than 9 percent if, indeed, the CRP will have the lasting benefits that we all hope it will have.

The third chart depicts, Mr. President, the effect of the CRP on the actual farm program itself.

When all CRP contracts expire, wheat and sorghum prices may actually fall by 36 cents. The effects of CRP on farm program expenditures and prices are even more impressive in the aggregate. This chart depicts the millions of dollars we can save with the continuation of the CRP. As you can see, continued enrollment of 50 percent of the CRP acres are depicted in the purple; 100 percent in the red. For example, if in 1996, 100 percent of the CRP acres are reenrolled, as we hope they will be, we could actually save about $100 million in farm program expenditures. But the real savings come in the outyears. The program could generate savings in the years 2000 and 2001 of over $1.5 billion a year. As you can plainly see, a substantial amount of savings is generated as a result of the CRP.

I am very hopeful that people will understand that CRP generates those savings, in large measure, because the program effectively helps manage the supply of many program crops. If we lose this supply management tool, sorghum prices would fall 36 cents; barley prices would fall 53 cents; corn prices would fall 6 cents; and oats prices would fall 17 cents. Without the CRP, we would, once again, be forced to consider more dramatic efforts to try to bring balance to commodity prices by increasing farm program benefits and outlays.

CRP can certainly be improved, Mr. President. We want rental rate reform. We want expanded economic uses of CRP acreage, including limited haying and grazing. We want partial field enrollments. We want management to control noxious weeds. We want competitive bids for enrollment. We want sensible reform. And I think we can build a strong, bipartisan consensus in support of continuing the CRP and reforming it to ensure that its benefits will grow in the future.

I know that there are those who are here to resume debate and consideration of amendments on the Reid-Nickles legislation.

At this time I yield the floor.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. LEVIN. Mr. President, I think time is now controlled. I wonder if the Senator from Nevada will yield me 2 minutes.

Mr. REID. Mr. President, if I could say to my friend from Oklahoma, it is my understanding that there is a Republican Senator who wishes to speak for a couple minutes; Senator BOXER wishes to speak for a couple minutes; and Senator LEVIN for 6 minutes. It is my understanding that the majority leader also wishes to speak prior to the vote. Is that true?

Mr. NICKLES. The Senator is correct.

Mr. President, I ask unanimous consent that the vote occur at 10:50 a.m.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. REID. Mr. President, if I could, with the approval of the Senator from Oklahoma, the Senator from Michigan wishes 2 minutes; the Senator from California, 2 minutes; the Senator from Texas, 2 minutes. Is that true?

Mr. NICKLES. Yes.

Mr. REID. Could we have that, and the remainder of the time will be split between me and the Senator from Oklahoma?

Mr. NICKLES. Yes.

Mr. LEVIN. Mr. President, the American people are winning a double victory today here in the Senate. First, we are defeating the regulatory moratorium. This bill that came over from the House was a reckless and arbitrary bill. It caught all new regulations in its web. Even health and safety regulations would have been stymied, which are important to gaining uniform, high-quality mammograms; new regulations that would have protected children from unsafe toys; new regulations that would have protected the American people from E. coli bacteria. All of those would have been caught and stymied in the House regulatory moratorium. It was a bad, reckless, arbitrary bill. It is important that the Senate stop it, and we did stop it. For that, I think the American people can claim victory No. 1.

Victory No. 2 is that we are passing legislative veto or legislative review. It is long overdue that Congress take the responsibility to look at the regulations which come out of the regulatory process and to have a realistic opportunity to veto those regulations which are excessive, which cannot be justified by the benefits, and which are not carrying out legislative intent.

For 15 years, I have fought for legislative veto. When I came here, I introduced and got passed, with Senator Boren and others, legislative veto legislation. Today's generic legislative veto or review legislation is a great victory for the American people. It will put the responsibility here to look at regulations one on one, not to sweep all regulations into a net and to sweep out the good with the bad, but to force Congress to take responsibility to look at regulations one on one and to veto those which are excessive or cannot be justified by the benefits.

Finally, Mr. President, we must make sure that in conference this so-called moratorium stays dead. It does not belong on the books, and it is now up to the Senate not just to win these two victories for the American people today, but to maintain these two victories as we proceed to conference with the House.

I congratulate the Senators from Oklahoma and Nevada for this legislative review mechanism. It is a very significant achievement. They are to be congratulated for their efforts. I also thank Senator GLENN for the work he has put in on this bill.

I yield the floor.

Mrs. BOXER addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I want to congratulate Senators REID and NICKLES for drafting the alternative to the regulatory moratorium bill passed by the House. The truth is almost anything would be better than the House bill, but in fact the Nickles-Reid bill is a very reasonable response to the problem of unreasonable regulations.

It is good to see the Senate playing the role the Founding Fathers intended for it. We have rejected a poorly conceived and inadequately considered House bill and offered instead a reasonable and workable solution, one that does not relinquish our responsibility to public health and safety.

Unfortunately, this responsible alternative must be conferenced with the draconian House bill. Our Republican colleagues say they will try to convince House conferees that the Nickles-Reid bill is a better approach, but they also say they continue to support the moratorium itself. Let me be very clear about this: I oppose a regulatory moratorium, and if the conferees return to the Senate with anything like it, I will filibuster it.

A moratorium would bring to a dead stop scores of sensible rules, including safety standards to protect our children from food poisoning, our workers from cancer-causing indoor air pollution, and our elderly people from deadly contaminants in tap water.

A moratorium is bad for California and bad for the Nation. It would stop needed health and safety standards and do nothing to address the underlying problems that produce unreasonable, burdensome, or unnecessary regulations.

Let us look at some of the standards that would be stopped by the House bill.

SAFER MEAT AND POULTRY PRODUCTS

The moratorium would stop new meat and poultry inspection rules proposed by the USDA. These rules would help end the threat that has killed hundreds of Americans in the past few years, including Eric Mueller, a 13-year-old from Oceanside, CA.

In late 1993, Eric died from eating a fast-food cheeseburger tainted with the E. coli bacteria. Eric had been his class president, on his school's honor roll, captain of his soccer team, an assistant coach for his little sister's soccer team, a member of his school's surfing team, a member of the school band, and a member of Oceanside's all-star Little League baseball team.

Death by E. coli poisoning is a very painful and tortuous death. Eric's father recently testified before the Governmental Affairs Committee to protest the regulatory moratorium. He told the committee:

> As a parent standing by and watching my only son go through incredible agony and pain before he lost consciousness and died, was something I don't even wish on my worst

enemy. Immediately before slipping into unconsciousness, Eric screamed, ''Get my Dad!'' Those were the last words he ever said. I couldn't do anything for him. I am haunted daily by this incredible, totally senseless tragedy.—Statement of Rainer Mueller before the Senate Committee on Governmental Affairs, February 22, 1995.)

Implementation of the USDA's proposed rules to improve meat and poultry inspection would help prevent or reduce the 20,000 illnesses a year and 500 deaths a year from E. coli bacteria. According to the Centers for Disease Control, foodborne illness from all food sources range from 6.5 million to 81 million cases each year, and up to 9,000 deaths. We cannot afford to impose a moratorium that would simply cause more needless death and injury from contaminated meat.

PROTECTION FROM LEAD CONTAMINATION

The moratorium would also leave American children vulnerable to the ravages of lead poisoning. This is a totally preventable tragedy that strikes families all across the nation.

In 1990 the Sauser family bought a 67-year-old home in Kalamazoo, MI, which they decided to renovate themselves. The Sausers were never informed of the possibility of lead-based paint hazards. The family refurbished hardwood floors, repaired cracks in the plaster, and scraped and sanded old paint from the windowsills, door frames, and walls, unaware that renovation work that disturbs lead-based paint can create serious lead poisoning hazards.

Six months into the renovations, 2½-year-old Jonathan began acting up—he was easily excited, easily frustrated, and violent. Soon after Jonathan's negative behavior change, Margaret Sauser became pregnant with their second son. Although Cameron was born a little early, he seemed healthy. Then, at 11 months, his weight and height, which had been in the 95th percentile at his birth, dropped to the 25th percentile. It also became clear that he was not progressing in speech or movement as a healthy baby should. Meanwhile, Jonathan was still throwing himself into walls.

Eventually both boys were diagnosed as lead poisoned. The poisoning had come from their home's lead pipes and by the dust created by their home's renovation. The lead hazard in the home was so severe that no matter how much cleaning, mopping, and washing the parents did, the boys' blood lead levels continued to climb.

The family could not afford to move and eventually had to declare bankruptcy in order to get the boys into lead-safe housing. At age 2, Cameron Sauser has hearing loss and is developmentally delayed. His big brother Jonathan, now age 6, is still hyperactive and doctors believe he has attention deficit disorder due to lengthy exposure to lead and possible neurological damage.

Some 1.7 million American children have blood lead levels high enough to cause reading and learning disabilities, reduced IQ and attention span, and growth, behavioral, or developmental problems. The principal source of lead exposure is lead-based paint.

Regulations that are set to become effective October 28, 1995, require that people be notified about the potential danger associated with lead-based paints used in homes built prior to 1978. Until the regulations are in place, the kind of tragedy that happened to the Sauser's will happen again and again. In fact, after the house that poisoned the Sauser's two sons was repossessed, it was sold to another unsuspecting family with three young children.

According to HUD, approximately 57 million pre-1978 housing units contain lead-based paint, of which 13.2 million contain chipping and peeling lead-based paint. EPA has proposed certification and training standards for lead-based paint testing and abatement work. These regulations will ensure such work will be done in a safe manner, but would be delayed by a moratorium.

DRINKING WATER STANDARDS

Public health in the United States also continues to be threatened by contaminated drinking water. Under the current Safe Drinking Water Act that is being criticized as overly burdensome—a law approved by a Republican-controlled Senate by a vote of 94 to 0 and signed into law by President Ronald Reagan—people all across America have been getting sick and even dying from drinking tap water.

In 1987, 13,000 people became ill in Carrollton, GA, as a result of bacterial contamination in their drinking water. In 1990, 243 people became ill and 4 died as a result of E. coli bacteria in the drinking water in Cabool, MO. In 1992, 15,000 people were sickened by contaminated drinking water in Jackson, County, OR. And in late 1993, over 400,000 people in Milwaukee became ill and 120 died as a result of drinking the water from their taps.

The House regulatory moratorium bill would disrupt efforts to establish a new rule on microbiological contaminants in drinking water supplies. The new safety standards, produced by a team consisting of industry, State, and local government and citizen representatives would protest against cryptosporidium, E. coli, and other contaminants. The moratorium would delay the information collection necessary to finalize the standards.

SECOND-HAND SMOKE

The moratorium would also delay OSHA's proposed rule to protect workers against second-hand smoke in the workplace. According to the American Lung Association, environmental tobacco smoke causes an estimated 3,000 lung cancer deaths, 12,000 non-lung cancer deaths, and 35,000 to 40,000 deaths from cardiovascular disease each year. The Association also estimates that 14 million to 36 million nonsmoking adults are exposed to environmental tobacco smoke at work. Those workers are 34 percent more likely to develop lung cancer than those who work in smoke-free environments.

I should say a word about some of these regulations and the argument that the moratorium might not affect them. As the Senate sponsor of the moratorium says, the rules on E. coli and cryptosporidium might come under the ''imminent threat to public health or safety'' exemption of his bill. But he has been asked repeatedly for a definition of ''imminent threat'' from the bill's backers and has yet to respond. Would the rules on lead contamination or indoor smoke come under the exemption? What about the bay-delta water accord that is so important to my State of California? Because we have no definition of imminent threat it is impossible to say.

SAN FRANCISCO BAY-DELTA ACCORD

I believe that the exemption would not apply to rules like the one implementing the historic bay-delta agreement—an agreement that will have major repercussions in California and all across the country.

Late last year, California farmers, bankers, municipalities, and environmentalists all came together to approve a plan to provide the certainty they need to allocate water in the San Francisco Bay-Delta among competing users. The agreement is a direct result of years of negotiation, and provides a blueprint for managing fresh water supplies, minimizing water quality impacts on San Francisco Bay, and providing the assurances that the financial community needs to support economic activities throughout California.

The beneficiaries of the agreement, memorialized in an EPA rule finalized in January, are the consumers of food produced with delta water—45 percent of the Nation's fruit and vegetable production—and the 20 million Californians who rely on the delta for drinking water.

Due to the lack of an agreement, no new investment decisions had been made with respect to new canals, major construction projects, water allocation, alternative sources of water supply, canal systems, or reservoir management in the bay-delta for the last 20 years.

The moratorium could void the agreement and eliminate the opportunity it offers to maintain the delta as a viable source of drinking and irrigation water. Long-term use of the bay-delta as a viable source of water would be threatened because of overuse and lack of coordination among the millions of users of bay-delta water, especially during droughts. Vacating the agreement could threaten the State of California's credit rating and our economy.

TRUTH IN POULTRY LABELING

Finally, Mr. President, the moratorium would stop a very simple rule designed to protect consumers against fraud every time they go to buy a chicken or turkey at the supermarket.

Current law allows poultry that has been frozen hard as a bowling ball to be thawed out and labeled ''fresh'' for sale to consumers—consumers who will pay significantly more for a fresh project.

In January the Agriculture Department proposed a commonsense rule to restrict the use of the term ''fresh'' to poultry that has never been kept frozen. In fact, this was actually just a reissuance of a rule that was first proposed at the end of the Reagan administration and then shelved. The moratorium would add at least another year to the delays that began in 1988. While 8 years is far too long for consumers to wait for basic truth in labeling, the 45-day review period contemplated by the Nickles-Reid bill is not unreasonable.

Mr. President, like many of the provisions of the Contract With America, the regulatory moratorium may look at first glance, but it begins to look pretty ugly upon closer examination. The moratorium is nothing more than a valentine to industry, to polluters, to the tobacco companies, and others who would prefer not to live up to the responsibilities we all share to our neighbors, our communities, and our Nation.

Our responsibility is to improve the lives of all the American people, not just the bottom line of the corporations. We must do the hard work to produce real regulatory reform—not walk away by putting a stop to all regulations, reasonable and unreasonable alike.

I agree with Senator GLENN that we should simply declare the moratorium dead. The 45-day review provided in the Reid-Nickles bill will give Congress another chance to stop the unintended consequences of well-intentioned regulations before they burden the American people. If the bill comes back from conference in this form, I will give it my full support. However, if it comes back looking like a moratorium, on behalf of the people of my State and the 49 others, I will stand on this floor as long as it takes to stop it.

Mr. NICKLES. Mr. President, I yield the Senator from Texas 2 minutes.

Mr. GRAMM. Mr. President, on the day that President Clinton gave the last State of the Union Address during which he talked about reducing the regulatory burden, his administration published over 300 pages of new regulations in the Federal Register. In fact, in the first 2 years of the Clinton administration, the level of regulatory burden, as measured by the number of pages in the Federal Register, has been higher than the first 2 years of any President in the history of the United States. Despite all of the rhetoric to the contrary, the Clinton administration is imposing more regulations than any administration at a comparable point in that administration's term in the history of the United States of America.

I congratulate our leader here, DON NICKLES, for bringing to a final vote a bill that does make some marginal improvement. But this bill is a far cry from the original bill. I think a regulatory moratorium is called for. I think it is something that is needed. I am still strongly in support of it. And while you might say this is a kiss, it is a kiss from your sister and not your sweetheart.

This is not something that is going to dramatically change American Government. The Congress is already burdened with doing what it is doing. The idea that we will be able to go through regulations and assess them, I think, is fairly unrealistic.

There will be one positive result that will come out of it, however. That is, we will be able do zero in on some items where clearly the Federal Government is dramatically increasing the cost of doing business, dramatically limiting our ability to create jobs, and making decisions through regulations that do not make any sense.

So, this is a marginal improvement. This is a long way from a victory. I think the House approach was better. I intend to vote for this because it is an improvement on the current procedure.

This is not the end of this debate. This is the first short step in trying to bring rationality to Government regulations which, today, cost the average American family $5,000 a year.

Something has got to be done about these regulations. This is a marginal improvement. This is a long way from victory.

I yield the floor.

Mr. NICKLES. Mr. President, I yield the Senator from Texas 2 minutes.

Mrs. HUTCHISON. Thank you, Mr. President. I thank the Senator from Oklahoma for his leadership on this issue.

I was one of the original cosponsors of the moratorium bill. I would like to say to my senior colleague from Texas that I agree with everything he said. But I would just add that a kiss from your sister is better than no kiss at all.

I think it is very important that we understand that we are taking a giant first step toward reining in regulators that have gone far beyond congressional intent.

Some people say, ''We really do not have the right in Congress to assess what regulators do.'' To them I would say, ''If we do not have the right, who in the world does?''

Why are the regulators out there? They are out there implementing congressional legislation. If Congress does not rein them in and say, ''You are not doing what we intended for you to do in implementing our laws,'' who will? The answer is, no one will.

It is our responsibility to rein in regulators to whom we have authorized implementation of the laws that we pass. The buck stops here.

With this bill today, we are taking the responsibility that we have to the people of America, to the small business people of America. We are saying ''We are going to look at everything the people we have delegated our authority are doing, and hopefully we are going to bring common sense into the process.''

I hope our colleagues will vote for this today. It will give Members that first measure to say the regulators have gone beyond where we wanted them to go, and we are going to have a say.

Thank you, Mr. President. I thank the Senator from Oklahoma for his leadership on this issue.

Mr. REID. Mr. President, would the Chair advise the Senator from Nevada and the Senator from Oklahoma how much time we have?

The PRESIDING OFFICER (Mr. DEWINE). There are 3 minutes on each side remaining.

Mr. REID. Mr. President, Business Week on the 23d day of January of this year, wrote, among other things:

> Lately there has been a wave of creative regulatory reform at both State and Federal levels, relying on such devices as free competition under price caps and mandated cost sharing by competitors. Such reforms are designed to reconcile the contradictory goals of universal service and increased competition.

Mr. President, the reason I mention this is that we have a magazine such as Business Week, we have entities such as the chemical manufacturers saying regulations are good if they are handled properly. And that is what this substitute deals with. If we handle regulations properly, as we will do after this, this is a giant step forward for the American business communities and the American people, in general.

I believe, as I have stated on this floor the last 2 days, that there will be by the Federal bureaucracy, a more stringent review of regulations than we intend to promulgate. Why? Because we legally have the right to veto those regulations.

This, Mr. President, is good. It is an indication that bipartisan work in this Chamber can produce good legislation. This final product is the result of not only the work of the Senator from Oklahoma and this Senator, but also the good work done by the Senator from Michigan, the Senator from Ohio, the Senator from Alaska, Senator STEVENS, and a number of individuals on both sides of the aisle who have worked toward making this more meaningful legislation.

I indicated yesterday I appreciate the work of the Senator from Oklahoma. I want to reiterate that. The work that he has done has been exemplary in being able to listen to both sides and then make decisions. We have been able to work together on this.

This legislation, Mr. President, will go a long way to meeting what the American public said they want. That is, they want product without people taking credit for it. There is no party that can take credit for this legislation. It is a product of the Senate of the United States. We will work very hard to make sure that this bill that will pass out of here by a very large margin is the final product that comes

out of this Congress and be sent to the President.

Mr. NICKLES. Mr. President, I wish to thank my friend and colleague from Nevada, Senator REID, for his leadership not only on this amendment but on several other issues that we have had the pleasure of working on in the past.

Also, Mr. President, I wish to thank Senator BOND and Senator HUTCHISON for their cooperation and leadership, as well as Senator LEVIN and Senator GLENN for their contributions in making this bill a reality. Hopefully, this bill will become law.

Mr. President, during this process I have heard a several comments regarding this legislation. Some people are still debating the regulatory moratorium passed by the House. I have heard that it is bad and reckless and if it passed we will have E. coli in meats, and we will have cryptosporidium in our water, and people are going to die.

I disagree with that assertion. The original regulatory moratorium did have problems, but frankly it was not that it was too strong but that it had numerous exceptions that could have left the bill inadequate.

I want to get the attention of my friend from Texas, Senator GRAMM, because I think this is a better bill than the original regulatory moratorium.

One of the reasons is because the strength of original moratorium has mischaracterized by saying such things as saying E. coli regulations would be stopped. That is false, because there are broad exceptions to exempt regulations such as the E. coli regulations. The bill that passed the House and the bill that passed the Governmental Affairs Committee had lots of exceptions—enough exceptions to drive trucks through.

We started out with 8 exceptions, and it ended up 10 or 12, and frankly these exceptions gave the President complete discretion to determine any exception that he would want.

Also, I might mention and tell my friend from Texas that the House bill was temporary, it would only last until we passed permanent regulatory reform. That is probably going to happen in 60 days. It is a temporary moratorium.

The bill the Senate is about to adopt is a permanent moratorium on new significant regulations. If this bill becomes law, it will still be in effect 3 years from now, 5 years from now. And so Congress will have a chance to review significant regulations. It is a moratorium on significant regulations of 45 days. During this 45-day moratorium, Congress would have the opportunity to repeal those regulations and reject them if we felt it was necessary.

I think this is a vital improvement to regulatory process. It is not a panacea. It is not a cure-all, but this gives Congress a chance to carry out its oversight responsibility in making sure that excessive regulations can be stopped.

We also have the opportunity, I might tell my colleagues, to review the regulations that are not classified as significant but yet we find are troublesome or confusing or do not make sense. We would have a chance to review those, to reject those, to repeal those.

So I would just urge my colleagues to take a close look. I will urge my colleagues in the House to look at this legislation and to realize that their temporary moratorium would have no effect probably in 60 days because we will pass comprehensive regulatory reform legislation.

The bill before us today has a chance to become law and have a significant impact for the for years into the future, and therefore, in my opinion, is a far superior piece of legislation than the original regulatory moratorium legislation.

I urge my colleagues to adopt it. I think it is a big step in the right direction. I also want to say that we have had good support from Democrats and Republicans.

This idea, I might mention, came from a State representative in the State of Oklahoma, Danny George, who contacted my staff. I think it is an excellent idea. I am hopeful it will be agreed upon by a very large margin, that the House would concur, the President would sign it, and we would take a giant step toward real regulation reform this year. I thank my colleagues. I yield the floor.

Mrs. MURRAY. Mr. President, I rise today to make two points regarding the efforts made in the Senate to craft meaningful regulatory reform.

First, let me say I support the efforts we are making in the Senate to reform Government regulations and I look forward to participating in this bipartisan effort to make Government more effective and meaningful. Everyone has examples of Government regulations that have gone too far, become too onerous, or have otherwise disrupted peoples' lives. This is not the goal of the House-passed regulatory moratorium proposal, however, which brings me to my second point.

I have serious objections to any measure that would jeopardize public health and safety by suspending Federal rules on health, safety, or the environment. As a legislative body, our job is not to police the rest of Government; but it is to enable legislation that sets in motion solutions. It would be irresponsible to paralyze the Government process with a regulatory freeze, or by imposing costly, inflexible, and bureaucratic procedures.

In yesterday's debate, my colleagues brought to the floor reams of paper representing regulations recently approved by Federal agencies. I was reminded of the piles of paper that Vice President GORE saved through the streamlining of the National Performance Review. It seems we are all working for the same thing—to make Government work better for people. We need to reduce paperwork, and repetitive, unnecessary regulations are a good place to do it, but only so long as we do not compromise public health or safety.

Some regulations are necessary and beneficial for the public. In my State of Washington, we saw first hand how dangerous ineffective regulations can be during a deadly outbreak of E. coli contamination in 1993. Tragically, four children died and many more children and adults got sick from eating hamburger contaminated with this virulent pathogen. In the absence of a single clear Federal standard ensuring the safety of the food supply, a host of insufficient regulations offered poor protection at best. Subsequent to this epidemic, USDA proposed reforms of its meat and poultry inspection system to bring these inspections into the 21st century. USDA's proposal would require the Nation's 9,000 slaughter and inspection plants to adopt preventative, science-based inspection systems. A regulatory freeze such as that imposed by the House or by S. 219 as passed out of committee would have prevented USDA from responding to this public health emergency.

Moreover, I have concerns that the proposal passed by the House would tie the hands of the fisheries management councils around the country. I commend the amendment approved in committee by my colleague from Alaska, Senator STEVENS. Without such a provision, the recently enacted halibut and sablefish ITQ Program would be negated. Furthermore, the National marine Fisheries Service would not be able to manage the opening or closing of fishing seasons, thereby gutting the oversight authority of a very credible agency.

Our deliberation about this moratorium proposal is just the beginning of the broader debate about regulatory reform. In fact, the alternative proposal offered by Senator REID and Senator NICKLES, allowing Congress to veto new regulations, has generated support, having passed the Senate Government Affairs Committee unanimously. I am confident that this body can address the need for regulatory reform without resorting to a heavy-handed moratorium, which could threaten the public good.

I support the Nickles-Reid amendment and hope that we can reach a compromise with the House in conference.

Mr. HATFIELD. Mr. President, I would like to announce my support for the substitute amendment offered by Senator NICKLES and Senator REID and offer my name as a cosponsor of this amendment. This amendment starts the Senate down the road toward regulatory reform. While I view our action today as an important step, I look forward to a more comprehensive regulatory reform bill which is working its way through the Senate.

I would like to take this opportunity to highlight the fact that the Federal

Government places burdensome regulations on State and local governments as well. Often times these regulations tie the hands of these governments in their attempt to address the needs of their citizens. That is why I introduced S. 88, the Local Empowerment and Flexibility Act of 1995, on the first day of this Congress. The need to provide flexibility to local and State governments is enormous. While I intended to offer S. 88 as an amendment to the legislation on the floor, I did not want to delay passage of this bipartisan bill. However, I will continue to offer the Local Empowerment and Flexibility Act as an amendment to legislation which comes before the Senate. I will also work with other Members to push this legislation forward as I believe it addresses regulations which are often overlooked and are as burdensome as those that this amendment addresses.

Mr. ROTH. Mr. President, I am pleased that the Senate is about to pass legislation establishing an expedited procedure for congressional consideration and, where necessary, disapproval of regulations. I believe this is the right choice. The original legislation, which provided for a moratorium on regulations, was fraught with difficulty. It was legislation which could not pass this body and which, if it did, would probably have been vetoed. The approach we take today holds far greater promise for responsible review of regulations. And I applaud the efforts made by Senator NICKLES, Senator REID, and Senator GLENN who floor managed and perfected this legislation.

However, there was one provision inserted in the legislation yesterday that deserves further scrutiny. That provision would require the General Accounting Office to provide a report to Congress on each and every significant regulation promulgated by an agency informing Congress whether the agency has performed its job. Among other things, GAO's functions would include checking out whether the agency consulted with State, local, and tribal governments under the unfunded mandates legislation recently signed into law as well as checking on the agency's compliance with cost-benefit and risk analyses requirements under Executive Order 12866 and under legislation the Committee on Governmental Affairs last week ordered reported.

We are now in conference on the Paperwork Reduction Act of 1995. In neither body was a single vote cast against that legislation. We all agree the Government generates too much paperwork. While the central complaint concerns burdens on the public, there is also the recognition that Government imposes needless paperwork requirements on itself. In fact, Senators MCCAIN and LEVIN added important provisions to the paperwork legislation that would reduce unnecessary reports to Congress.

Now before those provisions even have a chance to get enacted, the Senate contradicts itself, mandating the creation of about four GAO reports every working day of the year, the vast majority of which will be unnecessary and unread. These reports will cover functions already assigned to OIRA and in some cases duplicate the mission of independent peer review provisions in legislation ordered reported by the Committee on Governmental Affairs.

Moreover, we all need to be reminded that serious discussions are underway to cut the budget of GAO by 25 percent. By its own admission, GAO lacks expertise in the area of regulatory review. This would be a new mission for that agency coming at a time when we need to see how the present core mission of GAO can be preserved on a smaller budget.

WAS CONGRESS IRRESPONSIBLE? THE VOTERS HAVE SAID YES

Mr. HELMS. Mr. President, before contemplating today's bad news about the Federal debt, let's do that little pop quiz again: How many million dollars are in $1 trillion? When you arrive at an answer, bear in mind that it was Congress that ran up a debt now exceeding $4.8 trillion.

To be exact, as of the close of business Tuesday, March 28, the total Federal debt—down to the penny—stood at $4,849,995,857,343.69—meaning that every man, woman, and child in America now owes $18,410.67 computed on a per capita basis.

Mr. President, again to answer the pop quiz question, How many million in a trillion? There are a million million in a trillion; and you can thank the U.S. Congress for the existing Federal debt exceeding $4.8 trillion.

CIA LINKS TO GUATEMALAN MURDERS

Mrs. MURRAY. Mr. President, I am deeply troubled by new information reported in the New York Times and elsewhere linking the CIA to those responsible for the murders of United States citizen Michael DeVine and Efrain Bamaca Velasquez, the Guatemalan husband of United States citizen Jennifer Harbury. At this point, we do not have all the facts necessary to get a full picture of what occurred, but these preliminary reports raise serious questions.

For most of the last 30 years, systematic human rights violations have been committed with impunity against Guatemalan civilians. The political repression and deplorable practices of the Guatemalan military—extrajudicial killings, political kidnappings, and death threats—have taken the lives of at least 100,000 citizens since the early 1980's.

It is because of Guatemala's miserable human rights record that I have closely followed the cases involving U.S. citizens, including the case of Jennifer Harbury's husband and Michael Devine. Over the last 2 years, I have taken several steps to find information regarding the whereabouts and status of Mr. Bamaca, Mr. DeVine and others who have disappeared or been murdered in Guatemala. I have written letters or inquiry to the President, the National Security Council, and to the President of Guatemala, Ramiro De Leon Carpio, expressing my concern with these cases. Last year, I also introduced legislation urging the need for greater protection of human rights in Guatemala.

Throughout these efforts, and specifically on the case of Jennifer Harbury, I have been told that every attempt was being made to investigate her case, so that she could finally know the fate of her husband. Likewise, Congress has pressed time and again to resolve the questions surrounding the killing of Michael DeVine, an American innkeeper who was brutally murdered in Guatemala in 1990.

And now it is being reported that a Guatemalan Army colonel linked to the deaths of Michael Devine and Jennifer Harbury's husband was, in fact, employed by the CIA and twice trained by the United States Army.

According to Thomas Stroock, who served as United States Ambassador to Guatemala from 1989 til 1992, our Embassy, having investigated Mr. DeVine's murder, came to the conclusion that Col. Julio Roberto Alpirez was behind it. Reportedly, Ambassador Stroock then told his staff at the Embassy that they were to have nothing more to do with the colonel. Nonetheless, reports indicate that the CIA station chief in Guatemala keep Col. Alpirez on the payroll for nearly 2 more years. The reports go on to indicate that much later the CIA, in 1992, paid Alpirez a lump sum of $44,000 for intelligence work done for the Agency, nearly 46 times the average yearly income in Guatemala. If these reports are true, it is difficult to understand how and why the policy carried out by the CIA was so clearly at odds with the policy established years earlier by the U.S. Ambassador. How could the CIA justify providing U.S. taxpayer dollars to this criminal? And whom did the CIA station chief answer to, if not the U.S. Ambassador?

The Clinton administration must continue to push the Guatemalan Government to prosecute Alpirez and any others who were involved in these murders. And if the reports I have described here are true, the CIA must be held accountable for their deeply troubling involvement.

It is equally of concern to me that Col. Alpirez evidently oversaw the killing of Michael DeVine just 6 months after Alpirez had graduated from an elite course for senior officers at the School of the Americas, a U.S. Army School in Fort Benning, GA. It was the second time that U.S. taxpayers paid to train Col. Alpirez, who evidently then went on to thank this country by ordering the murder of one of our own citizens.

It remains unclear how long and for what reasons the CIA knew information related to the fate of Jennifer Harbury's husband, and withheld it from those within the administration who had explicitly sought it.

Serious questions have been raised about the CIA's involvement in both of these cases, and a full accounting is in order. Congressman TORRICELLI, in making information related to these cases public, has said, ''This is the single worst example of the intelligence community being beyond civilian control and operating against our national interest.''

A central United States objective in Guatemala is to contribute to an improved human rights environment in that troubled nation. If the reports of recent days are true, then clearly the CIA has failed to embrace this goal and may, in fact, be part of the problem in Guatemala. Mr. President, Congress and the taxpayers deserve answers to all of these questions.

THE AMERICAN CITIZENS HELD IN IRAQ

Mr. GRAMS. Mr. President, I rise to share my strong concerns about the safe and prompt return of two American citizens currently being held in an Iraqi prison.

William Barloon, the brother of one of my constituents in Minnesota, and David Daliberti unintentionally strayed into Iraqi territory on March 13 while seeking to visit friends in the demilitarized zone between Kuwait and Iraq.

They were allowed to pass through two check points, one run by the United Nations and the other by Iraqis, before they were arrested for not possessing appropriate visas to enter Iraq. Thus, the very vulnerable position in which these men found themselves was not altogether of their own making.

Following their arrest, Mr. Barloon and Mr. Daliberti were given a rushed trial with no Americans present and without satisfactory legal counsel. An Iraqi court sentenced them to 8 years in prison, a very severe and disproportionate punishment for what was, at most, simple carelessness and neglect.

Mr. President, I also rise in strong support of the amendment offered yesterday by the gentlemen from Iowa to condemn the conviction and sentencing of Mr. Barloon and Mr. Daliberti. We must send a loud and clear message to the Iraqi Government: Under no circumstances should it even attempt to link its unjustified detention of the Americans to other international issues.

The Iraqi Government must be made to realize that the longer they hold these two men, the more they will heighten tensions and damage relations with the United States and the rest of the international community.

If Iraqi hopes to use American citizens as bargaining chips in negotiations on U.N. economic sanctions, it is sadly mistaken. Nothing less than the immediate release of Mr. Barloon and Mr. Daliberti will be satisfactory.

Finally, I want to take this opportunity to thank those countries that are assisting the U.S. Government on this matter. Poland, in particular, deserves our gratitude for making sure that its diplomats have visited the Americans in prison and were present at their trial. I hope other countries will prove to be as cooperative as we work to resolve this situation.

Mr. President, as we all work to gain the quick release and safe exit from Iraq for Mr. Barloon and Mr. Daliberti, our prayers and thoughts are with them and their families.

COASTAL INSTITUTE IS WELL UNDERWAY

Mr. PELL. Mr. President, I rise to object to any amendment affecting Cooperative State Research Service funding that would rescind funds, already obligated by the U.S. Department of Agriculture, for building educational facilities at the University of Rhode Island.

USDA already had obligated $6.2 million, appropriated in fiscal year 1993, fiscal year 1994, and fiscal year 1995 for the Federal matching share of funds to build the University of Rhode Island's Coastal Institute. I have been personally involved in this project since the 1980's, but it will be destroyed if these funds are rescinded.

Both the Senate Agricultural Appropriations Subcommittee and the full Appropriations Committee decided not to rescind this $6.2 million. These funds represent the authorized, appropriated, and obligated Federal share of an ongoing agricultural education building project.

Rhode Island already has completed construction of one Coastal Institute building and I plan to attend a formal groundbreaking for the second building in about 3 weeks. These buildings constitute the State match—totaling $12.56 million—for a third building to be built with anticipated Federal matching funds.

Mr. President, it strikes me as poor policy for the Federal Government to require Rhode Island to spend $12.56 million to receive a like amount of Federal funds only to reneg on the Federal share once the State had spent more than enough funds to meet its match.

I also want to emphasize that this is not a project that came in through a backdoor. The University of Rhode Island's Coastal Institute went through the most rigorous USDA feasibility review, including a peer review, and its funding has been approved step by step in the appropriations process for more than 5 years.

I would like to tell you just a bit about why the USDA approved matching funding for the Coastal Institute and what the facilities can do for both Rhode Island and the Nation. First and foremost, I want to underscore why the coastal area is clearly an agricultural concern.

The coastal area includes the continental shelf, the shore area—including highly productive estuaries and wetlands, and the land areas which make up the first tier of inshore watersheds.

This encompasses rich agricultural lands, forest resources, and both urban and rural communities. Coastal lands are among the most productive and the most heavily populated on the earth.

The primary mission of the Coastal Institute is to carry out research and analyze policies to better enable society to manage its coastal resources wisely. This research and analysis includes such USDA priorities as agricultural production, aquaculture production, rural welfare, watershed management, and the maintenance of water quality.

USDA is concerned about nonpoint source pollution from agriculture and rural homes—pollution which hurts the productivity of our coastal estuaries. The Coastal Institute will investigate the origins, transport, and fate of these contaminants and will develop improved practices to reduce them.

It also will evaluate policy alternatives for implementation that recognize the legitimate interests of all groups involved, especially the rural and farm communities.

USDA also must address management of water resources in complex coastal areas. The Coastal Institute will investigate salt and other loadings of drainage water from irrigated agriculture and subsequent effects on soils, rivers, streams, and adjacent wetlands. It also will investigate salt water intrusion as a result of ground water withdrawals—a worldwide problem. The Coastal Institute will follow through by evaluating improved management practices and mitigating policies.

The Coastal Institute also will focus on fish and aquaculture as an area of intensive research.

The Coastal Institute will be working to develop aquaculture first, as a source of affordable fish for consumers; second, as a way to reduce our annual trade deficit of almost $3 billion in fisheries products; third, as a potential market for feed products such as soymeal; and fourth, as a means to provide employment and increase the welfare of our rural communities.

Mr. President, I regret to say that, in general, the United States is lagging behind other nations in technological innovations that will allow the expansion of aquaculture systems.

Scientists of the Coastal Institute will continue: first, to develop environmentally sustainable aquaculture technologies for new species and for multiproduct aquaculture systems; second, analyze international trade and

help U.S. producers capture larger market shares; and third, evaluate the impact of U.S. regulatory policies on the industry.

The facilities which are being built by Rhode Island, along with those recommended for Federal financing, are not a duplication of facilities anywhere. The emphasis of the Coastal Institute is on a multidisciplinary teams to address complex problems in a holistic manner. The facility is designed to take advantage of the information superhighway and long distance interactive communication.

The private sector has been involved in the concept and design of components of the facility, such as the policy simulation laboratory, and is expected to be an active participant in its programs. The Coastal Institute is the outgrowth of decades of research which has gained international stature. The facilities are a logical next step and are in the Nation's interest.

COL. JOSEPH MARM, JR.: TRUE PROFILE IN COURAGE

Mr. HELMS. Mr. President, a little more than a month from now, on April 30, 1995, in Willow Grove, PA, a gallant American will formally retire from the Army after nearly 31 years of extraordinary service to his country.

His name is Walter Joseph Marm, but everyone knows him as Joe. For my part, I know and respect him for his willingness to lay down his life for his country. Many times, he almost did.

Joe Marm is a part of the Helms Senate family due to his having had the good fortune to be married to the former Deborah Yelverton of North Carolina who served in our Washington office for 9 years. We were sad for us but glad for Debbie when she departed in 1987 to become the bride of Colonel Marm and move to Pennsylvania to be with him.

Mr. President, Colonel Marm has earned so many medals and awards that it takes awhile to identify all of them. I'll start with the Congressional Medal of Honor and then return to it after I have identified some of the others in the chronological order in which Joe was awarded them:

The Army Commendation Medal with Oak Leaf Cluster; the National Defense Service Medal, the Presidential Unit Citation, the Air Medal with two Oak Leaf Clusters, the Meritorious Service Medal with four Oak Leaf Clusters, the Purple Heart, the Bronze Star, the Ranger Tab, the Parachute Badge, the Combat Infantryman Badge, the Department of the Army Staff Officers Badge, the Cross of Gallantry with Palm, the Cross of Gallantry with Palm Unit Citation, the Republic of Vietnam Ground Campaign Unit Citation, the Vietnam Campaign Medal, the Republic of Vietnam Campaign Unit Citation, the Army Service Ribbon and the Vietnam Service Medal.

And then, Mr. President, on December 19, 1966, Joe Marm was awarded the Congressional Medal of Honor.

Needless to say, Mr. President, all of us are proud of Col. Walter Joseph Marm. And I am personally delighted that he and Debbie may shortly move to North Carolina.

His present responsibility with the Army is in Willow Grove, PA, where he serves as the Senior Army Adviser for the 79th Army Reserve Command.

Mr. President, in honor of our friend, Col. Joe Marm, and as a matter of interest to all who peruse the CONGRESSIONAL RECORD, let me now read into the RECORD the text of the Congressional Medal of Honor awarded to Joe:

The President of the United States in the name of the Congress takes pleasure in presenting the Medal of Honor to MARM, Walter Joseph, Jr.

Rank and organization: First Lieutenant (then 2d Lt.), U.S. Army, Company A, 1st Battalion, 7th Cavalry, 1st Cavalry Division (Airmobile). Place and date: Vicinity of Ia Drang Valley, Republic of Vietnam, 14 November 1965. Entered service at: Pittsburgh, Pa. Born: 20 November 1941, Washington, Pa. G.O. No.: 7, 15 February 1967. Citation: For conspicuous gallantry and intrepidity at the risk of life above and beyond the call of duty. As a platoon leader in the 1st Cavalry Division (Airmobile), 1st Lt. Marm demonstrated indomitable courage during a combat operation. His company was moving through the valley to relieve a friendly unit surrounded by an enemy force of estimated regimental size. 1st Lt. Marm led his platoon through withering fire until they were finally forced to take cover. Realizing that his platoon could not hold very long, and seeing four enemy soldiers moving into his position, he moved quickly under heavy fire and annihilated all 4. Then, seeing that his platoon was receiving intense fire from a concealed machinegun, he deliberately exposed himself to draw its fire. Thus locating its position, he attempted to destroy it with an antitank weapon. Although he inflicted casualties, the weapon did not silence the enemy fire. Quickly, disregarding the intense fire directed on him and his platoon, he charged 30 meters across open ground, and hurled grenades into the enemy position, killing some of the 8 insurgents manning it. Although severely wounded, when his grenades were expended, armed with only a rifle, he continued the momentum of his assault on the position and killed the remainder of the enemy. 1st Lt. Marm's selfless actions reduced the fire on his platoon, broke the enemy assault, and rallied his unit to continue toward the accomplishment of this mission. 1st Lt. Marm's gallantry on the battlefield and his extraordinary intrepidity at the risk of his life are in the highest traditions of the U.S. Army and reflect great credit upon himself and the Armed Forces of his country.

UCLA AND STANFORD IN THE FINAL FOUR

Mrs. FEINSTEIN. Mr. President, the tradition and success of collegiate athletics in California is as deep and rich as our academic excellence. Three different California universities have won the national championship in both men's and women's basketball in the past 53 years, and over a century of football competition has been played. Over the years our universities have been equally adept in producing winners of Olympic medals as Nobel prizes.

California is home to more division 1 schools than any other State. So it should come as no surprise California has sent a team to both the men's and women's college basketball Final Four. It also should not be a surprise that those two teams are the University of California, Los Angeles, and Stanford University, my alma mater.

These two teams are not unique among Golden State colleges, rather they are representative of numerous schools with great academic and athletic traditions. In this past year California has provided the national champions in men's tennis, men's water polo, women's volleyball, and men's golf. California's universities and colleges have produced such sports legends as Jackie Robinson, Bill Walsh, Matt Biondi, Jackie-Joyner Kersee, Marcus Allen, Cheryl Miller, Arthur Ashe, Bill Russell, Dwight Stones, Rafer Johnson, and Kathy Jordan.

The UCLA basketball program is one of the finest in the Nation, and is currently the No. 1 ranked team. It has won more national championships than any other school. More than Kentucky, Kansas, North Carolina, or Indiana.

Under the leadership of John Wooden, the UCLA men's basketball team won 10 national titles in 12 years. To follow in Wooden's footsteps has been difficult at UCLA. The last time they went to the Final Four was 1980, where they lost to Louisville, coached by Wooden protege Denny Crum.

Coach Jim Harrick has returned them to the Final Four now, for the first time in 15 years. But, maybe what is more impressive, at least to the Senator from California, is that it is a team of Californians. Four out of five starting players are from California, Tyus Edney from Long Beach, the sensational siblings Charles and Ed O'Bannon from Lakewood, and freshman Toby Bailey from Los Angeles. Other Californians on the team are J.R. Henderson, Bob Myers, Kris Johnson, and Kevin Dempsey. I am proud to say that not only is it a California school, it is a California team.

Rounding out the team are Cameron Dollar, George Zidek, Ike Nwanko, omm'A Givens. The players on this team are worthy successors of the greats of a generation ago Alcinder, Johnson, Walton, and Hazzard. In fact Marques Johnson's son, Kris, is a member of the current team.

Stanford women's basketball Coach Tara VanDerveer is creating a legend of her own. In the 10 years since she took over the Stanford program they have gone to the Final Four four times and won the national championship twice.

Rachel Hemmer and Anita Kaplan are the senior low-post players who lead the way with aggressive defense and consistent offense. Kristin Folkl, a two-sport star who was part of the national championship Stanford volleyball team this fall, got her first

start of the year this past Saturday, and she knocked down ''clutch'' three pointers for her team to advance to next weeks game against the No. 1 ranked women of the University of Connecticut. Kate Paye paces the team from the guard position, while Kate Starbird leads the team in scoring.

Also contributing to the team effort are Olympia Scott, Jamila Wideman, Vanessa Nygaard, Regan Freuen, Charmin Smith, Bobbie Kelsey, Tara Harrington, Naomi Mulitauaopele, and Heather Owen. Their 30–2 record this year is a mark of dedication and talent. The trip they make to Minnesota to be in the Final Four is a deserved reward.

I salute these two teams and all the student athletes from California, and wish them the best in both competition and scholarship.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

REGULATORY TRANSITION ACT

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

The legislative clerk read as follows:

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

The PRESIDING OFFICER. Under the previous order, the question now occurs on final passage of S. 219, as amended.

The yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

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

The result was announced—yeas 100, nays 0, as follows:

[Rollcall Vote No. 117 Leg.]

YEAS—100

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

So, the bill (S. 219) as amended, was passed as follows:

S. 219

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—REGULATORY TRANSITION

SEC. 101. SHORT TITLE.

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

SEC. 102. FINDING.

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

SEC. 103. MORATORIUM ON REGULATIONS; CONGRESSIONAL REVIEW.

(a) REPORTING AND REVIEW OF REGULATIONS.—

(1) REPORTING TO CONGRESS AND THE COMPTROLLER GENERAL.—

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

(i) a copy of the rule;

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

(iii) the proposed effective date of the rule.

(B) The Federal agency promulgating the rule shall make available to each House of Congress and the Comptroller General, upon request—

(i) a complete copy of the cost-benefit analysis of the rule, if any;

(ii) the agency's actions relevant to section 603, section 604, section 605, section 607, and section 609 of Public Law 96–354;

(iii) the agency's actions relevant to title II, section 202, section 203, section 204, and section 205 of Public Law 104–4; and

(iv) any other relevant information or requirements under any other Act and any relevant Executive Orders, such as Executive Order 12866.

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

(2) REPORTING BY THE COMPTROLLER GENERAL.—

(A) The Comptroller General shall provide a report on each significant rule to the committees of jurisdiction to each House of the Congress by the end of 12 calendar days after the submission or publication date as provided in section 104(b)(2). The report of the Comptroller General shall include an assessment of the agency's compliance with procedural steps required by subparagraph (B) (i) through (iv).

(B) Federal agencies shall cooperate with the Comptroller General by providing information relevant to the Comptroller General's report under paragraph (2)(A) of this section.

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

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

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

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

(B) if the Congress passes a joint resolution of disapproval described under section 104 relating to the rule, and the President signs a veto of such resolution, the earlier date—

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

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

(C) the date the rule would have otherwise taken effect, if not for this section (unless a joint resolution of disapproval under section 104 is enacted).

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

(5) FAILURE OF JOINT RESOLUTION OF DISAPPROVAL.—Notwithstanding the provisions of paragraph (3), the effective date of a rule shall not be delayed by operation of this title beyond the date on which either House of Congress votes to reject a joint resolution of disapproval under section 104.

(b) TERMINATION OF DISAPPROVED RULEMAKING.—A rule shall not take effect (or continue) as a final rule, if the Congress passes a joint resolution of disapproval described under section 104.

(c) PRESIDENTIAL WAIVER AUTHORITY.—

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

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

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

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

(C) necessary for national security.

(3) WAIVER NOT TO AFFECT CONGRESSIONAL DISAPPROVALS.—An exercise by the President of the authority under this subsection shall have no effect on the procedures under section 104 or the effect of a joint resolution of disapproval under this section.

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

(1) ADDITIONAL OPPORTUNITY FOR REVIEW.—In addition to the opportunity for review otherwise provided under this title, in the case of any rule that is published in the Federal Register (as a rule that shall take effect as a final rule) during the period beginning on the date occurring 60 days before the date the Congress adjourns sine die through the date on which the succeeding Congress first convenes, section 104 shall apply to such rule in the succeeding Congress.

(2) TREATMENT UNDER SECTION 104.—

(A) In applying section 104 for purposes of such additional review, a rule described under paragraph (1) shall be treated as though—

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

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

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

(3) ACTUAL EFFECTIVE DATE NOT AFFECTED.—A rule described under paragraph

(1) shall take effect as a final rule as otherwise provided by law (including other subsections of this section).

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

(1) OPPORTUNITY FOR CONGRESSIONAL REVIEW.—The provisions of section 104 shall apply to any significant rule that is published in the Federal Register (as a rule that shall take effect as a final rule) during the period beginning on November 20, 1994, through the date on which this Act takes effect.

(2) TREATMENT UNDER SECTION 104.—In applying section 104 for purposes of Congressional review, a rule described under paragraph (1) shall be treated as though—

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

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

(3) ACTUAL EFFECTIVE DATE NOT AFFECTED.—The effectiveness of a rule described under paragraph (1) shall be as otherwise provided by law, unless the rule is made of no force or effect under section 104.

(f) NULLIFICATION OF RULES DISAPPROVED BY CONGRESS.—Any rule that takes effect and later is made of no force or effect by the enactment of a joint resolution under section 104 shall be treated as though such rule had never taken effect.

(g) NO INFERENCE TO BE DRAWN WHERE RULES NOT DISAPPROVED.—If the Congress does not enact a joint resolution of disapproval under section 104, no court or agency may infer any intent of the Congress from any action or inaction of the Congress with regard to such rule, related statute, or joint resolution of disapproval.

SEC. 104. CONGRESSIONAL DISAPPROVAL PROCEDURE.

(a) JOINT RESOLUTION DEFINED.—For purposes of this section, the term ''joint resolution'' means only a joint resolution introduced during the period beginning on the date on which the report referred to in section 103(a) is received by Congress and ending 45 days thereafter, the matter after the resolving clause of which is as follows: ''That Congress disapproves the rule submitted by the ___ relating to ___, and such rule shall have no force or effect.''. (The blank spaces being appropriately filled in.)

(b) REFERRAL.—

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

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

(A) the Congress receives the report submitted under section 103(a)(1); or

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

(c) DISCHARGE.—If the committee to which is referred a resolution described in subsection (a) has not reported such resolution (or an identical resolution) at the end of 20 calendar days after the submission or publication date defined under subsection (b)(2), such committee may be discharged from further consideration of such resolution in the Senate upon a petition supported in writing by 30 Members of the Senate and in the House upon a petition supported in writing by one-fourth of the Members duly sworn and chosen or by motion of the Speaker supported by the Minority Leader, and such resolution shall be placed on the appropriate calendar of the House involved.

(d) FLOOR CONSIDERATION.—

(1) IN GENERAL.—When the committee to which a resolution is referred has reported, or when a committee is discharged (under subsection (c)) from further consideration of, a resolution described in subsection (a), it is at any time thereafter in order (even though a previous motion to the same effect has been disagreed to) for a motion to proceed to the consideration of the resolution, and all points of order against the resolution (and against consideration of resolution) are waived. The motion is not subject to amendment, or to a motion to postpone, or to a motion to proceed to the consideration of other business. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order. If a motion to proceed to the consideration of the resolution is agreed to, the resolution shall remain the unfinished business of the respective House until disposed of.

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

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

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

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

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

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

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

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

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

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

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

SEC. 105. SPECIAL RULE ON STATUTORY, REGULATORY AND JUDICIAL DEADLINES.

(a) IN GENERAL.—In the case of any deadline for, relating to, or involving any rule which does not take effect (or the effectiveness of which is terminated) because of the enactment of a joint resolution under section 104, that deadline is extended until the date 12 months after the date of the joint resolution. Nothing in this subsection shall be construed to affect a deadline merely by reason of the postponement of a rule's effective date under section 103(a).

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

SEC. 106. DEFINITIONS.

For purposes of this title—

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

(2) SIGNIFICANT RULE.—The term ''significant rule''—

(A) means any final rule that the Administrator of the Office of Information and Regulatory Affairs within the Office of Management and Budget finds—

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

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

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

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

(B) does not include any agency action that establishes, modifies, opens, closes, or conducts a regulatory program for a commercial, recreational, or subsistence activity relating to hunting, fishing, or camping.

(3) FINAL RULE.—The term ''final rule'' means any final rule or interim final rule. As used in this paragraph, ''rule'' has the meaning given such term by section 551 of title 5, United States Code, except that such term does not include any rule of particular applicability including a rule that approves or prescribes for the future rates, wages, prices, services, or allowances therefor, corporate or financial structures, reorganizations, mergers, or acquisitions thereof, or accounting practices or disclosures bearing on any of the foregoing or any rule of agency organization, personnel, procedure, practice or any routine matter.

SEC. 107. JUDICIAL REVIEW.

No determination, finding, action, or omission under this title shall be subject to judicial review.

SEC. 108. APPLICABILITY; SEVERABILITY.

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

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

SEC. 109. EXEMPTION FOR MONETARY POLICY.

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

SEC. 110. EFFECTIVE DATE.

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

TITLE II—TERM GRAZING PERMITS

SEC. 201. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) the Secretary of Agriculture (referred to in this title as the ''Secretary'') administers the 191,000,000-acre National Forest System for multiple uses in accordance with Federal law;

(2) where suitable, one of the recognized multiple uses for National Forest System land is grazing by livestock;

(3) the Secretary authorizes grazing through the issuance of term grazing permits that have terms of not to exceed 10 years and that include terms and conditions necessary for the proper administration of National Forest System land and resources;

(4) as of the date of enactment of this Act, the Secretary has issued approximately 9,000 term grazing permits authorizing grazing on approximately 90,000,000 acres of National Forest System land;

(5) of the approximately 9,000 term grazing permits issued by the Secretary, approximately one-half have expired or will expire by the end of 1996;

(6) if the holder of an expiring term grazing permit has complied with the terms and conditions of the permit and remains eligible and qualified, that individual is considered to be a preferred applicant for a new term grazing permit in the event that the Secretary determines that grazing remains an appropriate use of the affected National Forest System land;

(7) in addition to the approximately 9,000 term grazing permits issued by the Secretary, it is estimated that as many as 1,600 term grazing permits may be waived by permit holders to the Secretary in favor of a purchaser of the permit holder's permitted livestock or base property by the end of 1996;

(8) to issue new term grazing permits, the Secretary must comply with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and other laws;

(9) for a large percentage of the grazing permits that will expire or be waived to the Secretary by the end of 1996, the Secretary has devised a strategy that will result in compliance with the National Environmental Policy Act of 1969 and other applicable laws (including regulations) in a timely and efficient manner and enable the Secretary to issue new term grazing permits, where appropriate;

(10) for a small percentage of the grazing permits that will expire or be waived to the Secretary by the end of 1996, the strategy will not provide for the timely issuance of new term grazing permits; and

(11) in cases in which ranching operations involve the use of a term grazing permit issued by the Secretary, it is essential for new term grazing permits to be issued in a timely manner for financial and other reasons.

(b) PURPOSE.—The purpose of this title is to ensure that grazing continues without interruption on National Forest System land in a manner that provides long-term protection of the environment and improvement of National Forest System rangeland resources while also providing short-term certainty to holders of expiring term grazing permits and purchasers of a permit holder's permitted livestock or base property.

SEC. 202. DEFINITIONS.

In this title:

(1) EXPIRING TERM GRAZING PERMIT.—The term ''expiring term grazing permit'' means a term grazing permit—

(A) that expires in 1995 or 1996; or

(B) that expired in 1994 and was not replaced with a new term grazing permit solely because the analysis required by the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and other applicable laws has not been completed.

(2) FINAL AGENCY ACTION.—The term ''final agency action'' means agency action with respect to which all available administrative remedies have been exhausted.

(3) TERM GRAZING PERMIT.—The term ''term grazing permit means a term grazing permit or grazing agreement issued by the Secretary under section 402 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1752), section 19 of the Act entitled ''An Act to facilitate and simplify the work of the Forest Service, and for other purposes'', approved April 24, 1950 (commonly known as the ''Granger-Thye Act'') (16 U.S.C. 580*l*), or other law.

SEC. 203. ISSUANCE OF NEW TERM GRAZING PERMITS.

(a) IN GENERAL.—Notwithstanding any other provision of law, regulation, policy, court order, or court sanctioned settlement agreement, the Secretary shall issue a new term grazing permit without regard to whether the analysis required by the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and other applicable laws has been completed, or final agency action respecting the analysis has been taken—

(1) to the holder of an expiring term grazing permit; or

(2) to the purchaser of a term grazing permit holder's permitted livestock or base property if—

(A) between January 1, 1995, and December 1, 1996, the holder has waived the term grazing permit to the Secretary pursuant to section 222.3(c)(1)(iv) of title 36, Code of Federal Regulations; and

(B) the purchaser of the term grazing permit holder's permitted livestock or base property is eligible and qualified to hold a term grazing permit.

(b) TERMS AND CONDITIONS.—Except as provided in subsection (c)—

(1) a new term grazing permit under subsection (a)(1) shall contain the same terms and conditions as the expired term grazing permit; and

(2) a new term grazing permit under subsection (a)(2) shall contain the same terms and conditions as the waived permit.

(c) DURATION.—

(1) IN GENERAL.—A new term grazing permit under subsection (a) shall expire on the earlier of—

(A) the date that is 3 years after the date on which it is issued; or

(B) the date on which final agency action is taken with respect to the analysis required by the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and other applicable laws.

(2) FINAL ACTION IN LESS THAN 3 YEARS.—If final agency action is taken with respect to the analysis required by the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and other applicable laws before the date that is 3 years after the date on which a new term grazing permit is issued under subsection (a), the Secretary shall—

(A) cancel the new term grazing permit; and

(B) if appropriate, issue a term grazing permit for a term not to exceed 10 years under terms and conditions as are necessary for the proper administration of National Forest System rangeland resources.

(d) DATE OF ISSUANCE.—

(1) EXPIRATION ON OR BEFORE DATE OF ENACTMENT.—In the case of an expiring term grazing permit that has expired on or before the date of enactment of this Act, the Secretary shall issue a new term grazing permit under subsection (a)(1) not later than 15 days after the date of enactment of this Act.

(2) EXPIRATION AFTER DATE OF ENACTMENT.—In the case of an expiring term grazing permit that expires after the date of enactment of this Act, the Secretary shall issue a new term grazing permit under subsection (a)(1) on expiration of the expiring term grazing permit.

(3) WAIVED PERMITS.—In the case of a term grazing permit waived to the Secretary pursuant to section 222.3(c)(1)(iv) of title 36, Code of Federal Regulations, between January 1, 1995, and December 31, 1996, the Secretary shall issue a new term grazing permit under subsection (a)(2) not later than 60 days after the date on which the holder waives a term grazing permit to the Secretary.

SEC. 204. ADMINISTRATIVE APPEAL AND JUDICIAL REVIEW.

The issuance of a new term grazing permit under section 203(a) shall not be subject to administrative appeal or judicial review.

SEC. 205. REPEAL.

This title is repealed effective as of January 1, 2001.

TITLE III—GENERAL PROVISION

SEC. 301. SENSE OF SENATE REGARDING AMERICAN CITIZENS HELD IN IRAQ.

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

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

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

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

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

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

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

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

The motion to lay on the table was agreed to.

Mr. NICKLES addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, again I wish to thank my colleague, Senator REID, but also I wish to thank Senator HUTCHISON and Senator BOND, Senator LEVIN, and particularly, on Senator LEVIN's staff, Linda Gustitus, and Senator GLENN.

In addition, I wish to thank several of my staff members who have worked on this for the last couple of months—Diane Moery, Mark Whitenton, Les Brorsen, and Bret Bernhardt—for their tireless efforts.

Mr. President, I think this is a good bill, one that in my opinion is a significant improvement over the House, and

I will be urging our House colleagues to adopt the Senate approach.

Mr. REID. Mr. President, I wanted to make sure that those people who worked on this side of the aisle on the last piece of legislation, which I believe is some of the best work we have done this year in the Senate, have proper recognition.

We spent most of the last 2 days working out problems that developed in the legislation. It could not have been accomplished without my personal staff representative, Paul Henry, and especially the former chief of staff of the Governmental Affairs Committee, Len Weiss, who was instrumental in our being able to develop and craft various amendments, and also the person who had as much to do as anyone with our being able to pass this important legislation, Linda Gustitus, who has been with Senator LEVIN since he has been in the Senate. Her help on this matter was vital.

I wish to make sure the RECORD reflects again that this was a bipartisan piece of legislation, not only as the vote indicates but also as indicated in the statement made by Senator NICKLES and me. The staff was also bipartisan.

Mr. GLENN addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. GLENN. If the Senator will yield, I just wanted to associate myself with the remarks of the Senator from Nevada about the staff members on both sides. On something like this, there are a lot of controversial items. I see Senator NICKLES still in the Chamber. The staff of the Senator from Oklahoma and all of our staff members—we get credit for a lot of things done around here, but the staffs are the ones who put these things together and spend the long hours back and forth working out all the details.

There has not been anything pass through the Senate in some time that required more negotiating back and forth, I think, than we did in this legislation—all done in good faith by staff. We trust them. I am glad the Senator from Nevada chose to honor them. They deserve it.

Mr. LEVIN. Mr. President, if the Senator will yield, let me also thank him and Senator NICKLES and their staffs for the work that they put in on this bill and for taking the time, both of them, to thank the staffs for the tremendous work that they have done. We thank them for their own work and for recognizing the importance of our staffs.

THE EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to the immediate consideration of H.R. 1158, the Emergency Supplemental Appropriations Disaster Assistance Act. The clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 1158) making emergency supplemental appropriations for additional disaster assistance and making rescissions for the fiscal year ending September 30, 1995, and for other purposes.

The Senate proceeded to consider the bill.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. HATFIELD. Mr. President, the Senate now has under consideration legislation to provide the Federal Emergency Management Agency with an additional $1.9 billion in fiscal year 1995 and $4.8 billion for fiscal year 1996 for emergency disaster relief and to make savings in prior year appropriations through rescissions and other actions by a total of approximately $13.5 billion.

The supplemental appropriation is recommended in response to the President's request of February 6, 1995. The President requested a FEMA supplemental of $6.7 billion for disaster relief efforts in California and 40 other States. The House has recommended a reduced amount of $5.3 billion, all in fiscal year 1995 supplementals. Our Senate committee recommends $1.9 billion for fiscal year 1995, which is the amount most immediately required, and an advance appropriation for fiscal year 1996 of the balance of the $4.8 billion. The committee makes this recommendation as a first step in establishing a new procedure for the provision of disaster relief.

As noted in our committee report, Mr. President, funds appropriated for FEMA disaster relief have escalated sharply in recent years. Between 1990 and 1994, 195 disasters were declared by the President and nearly $15 billion was appropriated in emergency supplements for disaster relief. We should not abandon Federal disaster assistance for people and communities in need, but we cannot afford to continue this level of spending.

Senators BOND and MIKULSKI are making a good start in the right direction, and they are to be commended. They are the chair and the ranking minority member of the Subcommittee on HUD and Independent Agencies, under which FEMA comes for its funding.

Most of the attention given this measure has been directed at the rescissions we are recommending. I think there has been a considerable degree of overreaction to our proposals. We are not engaged in a barn-burning exercise. In the main, the rescissions and other savings we recommend on the Senate side are reductions in the rate of increase, rather than a true cut.

Let me underscore that. We read in the media, see on the television, and we hear from many voices that the House or the Senate Appropriations Committee has cut these funds; we are putting the poor out in the street; we are doing all these things because we have cut funds, making it appear as though we have excised the account dealing with that particular human need.

We have also undertaken to take the unobligated balances which have languished for years after their initial appropriation. We call that the pipeline money and we have taken them as rescissions.

So let us get our nomenclature clarified that the cuts are reducing the rate of growth. We are not, in effect, dislocating people or ignoring the needs of people.

So what we bring to the Senate today, Mr. President, represents the committee's considered reevaluation of prior year funding levels, based on a renewed commitment to thoroughly scrutinize every spending proposal.

This is not to say that scrutiny did not exist before. It did. But we should always be willing to take a second look, and that is what the Senate is doing.

Some of those unobligated funds we found in the pipeline were unobligated transportation funds from 1982, 13 years ago. It was our feeling it was better to take those unobligated funds out of the pipeline for our rescissions and, at the same time, to recognize, as an example, low-income energy assistance for people of need in particularly cold weather.

It is not unusual for us to do this type of thing. Our committee has recommended rescissions and the Congress has enacted rescissions in every year for the past 20 years. Rescissions are not an innovation of the Executive. Since the rescission process entered and the Budget Act was created—now that is 1974—Congress has enacted into law a grand total of $92,940,296,915 in rescissions in that period of time, which is $20 billion more than we have been asked to rescind by Presidents Ford, Carter, Reagan, Bush, and Clinton.

I want to focus on that again. In the parlance of today's communications, it is the Congress that is the big spenders; it is the Congress that has to be brought under control. And yet, at the same time, in this 20-year period, we have rescinded $20 billion more than these Presidents, five Presidents, have asked for.

Nor is the size of the package we bring to the floor today unprecedented. In 1981, when I was first honored to be chairman of the Appropriations Committee, we brought to the Senate a $15 billion rescission package. There may be others who find this a novel experience, but I do not.

Mr. President, I think we also have to recognize that, as noted in our report, we have amendments to offer today to change the committee's recommendations. We expect those and we welcome them. We welcome them up to a degree, not an unlimited welcome. Some will want to restore funding. Some will want to cut more. We will engage in those debates and invite those amendments. But I hope there will not be an effort to unduly delay this legislation.

I believe we all share a desire to reduce Federal spending. We know very significant reductions are coming in fiscal year 1996 and the years beyond, and every dollar we are able to save today will make tomorrow's task easier. It is time we begin, and this is the beginning.

To honor the request I have made to move this bill along expeditiously, I am very happy to say that two Senators, who are on the floor, have indicated that they will agree to a time limit; some more and some less. But, nevertheless, we are starting out right by trying to get time agreements and not to have open-ended affairs that can drag this bill on and on ad infinitum. So I wish to thank the Senators who have indicated they would consider a time agreement. When we get ready for those amendments, we hope to have that agreement.

Mr. President, at this time, I yield to the ranking member of our Committee on Appropriations and former chairman of the Appropriations Committee, Senator BYRD, of West Virginia, for any opening statement that he wishes to make.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I thank the distinguished Senator from Oregon [Mr. HATFIELD] the chairman of the committee.

Mr. President, the Appropriations Committee reported this emergency supplemental and rescission bill, S. 617, on Friday, March 24. The motion to report the bill also included the committee's authorization for the chairman to offer S. 617 as a complete substitute for the House-passed companion measure, H.R. 1158. This was an unusual, but by no means unique, action by the committee. In order to facilitate comparison of the differences between the committee substitute and H.R. 1158, the committee report on S. 617, a copy of which is on each Senator's desk, contains comparisons between the committee's recommendations and the House-passed bill. The report to which I refer is Senate Report 104–17.

As has been the practice in the past, I, as the ranking minority member, joined Chairman HATFIELD during the markup in urging members of the committee to withhold controversial amendments, in order to expedite the markup of this emergency supplemental and rescission bill. That request was largely accommodated, but there were a number of concerns expressed about the bill by various members of the committee on both sides of the aisle.

Among those concerns was the need to find a way to fund disaster assistance programs, such as the $6.7 billion appropriation for the Federal Emergency Management Agency [FEMA] contained in the committee substitute. In his supplemental request, the President designated this $6.7 billion FEMA supplemental as an emergency appropriation under section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985. Senators will recall that under the terms of the 1990 budget summit agreement, Presidents may designate discretionary appropriations as emergencies and, if Congress so designates in statute, such appropriations are, in effect, not charged against discretionary spending caps in any year.

In this instance, President Clinton exercised his authority to designate the $6.7 billion FEMA request as an emergency requirement. The House chose to appropriate $5.4 billion for FEMA and to designate this amount as an emergency. However, the House-passed bill also contains rescissions and other reductions totaling $17.4 billion in budget authority. These rescissions are far in excess of what would be required to offset the cost of the FEMA supplemental.

The Senate Appropriations Committee's substitute, as set forth in S. 617, recommends an emergency appropriation of $1.9 billion for FEMA for fiscal year 1995, together with an additional $4.8 billion which would become available for fiscal year 1996. These funds would become available only after receipt of an official budget request for a specific amount of the $4.8 billion and only if such amount includes a designation as an emergency requirement.

What we have attempted to do, then, is to provide the amount needed by FEMA for fiscal year 1995, namely $1.9 billion, and to establish a disaster relief emergency contingency fund into which $4.8 billion would be deposited for use in amounts which Congress and the President agree to in fiscal year 1996 and beyond.

I am certain that the distinguished chairman and ranking member of the VA–HUD Subcommittee, Senators BOND and MIKULSKI, will talk further on this issue during the debate on the bill.

The committee substitute also contains rescissions and other spending reductions totaling $13.5 billion, or approximately $4 billion less in rescissions than the House bill. The major differences in rescissions between the two bills are as follows:

One, for the Labor-HHS Subcommittee, the House bill rescinds a total of $5.9 billion; the committee substitute recommends $3.05 billion, or $2.85 billion less in rescissions.

For the VA–HUD Subcommittee, the House bill rescinds $9.3 billion; whereas the committee substitute proposes rescissions totaling $6.8 billion, or $2.5 billion less than the House bill.

For the Military Construction Subcommittee, the House bill contains no rescissions, but the committee substitute would rescind $231 million in military construction funding.

For Transportation, the House bill recommends rescissions totaling a little over $700 million and the committee substitute recommends rescissions totaling $1.9 billion, or $1.2 billion more in cuts than the House bill.

Mr. President, these are very difficult times for the portion of the Federal budget that is controllable by the Appropriations Committees; namely, discretionary spending. As noted on page 3 of the committee report accompanying S. 617, discretionary spending has decreased from 14.4 percent of GDP in fiscal year 1968 to less than 7.7 percent of GDP in fiscal year 1995. This fact should be ample evidence to those who bemoan Federal deficits and the resulting massive increase in the national debt that discretionary spending—other than the Reagan defense buildup—has not caused the deficit increases. The additional $13.5 billion in discretionary spending cuts recommended in this bill are further evidence that, as painful as it is to cut Federal spending, the Appropriations Committee has always done its share, and more than its share.

Nevertheless, I am certain there will be a number of amendments offered to this measure which will propose restoration of funds for many worthwhile programs. I shall withhold judgment on such amendments until I can determine their merits on a case-by-case basis and to see whether offsets are provided and whether the offsets are reasonable that are provided.

Mr. President, in closing, I compliment the chairman, Senator HATFIELD, for his leadership in bringing this measure to the Senate expeditiously, in order to allow the Senate to work its will on the issues that are raised in the bill, some of which, I fear, will be very troublesome to a number of my colleagues.

I also thank the members of the staffs, the dedicated members of our staffs, both in the majority and in the minority, for their usual fine cooperation and excellent advice and dedicated effectiveness as they have worked so hard to help the chairman and myself and the members of the committee to bring this bill to the floor.

I thank all subcommittee chairmen and all ranking members, Mr. President, for a job well done. I thank the chairman.

Mr. HATFIELD addressed the Chair.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. HATFIELD. Mr. President, I want to express my deep appreciation to the ranking member of the full committee. As is traditional in our committee, we have worked in a very bipartisan spirit. It has been with the

support of the ranking member and members of that side, as well as our own Republican colleagues, that have made this product possible today.

AMENDMENT NO. 420

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

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Oregon [Mr. HATFIELD] proposes an amendment numbered 420.

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

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

(The text of the amendment is printed in today's RECORD under ''Amendments Submitted.'')

Mr. HATFIELD. Mr. President, I submit this amendment on behalf of the Committee on Appropriations, pursuant to a rollcall taken in the committee. This is a substitute for the House bill that we received on this particular subject.

UNANIMOUS-CONSENT AGREEMENT

Mr. HATFIELD. Mr. President, I ask unanimous consent that on an amendment to be offered by Senator MIKULSKI, the ranking member, and Senator BOND, the chairman of the Subcommittee on VA, HUD, and Independent Agencies, that there be 2 hours equally divided.

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

Mr. HATFIELD. I yield the floor.

Ms. MIKULSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Maryland.

AMENDMENT NO. 421 TO AMENDMENT NO. 420

(Purpose: To propose a substitute for title I)

Ms. MIKULSKI. Mr. President, I send an amendment in the nature of a substitute to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Maryland [Ms. MIKULSKI] proposes an amendment numbered 421 to amendment No. 420.

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

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

(The text of the amendment is printed in today's RECORD under ''Amendments Submitted.'')

Ms. MIKULSKI. Mr. President, I rise today to offer this substitute which I feel greatly improves the manner in which Congress deals with the disaster assistance. I call it the Truth in Disaster Budgeting Act.

Before I describe my amendment in the nature of a substitute, I would like to thank the chairman of the VA, HUD, and Independent Agencies Subcommittee, Senator BOND, for all of the courtesies that have been afforded me, my staff, and other people on this side of the aisle.

I believe that Senator BOND, in the approach he used, tried to do the best with the deck that was dealt him. But I do not think it was a great deck. We essentially feel like we are a couple of cards short.

Mr. President, let me go through the principles of the bill, and I would like to amplify my remarks.

First, what this amendment does is replaces title I and it offsets the earthquake relief aspects by applying a 1.7-percent across-the-board cut to all discretionary spending, except VA medical care, nutrition programs, Social Security, Medicare administrative costs, and defense readiness. It also, as the second part, requires Congress to set up a rainy day fund.

Let me explain where we are. The President has declared the need for a Federal emergency management supplemental to the tune of $6.7 billion to pay for the disasters that the United States of America has faced—like in Northridge, CA, and the remaining aspects of Hurricane Andrew. That is the good news. The bad news is that Congress is being asked to pay for it out of one appropriations subcommittee, the subcommittee called VA, HUD, and Independent Agencies. These are 25 different agencies.

So essentially, one subcommittee within the U.S. Senate becomes the bank to fund disaster relief, and it is being done out of the rescission bill, when we do not have the money unless we take it from those programs that have already been appropriated.

I disagree with the President in taking and funding emergency disaster relief out of one subcommittee. That is the reason I am offering my substitute. I believe that natural disasters, which are acts of nature, should be funded and all the Government should bear the burden and not just a few programs.

Therefore, what my substitute does is replace the rescission contained in the bill with an across-the-board cut of 1.72 percent. This across-the-board cut will raise the $6.7 billion necessary to offset the cost of providing disaster assistance to complete the recovery efforts in Northridge, CA, and for previously declared disasters in 46 other States.

My substitute also specifically exempts those four areas which I feel should not bear any more cuts. First, VA medical care. Promises made, promises cut. Let us not cut VA medical care. Second, it exempts defense readiness because I believe we need to be able to stand sentry and have our force structure ready.

The other is that it exempts food and nutrition programs at the Department of Agriculture, like Meals on Wheels and school lunches. It also exempts the administrative costs related to Social Security and Medicare.

Mr. President, though the President has declared this FEMA supplemental to be a disaster, under the rules of the Senate we do not have to pay for it. It would be off budget. I believe people on both sides of the aisle agree that it should be paid for, and I agree that it should be paid for. I also agree with the principle that my colleague, Senator BOND, is doing, which is to essentially establish a rainy day fund—only I want to establish this rainy day fund for rainy days, both literally and figuratively, prospectively out of this subcommittee.

The reason I say that is the recent disasters like Hurricanes Hugo, Andrew, Iniki, floods in the Midwest, the Northridge earthquake, and the Loma Prieta earthquake, have proven a compelling need to reevaluate Federal disaster assistance policy. The first crucial step is to establish the rainy day fund so that we can respond and meet our responsibilities.

What the Mikulski substitute does is to direct the appropriate authorizing committees to establish both the mechanism and the source of funding for a rainy day fund before the start of fiscal year 1996.

I am offering this substitute because I have, as I said, two serious concerns with the bill reported to us: The bad precedent set by requiring that disaster assistance be offset by cuts in spending in other areas. Second, the dangerous precedent by taking all of these offsets or sources of funds from one subcommittee, VA, HUD, Appropriations Committee. VA, HUD is 25 different agencies. It funds all of veterans, all of housing, all of EPA, administrative expenses of FEMA, National Science Foundation, and even agencies like Arlington Cemetery.

I believe that we should not be the bankroll. I am also concerned that it would come out of primarily HUD and EPA, National Service, and VA medical care.

Mr. President, I am all for reducing the deficit, but what we must understand is that requiring offsets in discretionary spending to cover the cost of disaster assistance represents a fundamental change in Federal disaster policy. This was established with the enactment of discretionary budget caps and the pay-as-you-go and the balanced budget and emergency deficit control of 1985.

This longstanding policy is based on the principle that natural disasters are unprecedented acts of nature, and nature cannot be accommodated in the standard appropriations process. By definition, these acts are extraordinary and catastrophic and beyond the scope of what we could normally confront in the annual battle with both the weather, elements, and the battle of the budget.

Historically, since 1988, Congress has enacted seven major disaster supplementals, and they total $22.5 billion to aid virtually every State in the Union. The Appropriations Committee

never had to come up with offsets, and the Senate continually rejected amendments which called for offsets. It was funded off budget. Our guiding principle was to provide relief to those who desperately need it.

Whether it was Hugo, the riots in Los Angeles, CA, flooding in Chicago, the terrible floods in Missouri, we never adopted offsets. Each of these was sudden, unforeseen, and funded outside of the budget caps.

I do not want to argue that. I believe, along with my colleague, and I believe the majority of my colleagues, that we should pay for it. But I believe we should pay for it across the board and not out of the bank of one subcommittee.

Mr. President, all of this is going to change if the offsets are the name of the game. I believe they should. But natural and national disasters should be a national responsibility. Therefore, that is why I establish this rainy day fund.

The bill before us establishes a second precedent which is that the source of FEMA will be the VA, HUD. I think it is outrageous that one subcommittee needs to pay for what happened in California, Florida, Missouri, Maryland, or any other State. What is about to happen is a disaster for the appropriations. What do I mean?

Well, first, out of that $6.7 billion, $4.6 billion will come from Housing and Urban Development, the one agency in our Federal Government that has primary responsibility for the needs of the elderly, children, disabled, and homeless. Also, $1.3 billion would be taken from EPA programs designed to assist States in complying with safe drinking water and wastewater treatment standards. It also will come from national service, veterans care, and the National Science Foundation.

I know that the Senator from Missouri, in taking the money from HUD, tried to protect the most vulnerable—the homeless and the elderly—and I thank him for that. But still, it will take HUD's annual budget, which is over $26 billion, and this represents a 20-percent cut.

The VA subcommittee cannot be either the bank or the will-call window for disaster relief. I believe it is bad policy. I also believe it is absolutely unfair. What happens the next time disaster strikes? Will we continue to take it from HUD? Will we eliminate the National Science Foundation? Will we just shut down a few hospitals out of VA? I do not know what will be done. What I do know, though, is that we anticipate more disasters. The U.S. Geological Survey estimates the probability of earthquakes only escalating and that there is a 80 to 90 percent probability of another major earthquake in California within the next 20 years.

There is the strong probability of earthquakes in San Francisco and other areas. How are we going to pay for this? I believe we need a rainy day fund. I believe we need an earthquake fund. That is why I direct the authorizers to come up to deal with this.

This amendment is about fundamental fairness. Who pays? Who pays for national disasters? Who pays for natural disasters? That is why I believe it should be borne by the entire Nation.

So, Mr. President, what this amendment does is try to show that it is a new world order. We should not just fund things off budget and make out they do not exist, because we cannot keep racking up the deficit.

But, at the same time, I believe that one subcommittee should not be the bankroller. That is why I offer what I originally called my 2 percent solution. I was able to lower that, and it essentially now is a 1.72-percent across-the-board cut, exempting VA medical care, nutrition programs, defense readiness and those administrative costs, and Social Security and Medicare.

Mr. President, I could elaborate more on this. In the interest of moving in an expeditious way, I will yield the floor, yet reserve the time remaining for my side.

Mr. BOND addressed the Chair.

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

Mr. BOND. Mr. President, I yield such time as I may require. I ask unanimous consent that no second-degree amendments be in order on this amendment prior to the motion to table, which I will make at the end of the expiration of the time or yielding back.

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

Mr. BOND. Mr. President, I want to thank my ranking member, Senator MIKULSKI, and commend her.

I have appreciated her courtesy and the continuing cooperation that we have had. I had the pleasure of serving on this committee when she was the chair. I have only recently found how large a job it was.

She mentioned something about the hand we have been dealt. Both of us, as chair and ranking member, now have a very difficult hand to play.

Senator MIKULSKI is extremely well informed and dedicated to the programs in this subcommittee. Her congressional role as an appropriator and an overseer she does with extreme skill and dedication and concern. I have the highest regard for her and her staff. We have worked together to try to obtain information on these programs, which has not been provided to members in a timely manner by the agencies, particularly by HUD.

Having said that, I could not disagree more strongly with the amendment that the Senator has offered. As I indicated, I will, at the appropriate time, move to table the amendment because, No. 1, this amendment does nothing toward deficit reduction.

The message I believe the people of America sent last November is that we have to get the deficit under control. That is No. 1. No. 2, and I think even more serious, is that this substitute for the measure reported out of the Appropriations Committee totally fails to address the vital need to stop the out-of-control commitments by the Department of Housing and Urban Development for future spending which this Congress and this budget cannot afford.

That is why I think that this measure should be tabled. I will urge my colleagues to do so.

Now, let me say something about the proposal of the VA, HUD, and Independent Agencies Subcommittee in the FEMA disaster relief supplemental and rescission bill.

This chapter, our chapter, rescinds more than $6.8 billion and includes a supplemental for FEMA disaster relief of $1.9 billion for the current fiscal year and provides the balance of $6.7 billion requested as an advance appropriation for FEMA for fiscal year 1996. This will enable the Congress to monitor the utilization of the amount provided before further releases of the contingency appropriation for the next fiscal year.

With respect to the rescissions, the subcommittee's total of $6.8 billion is more than half of the rescissions contained in this bill. As my ranking member pointed out, this is a level that is almost double the subcommittee's proportionate share of total nondefense discretionary spending.

However, the committee's recommendation is less than the House-passed total of $9.3 billion; it also substantially exceeds the President's request of only $648 million in rescissions.

Mr. President, the committee's recommendation reflects the urgency of beginning the long and difficult task of curbing Federal spending. I am mindful that the Appropriations Committee has direct jurisdiction over only one-third of the Federal budget, which is discretionary spending.

I certainly agree with those who point out that a balanced budget cannot be achieved in any way solely through cuts in discretionary spending. Let me be clear about that.

There can also be no doubt that further reductions can and must be made in these activities if we are ever to erase our budget deficit, or hope to do so, and to stop passing on to our children and our grandchildren the burdens of the debt that we were too profligate to stop running up during our stewardship of the Federal Government and its resources.

The formulation, the putting together of this large package of rescissions, has been difficult. The committee was limited in its recommendation to funds which have not been obligated and which are not constrained by concerns over disruption of important ongoing activities.

Necessarily, we directed our focus toward rescissions which would not only curb expenditures in the short term, but which would yield the effect of redirecting programs and terminating

activities to yield further savings in future years.

Finally, the committee's recommendations reflect our attempt to be as balanced and as fair as possible. No major agency within our jurisdiction was spared. Out of NASA, we took $150 million. Out of the National Science Foundation, we took $132 million. Out of the Department of Veterans Affairs, we took $100 million.

As noted, the largest reductions were taken in the Department of Housing and Urban Development, $4.6 billion; and in the Environmental Protection Agency, from which $1.4 billion was taken—not because of a policy of determination against these activities, but simply because of the fact that these two agencies have the largest unobligated balances which can be rescinded and which will curb future year expenditure growth.

Now, a number of these reductions are painful. I have discussed these with officials in the administration who wonder why we are making these cuts.

I have had calls especially with respect to termination of new initiatives, such as the Community Development Financial Institutions Program and halting previously planned expansions, such as National Service or AmeriCorps. I also know that many of my colleagues would rather not deal with reductions in popular programs such as VA medical care, no matter how modest.

However, Mr. President, let me be clear: If we are going to cut, we have to cut something. There is nothing in this budget that was put in because people did not like it. Everything that was put in here was put in last year or in the years before because somebody argued successfully that it was a good idea. We cannot cut spending without cutting things that have some support.

Frankly, with the budget crisis that we face, one of the things we have had to do is put a hold on new commitments. Given the state of our budget deficit and the tremendous debt that we have driven up, a debt which will hit $5 trillion and require Congress to raise the debt ceiling before the summer is over, we have to start making some cuts no matter how difficult they are.

It is clear we must make reductions now or face even greater cuts and dislocations in the future under a very constrained allocation for discretionary spending.

Mr. President, two additional concerns have been raised over the general approach of this supplemental and rescission measure. The first relates to the prevailing sentiment that all supplementals, even emergencies which are or can be procedurally outside the caps, should be offset by reductions in other discretionary spending. I accept and support this greater standard of budgetary discipline because we need to do it. It is a necessary step toward balancing our budget.

But we should be mindful that this revision in our current budgetary practice demands a reappraisal of how subcommittee allocations are treated, since the bulk of emergency supplementals are provided for the Federal Emergency Management Agency, which just happens to fall within the jurisdiction of the VA, HUD, and Independent Agencies Subcommittee.

The fact that we have to increase appropriations for FEMA, in my view should not mean that in the future we have to make cuts from very important programs in HUD, VA, NASA, and other agencies which are disproportional to the cuts taken by other domestic discretionary programs.

There is no way that our subcommittee can, in the future, be expected to pay for supplemental emergency requests for FEMA disaster relief. The number of Presidential-declared disasters and the amount of funding for such emergencies have been dramatically rising in recent years. A total of $14.8 billion has been appropriated in the last 5 years.

The pending supplemental bill carries the request of $6.7 billion, which is almost 10 percent of the entire discretionary allocation of the subcommittee. We cannot be expected to offset such massive requests without dramatic impacts on other ongoing activities within our jurisdiction in future budgets.

These are national disasters. My ranking member has pointed out the scope of these disasters. If they are paid for, resources should be identified on a Federalwide basis, not just by one subcommittee which happens to have FEMA within its jurisdiction. Matching such supplementals with rescissions within the subcommittee should not and cannot be a precedent for how such needs will be addressed in the future.

Let me move to the second point, which is more complicated but has an equally clear answer. That is the concern that we are rescinding too much from HUD. The answer is simply ''no,'' we are not. Some have questioned why HUD is being cut more than $4.6 billion, or two-thirds of the total rescission of $6.9 billion for the subcommittee. The answer is simple. The cut is roughly proportionate to the Department's available budgetary resources. Although HUD received new appropriations for fiscal year 1995, that is the current spending year we are in, of $25.7 billion, HUD represents about 39 percent of the funding for our four major agencies—almost $2 out of every $5—it also carried into this fiscal year $35 billion in unobligated prior year balances. In fact, it carried more money in unobligated balances than we appropriated for this year. We could have the anomaly, even if we wiped out all new authority for HUD, that HUD could spend more than its current year appropriation because of the unobligated balances. In other words, HUD has more than double its current fiscal year appropriation available in budgetary resources when you include the massive amount of unspent, unobligated HUD funding.

Simple mathematics do not tell the whole story. We have to cut HUD. We have to stop spending new dollars. The chairman of the committee, the distinguished Senator from Oregon, made the point very clearly. When we say ''cut'' in this context, we are not talking about throwing people out of housing or imposing burdens on people now being served. We are talking about cutting new commitments, additional spending requests, commitments that could be extremely expensive over time and are not now undertaken.

We have to begin now, if there is any hope of surviving the very constrained freeze minus future for discretionary funds that we expect to see throughout the appropriations committee and even in our subcommittee.

The Congressional Budget Office recently analyzed the HUD reinvention blueprint and discovered that the cost of HUD-subsidized housing will increase by over 50 percent under the President's plan over the next 5 years.

Let me point out that currently, this year, we are spending $26.4 billion. That is how much we are spending this year. The Congressional Budget Office—which as we will all recall, the President in 1993 said is the independent scorekeeper, the objective scorekeeper to whom we must turn for the most honest, most accurate estimates of spending—took a look at the information HUD provided at the time of the budget submission. There have been subsequent discussions and submissions, but based on what HUD, through OMB and the President, presented to us, HUD spending would increase to $28 billion next year, $30.7 billion the following, then $33.8, then $38.9 billion; by the year 2000, HUD-assisted housing would be $39.9 billion—50 percent more than we are spending this year. And, also, incidentally, the total of all these five red bars would come to about $39 billion. So we would be adding $39 billion to the national debt over 5 years, according to CBO's estimate.

Unless we act now to curb the spiraling growth in outlays, we are going to have to make some very draconian cuts in the near future and be in a position where we cannot honor commitments made to those in public and assisted housing.

As I have indicated, I have had meetings with the Secretary of HUD and the Director of OMB. We have gone over many of these questions. They have promised us additional details, which we have not yet had an opportunity to see and analyze. They have said they will meet with the Congressional Budget Office to explain and perhaps even suggest revisions. But let me point out, even under the President's own budget submission, the President asked for HUD to be increased by $20 billion in budget authority over the next 5 years

and by $14 billion in outlays. The President is asking us, at a time when we know that discretionary spending must be kept under control, to increase outlays, to increase actual spending, by his own numbers, by $14 billion.

I suggest there is no way we can do that. I suggest we are faced with a difficult—but a simple—solution, and that is turn off the pipeline of new subsidized units. That is the fundamental focus of the committee's recommendations for this rescission bill. We are also recommending a portion of the funds rescinded by the House be restored, and that we redirect resources to another urgent priority; namely, the restoring of budgetary sanity to this out-of-control department. We say go ahead with the programs to demolish the failed housing developments and put the rest on a sound footing to survive the competition and the subsidy reductions coming down the pike.

Some of my colleagues have said we do not need to deal with severely distressed public housing. This is one area where I believe I agree very strongly with the Secretary of HUD. There is no greater problem in many of our communities than the uninhabitable, often vacant, thoroughly unlivable, large public housing units in many of our metropolitan areas today. Too many of them have become havens for crime, for drugs, and violence. They are not only not a safe place to raise a family, they are a great danger to the neighbors who live in the vicinity and they are tremendous blots on the landscape of our major metropolitan areas.

To me, this is an investment in the future which must be made now if we are to stop some of the spread of blight that has been generated by poorly maintained and poorly conceived projects of the past.

Amid all the debate over the future of HUD, it is important to keep in mind that over 4.8 million families receive Federal housing assistance, and over half of them are elderly or disabled. It is also important to note that such housing assistance is expensive.

As I said, $26 billion in current year fiscal year 1995 outlays and current costs are rising. In fact, with the long-term contractual commitments previously made by HUD the Government is currently obligated to pay over $187 billion over the life of these contracts, some stretching out 40 years.

Many of my colleagues have approached me to express grave concern over some of the battles of the press releases in the State demonstrations characterizing those of us who wish to cut HUD's new commitments as being ready to throw people who are getting assisted housing out on the street, having no concern for the people who are assisted by HUD. I am told that C–SPAN carried a program this weekend that featured HUD officials but it also featured special interest groups and local officials who want to spend as if there was no tomorrow, who think that we cannot spend enough money on HUD and its programs to satisfy them.

Frankly, let us be clear that we are sensitive to and very concerned about the obligations and the undertakings of HUD. That is why we want to make sure that they do the job properly. It is I think not helpful for those who would be advocates for the programs of HUD to make the kinds of irresponsible charges that some local officials have made. That does not advance the level of discussion. That does not assist in helping us formulate responsible programs given the long-term nature of the obligations and commitments. Halting the budgetary growth of the Department can only be accomplished with a focused, determined, multiyear effort. Unless we begin now with this bill we will lock ourselves into another multibillion-dollar chunk of long-term budget obligations.

This is only a first step, one of many in which we will go beyond the limited fixes in cuts that can be accomplished in a rescission bill. We have to enact through the authorizing committee major reform legislation later this year.

I look forward to working with my colleagues in the Appropriations Committee, my colleagues on the authorizing committee and other interested Members in this body in formulating a responsible program. But we are not going to be able to adopt a responsible program if we allow the budget to continue to spin out of control to run up obligations and commitments now that will cost us billions of dollars we do not have in the future. Only if we put a tourniquet on the bleeding and stop the new commitments can we make sure that our restorative work, our surgery and our treatment of the patient, a very sick patient of HUD, can be successful.

I will ask my colleagues to join me in a motion to table. But for the moment, I yield the floor. I reserve the remainder of my time.

Ms. MIKULSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 47 minutes and 45 seconds.

Ms. MIKULSKI. Mr. President, I know that there are others who wish to speak. While we are waiting for them to come, I want to comment on the comments of my colleague, the Senator from Missouri.

First, the Senator said that the Mikulski substitute does nothing for deficit reduction. I respectfully disagree with that because you see under the rules of the 1985 Budget Act, disasters, if declared by the President as an emergency, do not have to be paid for. President Clinton declared these disasters in the FEMA supplemental an emergency. So, therefore, under the rules of the Budget Act, they could be placed on the discretionary spending. Yes. Added to the deficit but it will not count against the appropriation.

My bill maintains the President's declaration of an emergency and a disaster. But in the interest of deficit reduction we are willing to pay for it. Therefore, this $6.7 billion does not go off into some limbo and yet add to the deficit. It will be both through my substitute a pay-as-you-go. It will be a one-time only pay-as-you-go through this across the board with the prospective establishment of a rainy day fund.

So you see. I believe that the Mikulski substitute which is a pay-as-you-go substitute does reduce the deficit by $6.7 billion. There is a great deal of debate about what this rescission money will be used for. Is it going to be used for deficit reduction or is it going to be used for tax cuts to be offered by the other party? There are those of us who support deficit reduction and, therefore, know that if that is the point of the rescission package we will look for elements to do the deficit reduction, but here is a whole other substantial school of thought within this institution led by the Senator from West Virginia, Senator ROBERT BYRD, who says ''yes'' to deficit reduction but ''no'' for the savings to be done on tax cuts. I will not debate the points that Senator BYRD wishes to bring to the body's attention later this afternoon. He will do it in his own usual eloquent, persuasive way. But I believe the Mikulski substitute does, because we are doing pay-as-you-go not by putting it off budget but with $6.7 billion for deficit reduction.

Do I go as far as the House? No. Do I go as far as the Hatfield-Bond legislation? The answer is no. The House went to $17 billion. The efforts by the distinguished chairman of the committee, Senator HATFIELD, and the subcommittee, Senator BOND, goes to $13 billion. But when I knew I was going to try to deal with this problem by an across-the-board cut, I did not want to gouge other subcommittees by paying—for the fact that we do not have a mechanism for a rainy day fund. So I kept it under what I called the Mikulski 12.2-percent solution. Sure. I could have come up with more rescissions to do an across-the-board. But I did not want to gouge the criminal justice system. I did not want to gouge Labor, HHS. I did not want to gouge the important funding that needs to go on in defense.

So that is why my amendment is so modest. It is 1.7 percent. It is absolutely modest. I say to my colleagues, I do not like across-the-board cuts either. Hopefully we can do this with line-item evaluations. It is natural disaster funding that should be borne by the Nation doing this across-the-board cut.

I can comment on other aspects of it. But I note that the distinguished chairman, ranking minority of the authorizing committee, Senator SARBANES, is on the floor. He is interrupting his other important work to be here.

So I will yield the floor and yield to Senator SARBANES such time as he might consume to elaborate on this subject.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. SARBANES. Mr. President, what is the time situation?

The PRESIDING OFFICER. The Senator has 41 minutes and 67 seconds.

Mr. SARBANES. If the Senator will yield me 5 minutes.

Ms. MIKULSKI. I yield the Senator such time as he may consume.

Mr. SARBANES. Mr. President, I rise in very strong support of the amendment that has been offered by my distinguished colleague from Maryland, the substitute amendment to the supplemental appropriations bill.

First of all, traditionally we have considered disaster relief measures as an emergency supplemental and handled that way, if I am correct. I believe that is correct.

Ms. MIKULSKI. The Senator is correct.

Mr. SARBANES. The last six or seven disaster supplementals over the last few years have all been handled in that fashion, I believe.

Ms. MIKULSKI. That is correct. They total $22 billion. They have been funded off budget as prescribed by law as the President declares it an emergency disaster.

Mr. SARBANES. As I understand it, the President declared this supplemental request an emergency disaster.

Ms. MIKULSKI. The President has declared it an emergency disaster and therefore follows the same procedure under the law.

Mr. SARBANES. What is happening is that there is a move afoot to, in effect, cover the amounts needed for the disaster relief.

Now, I have obviously some questions about this decision on the basis of past practice, but let me pass beyond that issue and simply address the manner in which disaster spending is being covered in the proposed supplemental appropriations bill before us. A very heavy proportion of the disaster spending amount in the supplemental is being taken out of the allocation to the VA–HUD Appropriations Subcommittee in which the FEMA funding is located.

Now, it is my understanding that more is coming out of that subcommittee than the cost of the disaster relief that is before us. So, in effect, this particular subcommittee, which by chance has jurisdiction over FEMA, is absorbing the entire additional amount given to FEMA for disaster relief out of the allocations for the other agencies under its jurisdiction.

This just does not make sense. It leads to great inequities that a disproportionate burden is borne by the other agencies within the jurisdiction of that subcommittee.

I am particularly concerned because I have a responsibility with respect to the authorization of housing programs. The housing department finds itself within that grouping of agencies that are covered by the arbitrary differentiations that are made within the Appropriations Committee.

If there is anything that calls for the kind of approach that the distinguished Senator from Maryland has taken, it is handling disaster relief. Obviously, if you are going to cut other programs to pay for disaster assistance, the burden of these cuts ought to be borne across the board. There is no rationale, no logical or rational reason, why paying for the disaster relief ought to come out of those few agencies that happen to be grouped with the Federal Emergency Management Agency for purposes of handling an appropriations bill.

Providing for disaster relief must be done; I support this supplemental for disaster relief. In fact, I would support doing it as an emergency the way the President submitted it to the Congress. If, in effect, the cost of the disaster is going to be covered by diminishing other accounts—and we are talking about the very fiscal year in which we find ourselves—I do not think that the disaster spending ought to be covered out of those agencies that are grouped within this particular Appropriations subcommittee. That is illogical, not logical, and that is inequitable, not equitable.

The amendment that has been put before us would recognize that national disasters are a national responsibility. It would avoid setting a precedent, that you are going to pay for disasters out of the accounts of this particular subcommittee. With the bill before us, you are going to establish a precedent that makes this particular subcommittee the window to which you go for all future disaster relief. What is the logic in that? We could just as easily put FEMA over into the Defense Subcommittee. We could combine FEMA with emergency preparedness which covers not only disaster relief, but other emergencies. At one point, FEMA's prime responsibility was to address questions of how we would react to a nuclear attack. So maybe FEMA should be put in the Defense Appropriations Subcommittee, and then, if you followed the principle that is being used here, when we have a national disaster, we would pay for it entirely out of the defense budget.

I am not arguing that should be done. I am only making that point to illustrate the lack of logic of what has been done in the supplemental appropriations bill that is before us. This is not the way to handle the funding of disasters. I very much hope the amendment of the Senator from Maryland—which I think provides a much more equitable way of paying for disasters—passes. This amendment is an across-the-board cut with respect to all agencies and departments. It is a much more sensible way to go about this at this time. An across-the-board cut may not be the best way to pay for disasters in the future. I know the Senator from Maryland has pushed the notion of providing an anticipatory mechanism to meet future disasters. Under that approach you would set up a fund and appropriate to it in anticipation of future disasters since it is fairly reasonable to hypothesize that there will be natural disasters at some time. Natural disasters do occur on a periodic basis, and we need to address them. An advanced funding mechanism would be a better way of doing it.

However, that is not now before us. Confronted with the problem that we have, I think this amendment makes a great deal of sense and is certainly a far preferable approach than the one contained in the legislation that is now pending.

Therefore, I very strongly support Senator MIKULSKI's substitute amendment and urge my colleagues to support it.

Mr. President, I thank the Senator for yielding me time.

Ms. MIKULSKI. I thank the Senator for speaking in behalf of this amendment. He makes excellent points, particularly the consequences to the housing programs and the compelling needs we have to meet. I thank him for interrupting his schedule.

How much time would the Senator from California like to have?

Mrs. BOXER. Seven minutes.

Ms. MIKULSKI. I yield to the distinguished Senator from California, who has faced her share of earthquakes and slides and really knows what these issues are, 10 minutes.

Mrs. BOXER. I thank the Senator from Maryland. I thank her for her leadership in giving this Senate a really fine alternative to the bill that is before us. I certainly want to associate myself with Senator SARBANES' remarks, and I will try not to repeat them but to be very specific on why I feel the Mikulski substitute is so preferable to the committee-reported bill.

First of all, why are we here? We are here on this bill because we have had disasters in this Nation, certainly in California more than our fair share, that required payments to the local governments, the local people. We have buildings that need to be repaired from earthquakes. We have buildings that need to be repaired from floods. This is happening not only in California but across this great Nation. We have predictions, as the Senator from Maryland said, for other disasters, and I wish to make a point to my colleague, Senator MIKULSKI, of which perhaps she is not aware.

If I might make a point to the Senator on this issue of the future projections of disasters, what is very interesting is that the USGS has looked at the earthquake situation and not only do they predict a terrible earthquake in California sometime in the future, but they also talk about a devastating earthquake in Seattle and one in the midsection of the country from the Tennessee fault.

So I stand here as a Californian, but I also say to my friend that other areas in this Nation are very apt to be visited by these crises. I wonder if she was aware of that study.

Ms. MIKULSKI. Mr. President, I am aware of the study. We spoke about the work being done by the Geological Survey of the Department of the Interior that is trying to develop sophisticated methods for earthquake prediction. They are predicting future—within the next decade or so—severe earthquakes on the west coast but possibly in the Midwest itself. I might add, you never know when an earthquake is going to hit. As the Senator knows, the State of Maryland is not an earthquake State. We are more a hurricane State.

Yet we had earthquakes in a small county in the Baltimore metropolitan area. It was shocking. Fortunately, we had no major loss of property and no loss of life.

So, yes, we have to be ready to stand centrally on the whole issue of earthquakes, but we do need that rainy day fund.

I thank the Senator for reiterating the report.

Mrs. BOXER. Mr. President, I think it is so key here, because when someone who is an expert says that this country is going to be visited by floods and earthquakes and other disasters, we cannot just throw up our hands.

Why are we doing this particular bill at this particular time? Clearly, the President asked for $6.7 billion. The U.S. Senate has decided to go beyond that and cut out $13 billion—$6.7 for FEMA, the added extra billions just because they wanted to cut more.

I point out, as Senator MIKULSKI has, that since 1988, Congress has enacted seven major disaster bills and none has been offset. This has been done over earthquakes and floods and storms across this Nation, with Republican Presidents as well as Democratic. I suggest to my colleagues, this is not a partisan issue.

We need to be ready for these disasters. So I support that part of the bill to be ready for the disasters. But, on the other hand, I have to say to my friends, we should make this a clean bill. We should give the President the money that he needs to meet these disasters and then have another bill that looks at rescissions and not hold these communities hostage.

Let me explain what I mean.

What we are doing, for the first time in history, is going beyond what even the President has asked and cutting all these other programs. I know a lot of my colleagues are thrilled to do it. They are thrilled to do it. But I want to point out what it does to California.

It hurts my people. And I hear, ''Well, wait a minute, Senator. You are the ones who have all these disasters.'' That is true, and we need that FEMA money.

But you should see what these cuts do to the people of California, to the children, to the children of California—taking computers that were going into classrooms. They are not going to be able to put them there. Rescinding the summer jobs program for our kids, which is so important.

I visited some of these young people who had the benefit of these jobs. What a way to slash and burn, using as an excuse, you know, the FEMA requests.

The House bill was even worse. I compliment my friends. They made this a little bit better. But it still hurts. It hurts business. It hurts jobs.

Let me tell you, the Community Development Financial Institutions Fund program account, this gives credit to businesses to expand, to create jobs. Cut severely. EDA creates jobs. We are looking at a cut in California here and across the Nation. The National Institute of Standards and Technology, these are funds that help our manufacturers. It is very successful. It is cut. It is going to be hurt. And that is going to hurt my State's economy.

Slashing funds from the Base Alignment and Closure Commission, needed desperately to clean up these bases, to move them into productivity. Cut, slashed, and burned.

EPA, safe drinking water. Some people do not like it. They say it goes too far. Well, let me tell you what is going to happen here. We are going to have big problems in my State. In L.A., in Lake County, in San Diego, water cleanup. We need to clean up the water. People need to be able to drink the water. This bill slashes that program.

Agriculture: $1.5 million cut from the new USDA salinity research lab. And all farmers know that controlling that salt water incursion is very important to them. That is going to hurt our farmers.

Interior: We know that some of our threatened species will not be listed. Again, some people here hate this Endangered Species Act. They want to see it destroyed. Well, do not back-door it by doing these kinds of cuts. Let us have the debate. Let us find out where the American people are on saving the bald eagle. I will take you on in that fight any day. But, no, it sneaks in this bill back-door.

There is a $35 million cut from solar and renewable energy research. That makes a lot of sense. The biggest cause of our trade deficit is imported oil. Why do we want to hurt these alternative energy programs? Again, if you want to debate it, let us bring it on to the floor. But this is done in a back-door approach.

I told you about education—$6 million in Federal funds lost to my State to be used for innovative programs emphasizing math and reading.

How about a cut in title I funds for educating our most disadvantaged kids? Mr. President, 8,500 California students are going to suffer from this cut.

How about this one: Safe and Drug-Free Schools Program for drug prevention. I cannot believe that Senators want to cut that program. Everyone stands up here and says, ''Drugs, they are a curse on our society.'' It is in here, a $100 million cut from that program. My State loses $10 million. Ninety-seven percent of all school districts in California benefit from this program, keeping drugs away from kids by teaching them. I do not get it. I do not get where that makes sense for this great Nation.

Sixty-nine million dollars for teacher training under the Eisenhower Professional Development Program—Eisenhower, a great Republican President who understood the need for math and science. As a matter of fact, it was Eisenhower who wrote the Defense Education Act. And do you know what he said, a military man? ''You can have all the bombers you want. If you do not have smart kids who can read and can write and can do math, this country will never be the greatest country on Earth.'' Well, they are slashing and burning from that program too.

I told you about computers in the classroom. I know many of us go around to schools. These computers open up the eyes of these children. Oh, we are cutting that program, too, $5 million for education technology programs. We are going to lose $500,000 in our State. That goes a long way.

You know, if there is any consensus around this place, I would have hoped it would have been around the children.

There is a $42 million cut from Head Start.

The PRESIDING OFFICER. The time yielded to the Senator has expired.

Mrs. BOXER. I ask the Senator for an additional minute to wrap up.

Ms. MIKULSKI. I yield the Senator an additional minute.

Mrs. BOXER. We have cuts in Head Start. We have cuts in child care. We have cuts in national service—national service. Again, I urge my colleagues, go speak to those volunteers from AmeriCorps. And my friend Senator MIKULSKI was so instrumental in that. I cannot believe we are cutting that program, because it was working out there. I have so many personal stories I could tell about AmeriCorps.

I met a young man who was shot in a drive-by shooting in Los Angeles. An Americorps volunteer visited him in the hospital every single day, got him on the right path, got him back to school. And we are going to cut AmeriCorps.

So let me just say, in closing, I thank my friend, Senator MIKULSKI, for giving us a chance to substitute spending cuts that are fairly done across the board, that do not hurt the children, that do not hurt the businesses, that do not hurt jobs, that do not hurt the environment. I cannot tell the Senator how pleased I am to support her in this amendment.

Mr. BOND addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, I yield myself 5 minutes.

Let me just follow up on some of the points so eloquently made by my good friend from California. She was kind enough to invoke the memory of President Eisenhower. You have to have a pretty good memory, because after World War II, I believe that was probably about the last time we balanced a budget around here and stopped running a deficit that adds to the debts of our children.

She has made a very strong argument for every spending dollar that we have. She said it is all being spent just properly and we can take an even cut across the board. Frankly, I hope that we have come beyond that point where we can say that the only way to cut is to cut across the board. We have seen examples in recent years of how various agencies can look at programs and make cuts to programs that are not working or that have been overappropriated.

The current administration calls it Reinventing Government. The current administration has asked that we cut $5 billion from NASA, not across the board, not across from everything. They are asking the Administrator, and I believe we are going to support him, to take a look at where cuts can be made, not across the board, not off of everything, but combined activities, combined areas where cuts can best be made because we cannot keep spending like money is going out of style or our dollar will go out of style.

Our friend from California mentioned taking computers away from children. Computers are very important for children, but I have been in schools where I have seen rows and rows of computers sitting on empty desks with no children in front of them.

I cannot address all of the cuts made in other parts of the bill, and I will rely on my colleagues who serve on those subcommittees to talk about those, but let me talk about the cuts in EPA. We have cut money that was funded for a program that was not authorized last year. We have left in the safe drinking water funds for EPA the amount of money that the administration has requested for next year on the hope that we will reauthorize the Safe Drinking Water Act and be able to spend that money. We are not cutting jobs, we are cutting money that cannot be spent.

My colleagues talked about the hurt, what a tremendous hurt is being imposed by cutting off some of the Federal spending. Let me tell you about the hurt that is going to be inflicted on our country and on future generations if we continue to build this deficit. We have a commitment to spend far more than we are taking in and, unfortunately, we have no leadership from the President in cutting that spending. He raised taxes and promised to cut spending, and his budget projections show our spending increasing $366 billion over the next 5 years. He would add $1 trillion to the national debt.

What about the hurt of that $1 trillion added on to almost $5 trillion that we have now? That is a tremendous burden for future generations to carry, and we have seen what happened to our neighbor to the south when they spent more money than they had. The international market said the peso is weak. They did not get their economic house in order, and there is a crisis in Mexico.

What has happened in Mexico to the peso could happen in the United States to the dollar. The dollar has fallen against the value of the yen, lost almost a third of its value because the international markets think we are not getting serious about cutting spending.

We are cutting spending here to get our house in order, and we are also trying to fund supplemental emergency appropriations for disasters. Disaster spending over recent years has been about $19 billion. I am pleased that we heard about how important it is to California, because you know how much of that went to California? Mr. President, $11 billion. Sixty percent of the money that we have spent on disasters has gone to California—$11 billion.

We are stepping up to the table to meet the needs of our friends and neighbors in California, as this body stepped up to help the people in the State of Missouri and the Midwest when we were struck by floods. But when we make those cuts, Mr. President, I suggest that the only responsible way to make cuts is to eliminate low-priority items, to eliminate money that is not being spent or that does not need to be spent or, as we are doing in this bill, to cut spending that we cannot afford for the future.

That is why I believe that all these wonderful arguments do not hold any water when you look at the cuts that are made in the portion of the bill before us today; that is HUD, VA, and independent agencies.

Mr. President, I yield the floor and reserve the remainder of my time.

Ms. MIKULSKI. Mr. President, how much time do I have?

The PRESIDING OFFICER. The Senator has 21 minutes 24 seconds.

Ms. MIKULSKI. Thank you, Mr. President. I know we are awaiting to hear from the leadership their advice on the hot line as to when they wish to establish the vote. I believe the vote will occur sometime within the next half an hour.

While we are waiting for that, I know one other Senator wishes to speak.

Mr. KERRY. Mr. President, I rise in support of the Mikulski amendment.

I am concerned that the programs of the VA–HUD Appropriations Subcommittee are taking an inordinate cut in the rescission package before us. If we are to pay for disasters, and not declare these as emergencies, then the spending for these should come from a broader base of programs. The Mikulski amendment's 1.72-percent cut is an appropriate way to spread the cost of natural disasters.

The amendment would exempt important accounts from the cut. This across-the-board cut would not hit administrative costs for Social Security and Medicare. It would not cut defense readiness. It would not cut veterans medical care. It would not hurt the food and nutrition programs.

I am particularly concerned about the rescission package because the brunt of the cuts will fall on the programs of the Department of Housing and Urban Development. This bill before us would cut $4.6 billion from HUD's programs. This cut represents 18 percent of HUD's 1995 appropriation and 35 percent of this entire rescission package.

This cut would injure important HUD programs like public housing modernization, an important pension fund demonstration, and section 8 vouchers that help us meet the housing needs of the poorest of the poor. All of these programs are serving to help us with reforming HUD. Modernization is critical for fixing up public housing, the pension fund demonstration is helping us dispose of the HUD-owned inventory, and the vouchers are important tools in helping us solve the problems of mixing the elderly and the young mentally disabled in public housing as well as helping us relocate people when we tear down the older, dilapidated stock.

I also urge the Members to look at the situation that these specific cuts will set up for next year. Many are sighing a sigh of relief that the cuts in the Senate bill were not as draconian as the House cuts, but by taking these resources away today, the programs in the VA–HUD subcommittee will be under even greater pressure next year—these include not only HUD and EPA, but also NASA and veterans.

I urge my colleagues to support the Mikulski amendment.

Ms. MIKULSKI. Mr. President, as we debate this substitute, I want to, again, say that there are two issues that the Senator from Missouri and I absolutely agree on. First, that we need to reform HUD, and the other, that FEMA must have a rainy day fund.

If I can just comment on the need to reform HUD, the Senator from Missouri is absolutely right about the need to organizationally reform HUD and then to deal with the conflicting and confusing budget information we receive that is demonstrated on the Senator's charts presented by CBO.

First, what my colleagues might be interested to know is that I was one of the ones to talk about reforming HUD before the Cisneros plan came in. When I chaired the subcommittee, I actually commissioned a report by the National Association of Public Administrators to identify what are the areas to do that. I am happy that the Senator from Missouri and his very competent staff have also picked up on that.

In essence, what they said was that HUD was an organizational disaster. They have over 240 different programs, sometimes serving such a narrow need

that it becomes dysfunctional from a managerial standpoint. HUD has been crippled not by us trying only to meet compelling human needs, but HUD has been crippled by the passion of both Members of the House and the Senate on both sides of the aisle to pursue trophies: ''Let's come up with a program for this. The new trophy is new programs.'' A line item for this, a line item program for that.

So I look forward to working with the authorizing committees, as well as my colleague on the Appropriations Committee, to move HUD from these 240 different programs often with their own bureaucracy to six programs and that needs to be done in an orderly, methodical, prudent way.

Then there is the second issue about the question about the so-called CBO scoring and about OMB.

Mr. President, in the interest of time, I will not go through these detailed commentaries that I have received from the Office of Management and Budget. But there is a great deal of difference between what the assumptions are by the Congressional Budget Office and by the Office of Management and Budget.

They use technocratic words and I believe I like to use diner vocabulary. Essentially, from the diner's standpoint, we need to get OMB and CBO to resolve their assumptions. The Senator is right, there is absolute confusion over what we need to pay for, what we need to pay for in the future and whether there is a train wreck.

So I do not dispute the nature of his argument, nor am I here to defend OMB against CBO. Believe me, I am going to let those people with green eyeshades and bifocals far better calibrated than mine to get into a room and actually advise the distinguished chairman of the subcommittee and myself as to what are the real assumptions, so that we can come up with a real appropriation.

However, at the request of Dr. Rivlin, I will put into the RECORD her concerns about the differences between CBO and OMB.

What I am concerned about, though, is the $4 billion cut. While we understand that the prospective aspects are troubling, two programs are cut: $835 million for modernization of public housing, though it does leave $2.5 billion in this account; $90 million for lead-based paint hazard reduction.

Mr. President, I have been concerned for some time that HUD itself, in many cities, is the biggest slum landlord in that town. It often has lead paint that has been there for a number of years, and we do know that lead paint and flaking of lead paint does have negative health damages. Also, we know that much of the public housing is obsolete and is very much in need of modernization if it is going to be fit for duty. Those two items, I believe, would give one cause and concern about that.

The other areas that I am concerned about is the issue of national service. I have often been teased and called the mother of national service, and I honor that because, you see, national service is not just one more Government program. Many might think that, but it was meant to be a new social movement. It was designed to deal with certain issues before us. No. 1, that for many college students, their first mortgage, their first debt, is their student loans. Many of our young people are loaned $10,000, $15,000, $20,000. Also, we are faced with the declining ethic of voluntarism in our society, and also such compelling need that we cannot meet it all by more Government programs.

So, therefore, what national service is—and it was a bipartisan effort that passed it; and, yes, President Clinton amplified it—it enables young people to volunteer and work in the service of the United States of America, primarily working in nonprofits, to pay off student debt, but also to make a sweat equity investment in the United States of America.

Last year, we funded it for $200 million. I believe over 20,000 volunteers are now working. It is the first year that the program is fully operational. I am concerned that the cut in national service will, No. 1, devastate the program and, No. 2, be a deterrent for volunteers, community service people, even applying because they think the money will not be there.

This is not some Great Society program. This is not a handout or another Government gimmick and social engineering. It is about instilling the habits of the heart in our young people, making sure that they help and volunteer, getting lots of benefit out of their volunteer community service. I really like the fact that it is primarily in nonprofits and not in big bureaucracies and that we now do not know the full impact of helping these young people learn these habits of the heart. Because like with the Peace Corps, long after they left volunteer service in a foreign country, they came home and kept that spirit of voluntarism right here and made important contributions in the private sector in philanthropic work. I am concerned about the cuts in national service. I could elaborate, but I believe the time is short.

I am going to yield the floor and reserve the remainder of my time and see if the leadership has decided that they would like to vote.

Mr. BOND. Mr. President, I think there has been agreement on both sides that the vote occur at 1:15 p.m. today. I have just a few comments. I do not believe there are any further speakers on this side. I had a few comments, and after that I will be prepared, if my distinguished ranking member is, to yield the remainder of the time, ask for the yeas and nays, and ask unanimous consent that the vote be held at 1:15.

Ms. MIKULSKI. Reserving the right to object. I will not object to the consent. I have been notified that Senator BAUCUS of the Environment and Public Works Committee wanted to speak between 1 and 1:10. So if I could not yield back all of my time and reserve the right, should he be here, I am in absolute agreement to having the vote at 1:15.

UNANIMOUS-CONSENT AGREEMENT

Mr. BOND. Mr. President, I ask unanimous consent that at the hour of 1:15 I be recognized to offer a motion to table and that after the yeas and nays are granted, there be a vote at 1:15 on the motion to table.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. BOND. I thank my ranking member for accommodating me. This is a very important amendment because it does go to the philosophy of the approach that was taken in the Appropriations Committee. The ranking member has offered a different approach.

I just want to touch very briefly on a couple of things she mentioned so that my colleagues will understand what we are doing.

We took $90 million out of lead paint. Why did we do something like that? Are we not concerned about lead paint? You bet we are concerned about lead paint. There is an ongoing $10 million study of the best way to establish standards for removing lead paint. Yes, we need to get lead paint out, but we are not going to spend that $90 million until we know the best way to do it. I ask the distinguished occupant of the chair if he remembers the tremendous amount of money we spent and wasted on removing asbestos because we acted first, without thinking about it and without planning and getting the best scientific information? Yes, we took $90 million out, but it is $90 million that we cannot spend.

Modernization for public housing. Yes, we recommended taking $836 million out of the modernization fund, about 20 percent—a little more than that—and it would still leave over $3 billion. We also proposed to do something also to let local housing authorities do the modernization without playing ''mother may I'' with HUD.

HUD is an agency that cannot manage itself, and it has not done a good job of managing the decisions of local public housing authorities. I will be proposing in the authorizing committee a bill to change the way we do this and to say that unless the public housing authority fails on the basic standards that we set, the PHMAP standards we set several years ago, we are going to let them exercise their discretion in how to utilize funds made available. We believe that even with $836 million less, they can do a far better job if HUD is off their backs.

My distinguished ranking member has mentioned the national service, or AmeriCorps, a program very near and dear to her heart. Let me say that we have cut almost in half the proposed rescissions proposed by the House. The House wanted to slash it deeply. In our

committee, we are asking that the funding be kept level so we can find out if the program works. Yes, they are spending money right now. They have hired people. We would allow them to continue throughout this year. But I think before we go charging down the road and say we can have a 40- or 50-percent increase, actually in the year beginning with the school year, we ought to find out if it works. I have had people call me and tell me about one or two instances where very good things were done. I like to encourage volunteers. There have been instances where the National Service Corps volunteers have worked with true volunteers, not people being paid, but people who are really volunteers.

I like the concept of VISTA, because VISTA enabled us to provide resources to organize volunteers. I believe in voluntarism. We have literally hundreds of millions of people who are volunteers every year, and not because they are paid in a program that provides over $25,000 a year, more than the median wage. That is not a volunteer, that is a public employment job.

I have heard other questions raised and suggestions that maybe AmeriCorps, national service corps is not working well. I suggest that we not throw a lot more money at it until we see if it works. That is why we are willing in the measure before us that was passed out of the Appropriations Committee, to let the program continue throughout this year, so we can find out how it works and to see whether the supporters, my ranking member, or the skeptics, myself and others, are right and make the decisions then.

That is the philosophy, Mr. President, that we followed, trying to cut things where spending was not critical, trying to stop commitments for new spending that will bankrupt America in the future. That is our philosophy.

I also want to mention that I have had discussions with the ranking member. We are working on a sense-of-the-Senate resolution to set up a rainy day fund or a California disaster fund, and to encourage a study of the way we do it, to begin to set aside money to start reforms in FEMA.

I believe that this is the road we must go. A report was prepared by the task force which the Senator from Ohio, Senator GLENN, and I chaired last session, to report on the confused and conflicting means that the Federal Government has gone about assisting in disasters.

Is it really assistance or have we thrown a lot of money out the door? We need to take a hard look at that disaster assistance approach and make sure that the money we spend on disasters is well spent.

There is no question about the outpouring of concern and sympathy in this body when a severe disaster strikes. And FEMA has gotten much better. They get the dollars out the door very quickly.

First, we need to look and make sure the dollars are going where they actually do some good and are not wasted; and, second, we need to keep our control on the Federal budget to make sure we do so in a responsible way.

I think something like the rainy day fund that my colleague from Maryland has suggested is a good idea, so we would set aside a set amount of money each year. We do not know where the disasters will strike. We do not know whether it is a flood, hurricane, tornado, or an earthquake. Earthquakes are not just located in California. Earthquakes can hit the east coast. Earthquakes have occurred, of a very significant magnitude, in my home State of Missouri in the Midwest.

There are many, many, types of disasters each year. They are different kinds, and we know $1 to $2 billion will be spent. Maybe we ought to have a separate line in the budget, a 14th department that is disasters, and set it aside. It could be appropriated so that it comes, not from this one subcommittee's jurisdiction, but from across the board.

I look forward to working with my colleague from Maryland and other colleagues as we attempt to reform FEMA to make sure the money is spent well and within the budget constraints.

Mr. President, I yield the floor, and I reserve the balance of my time.

Mr. LEVIN. Mr. President, I will support the Mikulski amendment which would replace the rescissions in the supplemental appropriations bill with a 1.72-percent across-the-board reduction of domestic spending to pay for the $6.7 billion in emergency disaster relief activities to deal with the 1994 earthquake in California.

The legislation before the Senate cuts too deeply into necessary programs, particularly those affecting children and low-income families. We should and must be prepared to pay for emergency operations of the Federal Government during such natural disasters as the earthquake, and the numerous hurricanes, floods, fires, and other disasters which like this one have national scope. Also, we should and must be prepared to reduce the size of government and to continue the budget discipline necessary to reduce the size of the Federal budget and to continue the 3 consecutive years of reduction in the Federal deficit. However, this should not be used as an excuse for a hard-hearted and mean reduction of programs which affect the Nation's least fortunate and most vulnerable citizens, especially children, programs which the American people approve of.

I do not believe that most Americans want a cut in Head Start, education reform, the National Service College Scholarship Program—AmeriCorps, safe and drug-free school programs, the Women, Infants, and Children Program, the Childcare Block Grant Program, title I programs to improve reading, writing, and math skills for educationally disadvantaged kids, impact aid, the TRIO Program for first generation college students, and the safe drinking water revolving fund.

Nearly 650,000 low-income children, including more than 30,000 in Michigan participate in Head Start which has been shown to increase the likelihood of healthy development, improved educational achievement and to be related to decreased involvement in criminal activity in later years. Over 600,000 young men and women will lose the opportunity for summer jobs, and 17,000 young Americans working to give something back to their communities through the national service AmeriCorps Program while receiving some assistance toward obtaining a college education will lose that chance.

The disproportionate and unfair impact of this legislation on the least fortunate among us is made all the worse by the indication that the majority in the Congress intends to use the funds to pay for a tax cut targeted to benefit the most well off. The $189 billion tax cut proposed in the Contract With America according to a Department of the Treasury analysis would provide more than 51 percent of its benefits to the wealthiest 12 percent of families.

The Mikulski amendment would also maintain funding for important projects already announced and underway, such as the EPA center in Bay City, MI, and the Job Corps Center in Flint, the CIESIN facility in Saginaw, and Sea Grant zebra mussel research.

Many important projects such as those are caught up in this rescission bill, despite the fact that they are of proven value and have already obtained strong community support and are underway.

The Milukski amendment would pay for disaster relief which under the law and the President's emergency designation need not be paid for by reductions in other spending. By paying for the relief, the deficit will be reduced. The Mikulski amendment does this in a more equitable way by effecting domestic spending broadly rather than targeted on education, children, and housing programs.

Mr. LEAHY. Mr. President, I rise today in support of Senator MIKULSKI's amendment to replace the emergency spending and rescission bill the Senate is now considering with a more equitable across-the-board cut. The Appropriations Subcommittee on Veterans Affairs, HUD and Independent Agencies is responsible for the Federal Emergency Management Agency's budget—but it is not and cannot be held responsible for bankrolling disaster assistance.

About half of the cuts in both the House and Senate rescission bills come from programs under the jurisdiction of the VA–HUD Subcommittee. Veterans and lower income Americans should not be asked to foot the bill for California's earthquakes or flooding in the Midwest. The burden of paying for these costly disasters should be shared among all Federal programs—not just

those under the jurisdiction of the VA–HUD Subcommittee.

While I support the Mikulski amendment, I would have preferred that the Pentagon chip in. Senator MIKULSKI's across-the-board cut goes a long way toward bringing some equity to the proposed cuts. Including defense in those cuts would go even further.

Mr. MACK. Mr. President, I rise in opposition to the amendment. Reducing appropriations accounts across the board as proposed in the amendment would have the effect of freezing in place the spending priorities established in the previous Congress by the former majority party. We must begin the process of reordering some of the budget priorities established in the last Congress. Unless we do so, it will be virtually impossible to control spiraling Federal spending in fiscal year 1996 and beyond.

I am especially concerned that we get a handle on the looming budget crisis at the Department of Housing and Urban Development. For example, cutting spending across the board wouldn't do a thing to help us to begin controlling now future obligations to renew expiring section 8 contracts. These obligations will reach $20 billion annually by the year 2000.

This rescission package takes a reasonable approach to the HUD budget, which had been among the fastest growing in the Federal Government over the past few years. We target the HUD rescissions to new obligations and commitments, such as section 8 incremental assistance. No one currently receiving assistance should lose that assistance as a result of the rescission of this funding.

But if we fail to rein in new obligations now, it is likely that down the road—in a year or two—we may be faced with the reality of not renewing section 8 contracts or recapturing turnover section 8 units as they become available because we will not have the money to do it. That would truly represent a reduction in the housing assistance we now provide to 2.8 million families receiving section 8.

As a rule, I would agree that all budget accounts should share equally in meeting national disaster needs. However, at this point, there is merit in achieving the reductions in other ways that will reduce our future obligations.

Mr. ROCKEFELLER. Mr. President, I applaud the Senator from Maryland for her leadership on this and many other issues.

The Senator, as usual, raises arguments which are, substantively and institutionally, absolutely correct. Simply stated, the HUD-VA Subcommittee programs—for housing, veterans, and the environment—should not be singled out to pay for emergencies which under law are to be considered emergency spending. As my colleagues know, the President has declared the catastrophes being funded in this supplemental appropriation as emergency in nature, and thus eligible for funding outside of the discretionary caps.

Since the Appropriations Committee refused to handle this emergency funding in that normal way, the VA-HUD Subcommittee was forced to drastically reduce fiscal year 1995 funding for housing programs by more than $4.6 billion, environmental funding in excess of $1.4 billion, national service $210 million, veterans programs $100 million, and NASA by $150 million. There is no rational explanation for such large reductions in already appropriated funds solely from these accounts.

As a reasonable alternative, the Senator from Maryland now seeks to impose an across-the-board cut of 1.72 percent in all discretionary funding except for veterans' medical care and a few other accounts. While I do have reservations in general about across-the-board percentage reductions and their meat-ax approach, in this case, the medicine is totally justified.

The committee bill would pay for this emergency funding by reducing housing, veterans, and environmental programs. There is simply no logic to doing this and not at the same time, equally distributing the funding reductions to other accounts. We will look back on this day and regret this action.

I do believe that we need to continue to attack the deficit aggressively, and so I continue to seek every reasonable opportunity to do that.

At the same time, I will oppose the motion to table the Mikulski amendment because of my very strong opposition to forcing multibillion-dollar—and what must be called draconian—cuts on housing and environmental needs. This is a dangerous precedent that we set by insisting that unforeseeable, catastrophic events must be paid for solely by reductions in a very few accounts—most notably veterans, housing, the environment, NASA, and national service.

ENVIRONMENTAL SIMULATION FACILITY

Mr. SIMPSON. Mr. President, this amendment would unfairly rescind building and facilities money that was finally committed 2 years ago to the Environmental Simulation Facility at the University of Wyoming. Years ago, the Wyoming Legislature resolved to assist the University of Wyoming in matching the Federal grant of $9.2 million. This amendment would rescind $1.1 million, a most vital part of the commitment made by Congress to this important environmental project.

The laboratory, which is now in the final planning stages, would provide research in surface and groundwater contamination caused by agricultural chemicals. It will give us a testing facility in which we can control key environmental conditions and apply serious environmental management techniques to evaluate their effectiveness and cost. As we work to bring about increased efficiency in our agricultural conservation efforts—this facility will be of high national importance and value.

But the issue here is not whether this is a ''worthy'' project, but rather that the University of Wyoming and the State legislature have fully supported this proposal through its planning stages and now that we are nearly ready to break ground, Congress is considering pulling the plug and chucking all the time and money already spent down the drain. I would urge that you carefully consider the investments and commitments that have previously been made and vote against this amendment.

Ms. MIKULSKI. Mr. President, I suggest the absence of a quorum.

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

The bill clerk proceeded to call the roll.

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

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

Mr. BAUCUS. Mr. President, what is the pending business?

The PRESIDING OFFICER. The pending business is the Mikulski amendment.

Ms. MIKULSKI. How much time does the Senator desire? A vote is set at 1:15.

Mr. BAUCUS. Mr. President, 2 or 3 minutes.

Ms. MIKULSKI. Mr. President, I yield 5 minutes.

Mr. BAUCUS. Mr. President, I thank the Senator from Maryland.

Mr. President, the amendment by the Senator from Maryland makes sense. It is a commonsense amendment.

The Senator's amendment would spread the pain of the cuts across all areas of the government to pay for the recent natural disasters. Under the present system, all of the cuts needed to pay for these disasters must come from her Appropriations subcommittee—that is, the VA, HUD Subcommittee. That is not fair. It does not make sense to cut programs in this subcommittee over $6 billion to pay for these disasters.

Mr. President, I strongly agree that we should pay for these disaster supplementals. We should make cuts in spending to pay for them and not add to the deficit. We have to pay for them and we should pay for them. But, again, these cuts should not come only from the programs in this subcommittee.

So the amendment before us would spread these cuts across all programs. It would spread these cuts evenly.

Mr. President, I would like to briefly talk about the underlying amendment. I do not agree with many of the cuts proposed in the underlying amendment. Some programs would be dramatically cut. For example, the safe drinking water revolving loan funds that States and communities really need, or clean water funds for sewage

and waste treatment projects that States and communities rely on.

Mr. President, we just passed an unfunded mandates bill. An unfunded mandates bill that said we are not going to add new mandates if we do not have the funds.

The result of the cuts proposed in the underlying amendment would result in a sort of defunded mandate. We will unfund mandates that exist. That is, we will take money away and dramatically cut safe drinking water revolving loan funds and waste water treatment projects.

I disagree with that. Mr. President, it seems we are not looking at the policy reasons for these cuts. Sometimes I think we make cuts simply to say we did so.

Mr. President, I have noticed that our actions around here are entirely budget driven with no thought to the policy considerations. We need to find ways to reduce spending and reduce the deficit. But we need to do it wisely. Let us stop and think before we act. Let us think about the implications of our actions.

Mr. President, I want to stress again that the amendment offered by the Senator from Maryland is an effort to reduce the budget deficit and cut spending but spread the pain around. Everybody has to be part of this effort to pay for these disasters.

Mr. President, our national motto is ''e pluribus unum,'' one out of many. We are all Americans, we are all in this together. We all have to find solutions together. That is what the people who elected us want us to do—be reasonable. Not partisan; not do just what the Republicans want to do; not do just what the Democrats want to do—but think. We need to exercise common sense.

Most people in my State of Montana do not care whether a candidate is Republican or Democrat. They vote for the person—the right person. That is what the people want us to do. I strongly urge Senators to consider the commonsense nature of the Mikulski amendment. I urge they support the able Senator from Maryland and I yield the floor.

The PRESIDING OFFICER. Who yields time?

Ms. MIKULSKI. Mr. President, I thank the Senator from Montana for his remarks. I thank him for his support of this amendment. He has had a very difficult job, trying to bring the authorizing legislation to the floor. I know there were many roadblocks placed in the way of his excellent skills, in both content and parliamentary procedure. So I thank him for this support and upholding of the principle.

Mr. President, I have no further remarks on the content of this legislation. I think one could see the very nature of this debate is we could disagree on content, on precedent, and yet at the same time maintain great civility. I hope the Senate learned a lot in listening to the exchanges here and, of course, I hope my view prevails. But I would like, again, to thank the chairman of the subcommittee for the courtesies. We have a long row to hoe to the next fiscal year.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, I thank my ranking member for her kind comments. We have a lot more battles to work on. We are working together on many things. I would conclude by pointing out some of the differences in our approaches.

As I said, the Senator from Maryland would cut across the board, cut across the board. Her proposal, as best we can calculate it, would take another $2.589—almost $6.2 billion in budget authority from defense and $1.243 billion, or $1,243,000,000 out of outlays for defense.

We are working right now on a defense supplemental which is vitally needed if we are not to deprive our fighting men and women of the support, the ongoing assistance, that they need. This would be a disaster. We cannot take more out of defense than we just did in the defense supplemental that is pending in conference right now.

My good friend from Montana said it makes no sense; our proposal is not policy driven. Unfortunately, he is talking about something that is not before us because we have based the recommendations in this measure brought from the Appropriations Committee on policy. He was not able to get safe drinking water authorized for the last 2 years. The money has not been used. What we are rescinding is safe drinking water money that is not even authorized. We have left in the $500 million that the administration requests for next year, in hopes we finally can get safe drinking water reauthorized. I strongly support the reauthorization. There is no sense in leaving money which cannot be spent because there is no authorization.

The PRESIDING OFFICER. Under the previous order, the Senator from Missouri is recognized for the purposes of making a motion.

Mr. BOND. Mr. President, I move to table the amendment before us.

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table amendment No. 421, offered by the Senator from Maryland.

The clerk will call the roll.

The assistant legislative clerk called the roll.

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

The result was announced—yeas 68, nays 32, as follows:

[Rollcall Vote No. 118 Leg.]

YEAS—68

Abraham	Feingold	Mack
Ashcroft	Frist	McCain
Bennett	Gorton	McConnell
Bingaman	Graham	Moynihan
Bond	Gramm	Murkowski
Bradley	Grams	Nickles
Brown	Grassley	Nunn
Burns	Gregg	Packwood
Byrd	Hatch	Pressler
Campbell	Hatfield	Robb
Chafee	Helms	Roth
Coats	Hollings	Santorum
Cochran	Hutchison	Shelby
Cohen	Inhofe	Simpson
Conrad	Inouye	Smith
Coverdell	Jeffords	Snowe
Craig	Kassebaum	Specter
D'Amato	Kempthorne	Stevens
DeWine	Kohl	Thomas
Dole	Kyl	Thompson
Domenici	Lieberman	Thurmond
Dorgan	Lott	Warner
Faircloth	Lugar	

NAYS—32

Akaka	Ford	Mikulski
Baucus	Glenn	Moseley-Braun
Biden	Harkin	Murray
Boxer	Heflin	Pell
Breaux	Johnston	Pryor
Bryan	Kennedy	Reid
Bumpers	Kerrey	Rockefeller
Daschle	Kerry	Sarbanes
Dodd	Lautenberg	Simon
Exon	Leahy	Wellstone
Feinstein	Levin	

So the motion to lay on the table the amendment (No. 421) to the amendment (No. 420) was agreed to.

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

I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HATFIELD. Now, Mr. President, I would like to propound a unanimous-consent time agreement for the Wellstone amendment which will be now offered by the Senator from Minnesota, a 20-minute time agreement to be equally divided.

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

Mr. HATFIELD. I yield the floor.

Mr. WELLSTONE. Mr. President, I thank the distinguished chairman of the Appropriations Committee.

AMENDMENT NO. 422 TO AMENDMENT NO. 420

Mr. WELLSTONE. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Minnesota [Mr. WELLSTONE] proposes an amendment numbered 422 to amendment No. 420:

The amendment is as follows:

At the appropriate place, add the following new title:

TITLE —IMPACT OF LEGISLATION ON CHILDREN

SEC. 1. SENSE OF CONGRESS.

It is the sense of Congress that Congress should not enact or adopt any legislation that will increase the number of children who are hungry or homeless.

Mr. WELLSTONE. Thank you, Mr. President; and I thank the clerk for reading the amendment. It is very simple and straightforward.

Mr. President, since I have had this amendment on the floor, I believe we have had four votes, and this will be the fifth vote. The last vote, I believe, received 47 or 48 votes for the amendment. This is my effort to just make a personal, from-the-heart appeal to my colleagues. I want to give it context.

I do not think I will need more than 20 minutes because I have spoken about this amendment before, except for the fact that I think I can bring it up to date with some more evidence which is based upon what has happened in the House of Representatives, which is why I believe people in the country are looking for the U.S. Senate to really go on record to give them some assurance about what we are going to do and not do here.

Again, this amendment says:

> It is the sense of the Congress that Congress should not enact or adopt any legislation that will increase the number of children who are hungry or homeless.

Mr. President, may I have order in the Chamber, please?

The PRESIDING OFFICER. The Senate will be in order. The Senator may proceed

Mr. WELLSTONE. I thank the Chair.

Mr. President, yesterday, the Children's Defense Fund issued their annual report, ''The State of America's Children Yearbook, 1995.''

And, by the way, I say to my colleagues, there is a quote on the front of this report that captures the spirit of this amendment.

> Dear Lord, be good to me. The sea is so wide and my boat is so small.

Mr. President, yesterday I went over these statistics. In my State of Minnesota, Minnesota's children at risk, 1989 to 1991, 60,615 children lacked health insurance. There were 27,462 reported cases of child abuse and neglect, 1992; 116 young men died by violence, 1991; 48 children were killed by guns, 1992; only 71.4 percent of 2-year-olds were fully immunized, 1990: 35 percent of the fourth grade public school students lacked basic reading proficiency, 1992.

Mr. President, I am absolutely convinced that the ultimate indictment of what we have been doing during the decade of the 1980's and, on present course, part of the decade of the 1990's, is the ways in which we have abandoned children in this Nation, not invested in children, and devalued the work of adults that work with children.

In this report, ''The State of America's Children Yearbook, 1995,'' some key facts on hunger speak directly to this amendment.

The U.S. Conference of Mayors survey of 30 cities found that emergency food requests from families with children increased by an average of 14 percent between 1993 and 1994. Emergency food requests from families with children increased by an average of 14 percent between 1993 and 1994. A record level of 14.2 million children received food stamp benefits in 1993, up 51 percent from 1989.

Please remember, Mr. President, we are now moving toward about one out of every four children being poor in America. Every 30 seconds, a child is born into poverty in our country, and one out of every two children of color are poor in the United States of America.

The Women, Infants, and Children Programs provided nutrition assistance to 6.5 million women, infants, and children in 1994, only 65 percent of those who are eligible.

Here we have a program, Mr. President, if we are going to talk about hunger and malnutrition, that makes sure that women who are expecting children have a good diet. It is a program that makes sure that children at birth, infants, have adequate nutrition, and only 65 percent of the women and children who are eligible are receiving this assistance right now.

That is why I want the U.S. Senate to go on record that surely we will not take any action that will increase the number of hungry or homelessness among children in America.

At least 2.1 million children were served by the Summer Food Service Program in 1994, less than 9 percent of those who participated in the School Lunch Program.

Mr. President, on homelessness, one in four people reported as homeless is a child younger than 18. One in four people reported as homeless is a child younger than 18. Nearly half of poor households pay more than 50 percent of their incomes for housing. An estimated 1.2 million families are on waiting lists for public housing and claims of discrimination against families with children account for 23 percent of all housing discrimination complaints.

I bring this amendment to the floor of the Senate for the fifth time with a sense of history in the making right now. Mr. President, I want to give it in context.

Last week in the House of Representatives—and let me just read, if I may, from some major newspaper stories about what was done in the House of Representatives in the name of welfare reform.

The Washington Post, Saturday, March 25, 1995. Introduction: ''It was, perhaps, an unfortunate choice of images.'' Representative—I will not use his name on the floor of the Senate—from Florida ''held up a sign on the House floor yesterday bearing the admonition 'Don't Feed the Alligators'—wise advice in his State, he said, because ''if left in their natural state, alligators can take care of themselves.''

> Welfare worked the same way, he explained, because ''unnatural feeding and artificial care create dependency.
>
> ''Now people are not alligators,'' he added, ''but I submit that with our current handout, nonwork welfare system we've upset the natural order.''

Mr. President, from the Philadelphia Inquirer, ''Debate in House Gets Emotional and Nasty.'' And here, right at the side bar, ''Those receiving welfare were likened to animals.''

Mr. President, let us be clear who we are talking about when we are talking about welfare families, the AFDC Program. We are talking about women and children—sometimes men, but in the main, single parents and children. Likening women and children to animals is pretty vicious. In fact, I think there is no place for it.

But, Mr. President, this was the harsh rhetoric that led to some very frightening cuts.

And I would again cite another source, authoritative source, lest anybody think this amendment is just symbolic. The Center on Budget and Policy Priorities estimates that this welfare reform bill would provide $2.3 billion less for the School Lunch Program than under current law. That would mean that 2 million children would lose their school lunch in the year 2000. For Minnesota alone, 7,280 children could lose their child care by the year 2000.

By the way, I have met, I say to my colleague from Oregon, with child care providers. I had a very dramatic meeting, heartfelt testimony. They were saying to me, ''Senator, don't cut into this nutrition assistance because if we do not get that kind of funding, if we do not get that kind of funding, we are not going to be able to make sure these children have adequate nutrition.''

Mr. HATFIELD. Will the Senator yield?

Mr. WELLSTONE. I am pleased to yield.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. HATFIELD. First all, I associate myself with the Senator's comments relating to priorities for children.

But, I say to the Senator, there is no rescission relating to any of those subjects in this bill that we now have under consideration. In fact, you will find in this bill that we have restored programs such as the Low-Income Energy Assistance Program that had a rescission.

So I think if you go through this bill, this argument, this debate, this issue would be more appropriately raised on a vehicle in which such action is proposed, but not on this vehicle.

Mr. WELLSTONE. Mr. President, I say to my colleague from Oregon that I appreciate his remarks. Let me make a couple of points.

I am fully aware of the fine work he has done. Let me tell you, I also had dramatic meetings with people back in Minnesota who were terrified about the zeroing out of LIHEAP, the Low-Income Home Energy Assistance Program. They, and I, are very appreciative for what the Senator has done. I appreciate some of the fine work he has done. That is why I am actually referencing this amendment based upon what was done in the House of Representatives last week.

I have offered this sense-of-the-Senate amendment on any number of different vehicles because I fear the worst is yet to come, and I am trying to get us, the U.S. Senate, to provide some reassurance to the Nation by going on record that we do not intend to take action that will create more hunger and homelessness. This is not meant to be a direct critique or criticism of this rescissions package.

The PRESIDING OFFICER. The Senator's 10 minutes has expired.

Mr. WELLSTONE. Mr. President, I believe it was 20 minutes.

The PRESIDING OFFICER. It was 20 minutes equally divided.

Mr. HATFIELD. Mr. President, I will yield time to the Senator to conclude his subject.

Mr. WELLSTONE. I thank the Senator from Oregon. I will also say to my colleague, there will be, as we go along this week, maybe this week, some alternatives and discussion about some of the specific rescissions. But this amendment, this sense-of-the-Senate amendment, is an amendment to which I am very committed.

I am taking a look at what has happened in the House of Representatives. I believe that really all eyes of the Nation are on the U.S. Senate. I think it is our responsibility to make sure that what we do as we move toward deficit reduction, as we move toward the goal of balancing the budget, though I have always argued that 2002 is an unrealistic date. I have never heard anybody, especially once you take Social Security and put it aside, talk about how you really could take $1.7 trillion out of this economy over 6 or 7 years without an enormous contraction and without inflicting widespread pain across a broad section of the population.

But I believe in the goal of balancing the budget. I certainly think we have to do better on deficit reduction. But what I am saying today, I say to my colleague from Oregon—a Senator I admire and respect and whose vote I hope to get on this—as I look at what is happening in the House of Representatives, as I analyze where these cuts are taking place, I see a tremendous amount of meanness and harshness, and there is tremendous concern in the country.

So when I read the Children's Defense Fund report, No. 1, about the state of children, when I see Minnesota children at risk, when I have come to know my colleagues, Democrats and Republicans alike, and believe that is not what we are about but it is, in fact, worsening the situation of children in America, when I then see some of the action that has taken place in the House of Representatives and I look at the economic analysis of that action, I realize full well that if there ever was a time that people in the United States of America are looking to the U.S. Senate for balance, it is now.

If there was ever a time that people in the United States of America are looking to the U.S. Senate to make sure the Congress does not go too far, it is now. If there ever was a time that people in the United States of America are looking for some reassurance that, in the name of deficit reduction, in the name of reducing debt for our children today, who will be adults in the future, we do not savage children now, it is now. That is the why of this amendment.

I say to my colleague that as I look at the proposed cuts coming out of the House of Representatives, I ask the basic question, which is a question near and dear to people in this country, and it has to do with fairness.

I said this the other day. There is a budget deficit, but there now is a spiritual deficit. Who decided that we were going to cut into nutrition programs for children but we are not going to cut subsidies for oil companies?

Who decided that we were going to eliminate benefits or dramatically reduce benefits for disabled children? I am now meeting with their families from Minnesota, and they are terrified. I do not want anybody in the Senate to say I have tried to frighten people. People are calling me and people are terrified on the basis of what they read.

Who decided to cut into support for disabled children in this country but not to cut subsidies for pharmaceutical companies?

Who decided to cut into educational programs for children but not to cut into subsidies for coal companies?

I will say it one more time, some people are very generous with the suffering of others.

So I say to the distinguished chairman of the Appropriations Committee, this is the fifth time that I have brought this sense-of-the-Senate amendment to the floor. When I brought this amendment to the floor at the beginning of the Congress, there were colleagues who said this is just symbolic.

Each time I have brought this amendment to the floor of the Senate, I have referred to the House of Representatives. This does not directly reference the work of the Senator from Oregon in this rescissions bill. I have some concerns about some of the housing cuts, to be sure. But I understand the job that you have done, and I respect what you have done. But this is an amendment that fits in with what is going on in this Congress.

I say to my colleagues, my colleague from Oregon and my colleague from Mississippi, both of whom I respect, that I really believe that people are looking to us for balance. People are really looking to the U.S. Senate to make sure we do not go too far. People are really looking to the U.S. Senate to make sure that this does not become a mean season on children.

People are looking for reassurance. I have tried to get a majority vote. I made a promise to myself, I made a promise to my colleagues, I made a promise to children's advocates, I made a promise to children that I will keep bringing this amendment to the floor of the Senate to have votes.

I will conclude by reading this one more time:

> It is the sense of the Congress that Congress should not enact or adopt any legislation that will increase the number of children who are hungry or homeless.

I do not know why we cannot support that. The last time, Mr. President, there were a number of my colleagues from the other side who supported this amendment. It is my fervent hope that today I can get a majority vote. I think it would be a wonderful message. I think it would be reassuring to people in the country.

I have no ''hidden agenda.'' I just feel strongly about what these statistics mean in personal terms. I just feel strongly that part of what we are doing in this Congress is going in the wrong direction. I just feel strongly that if there is going to be deficit reduction and we are going to move toward balancing the budget, we ought not go the path of least political resistance.

You have been a leader, I say this to the distinguished chairman of the Appropriations Committee, on these issues. This is no lecture aimed at you. You are somebody who I look up to. But my concern is that what is going to happen, Mr. President, is that when it gets down to where these cuts take place, we are going to go the path of least political resistance. That is to say, all too often the cuts are going to be aimed disproportionately at those citizens who are least able to tighten their belts. But the reason they are going to be aimed disproportionately at citizens least able to tighten their belts, starting with children—I can also include the elderly and also include other citizens—is because they do not have the political clout. They are not considered to be the heavy hitters. They are not considered to be the players. They are not the big campaign contributors. They are all too often invisible. They are all too often faceless. They are all too often voiceless.

But there is a lot of goodness in this country, and there is a lot of goodness in this Chamber. I think that if the U.S. Senate goes on record just supporting the sense-of-the-Senate amendment that I have offered today, it will be a positive, unifying vote for this Nation.

Mr. HATFIELD. Mr. President, what is the time left?

The PRESIDING OFFICER. The Senator from Oregon has less than 1 minute.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. HATFIELD. Mr. President, I ask unanimous consent for 2 minutes to close.

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

Mr. HATFIELD. Mr. President, I understand the thrust of the amendment of the Senator, and I do not think anybody can disagree with the essence of it. It is a sense of the Senate, or a sense of the Congress. Let me also indicate, Mr. President, I think the message that the Senator wants to send to the public is that we have stated an action in this bill, for we have not in this bill rescissions relating to the subject matter of children. Therefore, I think we can say that this is a powerful statement the Congress is sending to the people as well.

I want to just indicate two or three items as an example of the focus the Senate Appropriations Committee put on the rescissions. First, the rescissions were basically in the unobligated funds. Second, we were not only concerned about children and young people. We have in this a far, far different document than the rescissions on student aid, as it relates to the elderly and the needs of the elderly and low-income energy assistance.

I think this document represents a very powerful statement to the public of this country that we have put a focus upon people's needs, and that we have shown the compassion, the concerns, for people's needs in this particular document.

At the same time, we have reduced our spending for this particular fiscal year by $13.5 billion.

So I am ready to accept the amendment offered by the Senator as a sense of the Congress and take it to conference.

I thank the Senator for his compassion and for his passionate plea on behalf of this. I think it certainly is in concert and certainly represents the work of the Appropriations Committee in focusing upon people's needs—not just children, but the elderly and other people, as well.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. All time has expired.

Mr. HATFIELD. Mr. President, I ask unanimous consent that the Senator may have another minute.

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

Mr. WELLSTONE. Mr. President, I thank the Chair.

Mr. President, actually, what I would like to do is I would like to get to this vote. But first I would like to suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

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

The PRESIDING OFFICER. All time has expired.

Mr. WELLSTONE. Mr. President, I would like to thank my colleague, the distinguished chair of the Appropriations Committee. I have been at this a long time with this amendment, and I am very, very pleased with this result.

The PRESIDING OFFICER. Under the previous order, the question now occurs on the amendment.

The amendment (No. 422) was agreed to.

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

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

The motion to lay on the table was agreed to.

ANNOUNCEMENT OF INTENDED RETIREMENT

Mr. HEFLIN. Mr. President and Members of the Senate, all Members in the Senate are faced with making difficult decisions almost daily. This day marks one of the most difficult decisions I have been faced with during my 16-plus years in this body. After wrestling with this decision for some time, I have decided not to seek reelection in 1996, and to retire from elective office at the end of my term. Simply put, the time to pass the torch to another generation is near.

I have undergone a series of medical examinations by specialists in recent months. While I have problems, nevertheless, my health is good, and I am assured I face no predictable crisis. I continue to work as I have throughout my adult life. While in Washington, I spend 6½ days a week in the office; and while in Alabama, a similar amount of time is devoted to Senate duties. My health problems have not slowed me down, and I do not expect any change in my work habits in the foreseeable future.

This has not been an easy decision because I have always enjoyed campaigning, and the desire to once again hit the campaign trail is a powerful urging. I have been particularly gratified with the overwhelming offer of volunteered support from Democrats, Republicans, and independents alike urging me to run again. I believe I can be reelected, perhaps not with the high percentage of more than 60 percent of the vote that I have received in my last four primary and four general statewide elections, but I am confident I could win by a good majority.

There are numerous factors that have entered into my decision. There is no compelling reason to go into detail about these factors, other than to say that in fairness to any who may seek to succeed me the time to make my announcement is now.

At the conclusion of my term, I will have served the people of Alabama for 24 years, and I hope that I will be looked upon as a public servant who has served with dignity, integrity, and diligence, worthy of the confidence and trust that the people of Alabama bestow upon me.

Throughout my years in the Senate, I have endeavored to stay in touch with the people. I have visited each of the 67 counties in Alabama at least once a year, except for one year when I spent considerable time in the hospital during the recess periods. I have listened to Alabamians from all walks of life on every conceivable issue in over 1,000 town meetings and 500 high school visits.

I have endeavored to represent Alabama in a studied, impartial, and fair-minded manner. My record certainly indicates at least an independent streak. I hope Alabamians know that my decisions were based on what I thought was in the best interest of my State and Nation. While some may argue or disagree with my decisions, I was convinced that I was right. And I believe most Alabamians felt that nothing more could be expected of me.

My service in the U.S. Senate has been rewarding, and I trust of benefit to the people of America and Alabama. I am indeed grateful that America faces no immediate threat to her borders from foreign military powers. I am particularly proud of the role that I played in rebuilding our Armed Forces and military strength during the aftermath of the Vietnam war. This commitment on the part of our Nation contributed to the collapse of the old Soviet Union and its Communist philosophy. This commitment proved itself again during the Persian Gulf war. With my own experiences in World War II and observations since that time, I felt compelled that we must at all times endeavor to obtain lasting peace, and that the only road to achieving this goal was and is through strength.

I am particularly proud of my efforts in other areas, such as agriculture, the judiciary, education, improved race relations, technology advancements, medical research, family values, the war against crime and drugs, the space program, ethics in government, and many other fields.

The agriculture community, while small in number, is considerably better off today than when I came to the Senate in 1979. During my years on the Agriculture Committee, we have been able to craft farm policy which provides market stability and allows U.S. farmers to aggressively pursue international markets. At the same time, these farm programs have dramatically reduced the cost to the U.S. Treasury. This year may prove to be the most crucial for the American farmers with the well-organized effort in this Congress to abolish farm programs that have worked well for the consumer as well as the farmer.

As most of my colleagues know, I came to this body after serving as Chief Justice of Alabama. I brought to the Senate a desire to achieve much

modernization and reform in our Federal courts. My efforts have been focused on improving the Federal judicial system and relieving court congestion in criminal and civil matters. I have always subscribed to the expression, ''Justice delayed is justice denied.'' We have been successful to a major degree in our efforts to achieve these goals. However, much remains to be done. This country's system of justice today faces one of its greatest threats in the Congress. The foundation of our civil justice system and more than 500 years of the development of common law are under attack, including the right of trial by jury. We will continue the battles to improve the administration of justice, as well as maintain its historic role of protecting the weak, the minorities, and the defenseless.

Mr. President, for 13 years I served on the Senate Ethics Committee—two periods as chairman. My service on the Ethics Committee can be described with many adjectives, none of which include enjoyable. From the description ''of how it used to be,'' I would have to say that I am convinced that the Senate has made great strides in ethical behavior and standards during my time in this body. While there is still room for much improvement, I am, nevertheless, convinced that the Senators now serving are the most ethical in the history of the Senate.

During the last several decades, including the time that I have spent in the Senate, there has been much improvement in civil rights. However, race relations continue as a divisive issue in numerous ways. The path toward the achievement of equal opportunity for all persons, regardless of race, color gender, or creed, has many miles to go. We foster democratic principles throughout the world and have seen democracy make great strides in many nondemocratic countries. Yet our own democracy faces its greatest threat from within. Elected officials, media personalities, elements of political parties, and other organizations strive to pit one group of Americans against another. We must set a new course in this Congress and across the land—a course of moderation, tolerance, responsibility, and compassion. We need to return to the traditional value of being just plain neighborly. Not until we become genuinely ''one Nation under God, indivisible, with liberty and justice for all,'' can this country realize its potential for true greatness.

I am proud of my staff. I have always been proud of my staff. Most of them have come from Alabama but, regardless, all have worked with devotion, dedication, and professionalism. They have worked with me to assist thousands of Alabamians—and I might say thousands of Americans outside of Alabama—in every imaginable area. Staff members seldom receive praise, but I thank them from the bottom of my heart for the great job that they have done and the job that I know they will continue to do during the remaining months of my service in the Senate.

No one knows what the future will be, but I plan to return to my beloved Alabama and devote more of my time to the people in my life that I treasure the most—my devoted and lovely wife Elizabeth Ann, who is affectionately also know as ''Mike''—my son Tom and his wonderful, talented, and beautiful wife Cornelia—and, Mr. President, the two finest grandchildren a person could be blessed with, Wilson Carmichael Heflin and Mary Catherine Heflin. Wilson is known to his ''Pop'' as ''Wil,'' and he calls his sister ''K.K.'' because he says Mary Catherine is too much of a mouthful. I do not wish to omit from the treasured list my other friends and relatives in Alabama, particularly those in the Shoals area.

I will enjoy living the remainder of my days in my hometown, for Tuscumbia, AL, is a wonderful little town to be from and it is the best little town in America to go home to.

Mr. President, while my career and work here in the Senate is yet to be completed for I still have much to do, I, nevertheless, thank the people of Alabama ''who I so dearly love'' for the faith and trust bestowed upon me which allowed me to serve as Chief Justice of Alabama for 6 years and as a U.S. Senator for three terms. I also thank my Creator for the blessing of health during my three score and thirteen years thus far, and for having the opportunity to serve this great Nation and my fellow citizens.

Thank you, Mr. President.

Several Senators addressed the Chair.

The PRESIDING OFFICER (Mr. FRIST). The Senator from Louisiana.

HOWELL HEFLIN

Mr. JOHNSTON. Mr. President, as most Members of this body, I received word of Senator HEFLIN's retirement just a few moments ago. As I began to contemplate his service here, I wondered what was the single word that best epitomized Senator HEFLIN's service. Mr. President, the word that came to mind first was ''wisdom.''

Wisdom is a rare thing. It is acquired genetically, and our Creator has been very generous with Senator HEFLIN in endowing him with a huge amount of wisdom and a huge amount of ability.

It also is born of experience, and having served the people of Alabama now, both as chief justice and as a Member of this body, for some 23-plus years, he has acquired both the skill and the knowledge, along with that genetically inspired wisdom, to be, indeed, one of the wisest Members of this body.

In fact, if the Senator from Alabama rises on any issue in this Senate, not only do Members of the Senate listen, but as far as this Senator is concerned, he almost always follows, because Senator HEFLIN is seldom wrong and is someone whose wisdom is greatly to be emulated. Indeed, Mr. President, if I had to make a two-word speech against term limits, it would probably be ''HOWELL HEFLIN,'' because HOWELL HEFLIN's leaving this body will make it a decidedly lesser place.

There are other words that come to mind when you think of HOWELL HEFLIN. Clearly integrity has to be one, because his is an integrity so strong that nobody would ever seek to disparage it. Indeed, no one would seek to defend it. I mean, you do not have to say HOWELL HEFLIN is a man of integrity because that would be redundant. Everyone knows that. It emanates from every pore in his body, from his history and from his lifetime of work.

He was, indeed, the first choice of almost everyone to be a member of the Ethics Committee.

Mr. President, clearly in describing HOWELL HEFLIN, you would have to refer to his sense of humor. It is legendary. It occasionally erupts here on the floor of the Senate. More commonly, in political speeches back in Alabama. I would hate to be the object of his wit, either in Alabama or anywhere else, because, while it is gentle and while it is funny, it can be, indeed, devastating.

I will never forget the story of the Grey Poupon, the way that HOWELL HEFLIN could describe to those who thought themselves too sophisticated to be from Alabama, and the way he could use that humor to not only enlighten and to lighten the debate, but also as a tremendous political weapon.

Mr. President, this Senate will not be the same when HOWELL HEFLIN leaves. It simply will not. It will be a much lesser place. I will be leaving as well. So it is not that I will miss him. I will enjoy service with him for the next year and 8 months. I hope he completes his agenda, as I hope I complete mine.

But, Mr. President, for I think decades to come, people of Alabama will revere the service of one Chief Justice HOWELL HEFLIN and one Senator HOWELL HEFLIN, one of the most outstanding Members this body has ever produced.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HOLLINGS. Mr. President, there is one word that comes to my mind, I say to the Senator from Louisiana, and that is character. Certainly, HOWELL HEFLIN is an individual with the highest of integrity and, yes, humor. But it has to be said, I am glad the Senator from Louisiana did not continue on about HOWELL's humor, because most of those stories could not be told on the floor of the U.S. Senate.

We should all remember his work on the Ethics Committee and the outstanding job that HOWELL HEFLIN did as chairman. It is a very thankless task.

The idea of any kind of farm legislation and, as the Senator mentioned earlier, anything concerning peanuts.

He will knock all of these desks to the floor to make sure the peanut farmers are taken care of.

In addition, we have been blessed with his incredible expertise as a member of the Judiciary Committee. We know him as a former chief justice, the most outstanding of the State chief justices, elected so by his own confreres. At international conferences, he has supported the United States in Europe and NATO with tremendous distinction.

But in addition to honoring his outstanding record, let me just dwell on two things: First, I traveled the State of Alabama during the Presidential race some 10 years ago. And in my travels, I found out was that HOWELL HEFLIN is a common man of uncommon abilities. He knows everybody in that State. I can tell you, he is not leaving because he cannot get reelected. That fellow could walk back in here. The rest of us have to fight our way.

Incidentally, I am not joining you two at all. I am fighting to stay here. But Senator HEFLIN knows them all. He knows every element of that society. He has never outgrown—being a chief justice or U.S. Senator—his humble beginnings in Tuscumbia. That always impressed me, because I met with people in every county in that particular State and every particular group, from the legislature to the Governor, down to the civic organizations and the defense organizations at Huntsville, where HOWELL has been a leader.

But I want to emphasize his message here. I am quoting what he just said:

> We foster democratic principles. Throughout the world scene, democracy has made great strides in many nondemocratic countries. Yes, our own democracy faces its greatest threat from within. Elected officials, media personalities, elements of political parties, and other organizations strive to pit one group of Americans against another. We must set a new course in this Congress and across the land, a course of moderation, tolerance, responsibility, and compassion.

When I first got over here, we were seated on those last two seats. I was seated next to Bobby Kennedy. We had better seats in ''My Fair Lady.'' We were voting, and I got a tap on the shoulder. I looked around, and it was the senior Senator from Kentucky who was tapping me on the shoulder. He said, ''Fritz, change that vote, change that vote.'' I said, ''John, what do you mean?'' He said ''Well, they got a lot of horsemen there in South Carolina, and I know many.'' He said, ''That would be a bad mistake. They like you, and I would hate to see you get in trouble with them.'' John Cooper had come all the way around the Chamber. He had a seat way on the back of the other side and had come over to this side.

The tremendous change that Senator HEFLIN has emphasized here in his announcement of departing is certainly noteworthy. In these times, it seems as if we meet in ambush every Tuesday to get the other side.

A perfect example of what I am talking about can be seen by focusing on what happened with the line-item veto. I have sponsored line-item veto legislation for some 10 years. I have a bill, S. 238, that was referred to the Rules Committee just this year. The Republicans had an intramural between themselves over two different rescission bills, and when they worked out a compromise, they had basically settled on my bill. It is in the Rules Committee, a separate enrollment line-item veto. But I never claimed that on the floor of the Senate. I was afraid that the partisanship was so violent that some would vote against it if they heard that my name was even connected with the blooming thing. It has gotten that bad.

I think in this distinguished statesman's departure, he is emphasizing an awfully important thing—American industry and catching up with the global competition. We have learned, in quality production, that the best way to compete is to have the lowest elements involved in production and working in teams. I have seen the Japanese, and have come to see that teamwork in individual industries in my own State of South Carolina. Industry now has learned how to get quality production.

The political body has gone totally in the other direction, with no idea of working together. Who can get whom? Who can get on the 7 o'clock news? Who can catch the other fellow? And whatever else it is. The legislation that we spew out shows it. It is not quality. It is not production.

HOWELL HEFLIN has left us a most important message. I will not read all of it. I know others here are waiting. But our distinguished colleague was president of the Alabama State Bar Association. He was selected the Most Outstanding Appellate Judge in the United States in 1976. He served his chairman of the National Conference of Chief Justices; was a member of the college faculty at William & Mary, the University of Alabama, and the University of North Alabama. He received the Outstanding Service to Science Award from the National Association of Biomedical Research; National Veterans Award; the Henry Jackson Senate Leadership Award; the Justice Award and Harley Award, American Judicature Society; the Wernher von Braun Space Award; the James Madison Award of the National Broadcast Editorial Association; 12 honorary degrees.

The Senator from Louisiana is exactly right. If I had to answer this nonsense of term limitations—which incidentally is included in the U.S. Constitution, but seems like a new idea—I would answer it with two words. ''HOWELL HEFLIN.''

I thank you for that expression. That is exactly what I have in mind.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I am sorry to get the news of the retirement of my good friend and distinguished Senator from Alabama. I hope on this side of the aisle that I can claim the right to miss him more than any other Republican might miss him, because for 15 years, I have had the chance of working with him on a subcommittee of Judiciary. At various times, the committee has been entitled Administrative Practice and Procedure; at another time, Courts, and this time, Oversight and Courts, I guess. I was chairman of it from 1980 to 1986. He was chairman for the last 8 years, and when the Republicans gained control of the Senate, I became chairman again.

So I have either been ranking member or chairman with the distinguished Senator for now going on my 15th year.

I can say that it has been a pleasure working with him. It has been a pleasure because there has not been any friction. It has been a pleasure because he does not think in a partisan way. It has been a pleasure because he knows a great deal about the law and, for a nonlawyer like me, it gives me an opportunity to have a great deal of confidence that the product that comes out of that committee, whether I am chairman or whether he is chairman, is going to be a good product. I think an example of that good product is the bankruptcy reform legislation that was passed over in the last Congress.

Not too many people in this body pay too much attention to bankruptcy legislation. It is not the sort of legislation that keeps you awake when you are reading and considering some of its aspects. But he worked real hard on that, and I hope I worked helping him as the ranking member to get a bill that would be passed.

That is one example of the hard work that he has done where there is not public attention given to it. But he does not do his work because he cares about the public attention. He does his work because he wants to do the job right and according to the Constitution and what is good public policy. I have known that to be his characteristic in these years that I have worked with him on this committee. But most importantly through the work on the committee, I have been able to develop a friendship with him. It is the sort of friendship that is going to have a crack in it when he is not here in succeeding Congresses. He knows there is a lot of legislation he is going to be working on with me over the next 20 months. I look forward to working with him. But I was also looking forward to working with him much beyond that. So I am going to miss him but I wish him well.

Mr. EXON addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. EXON. I thank the Chair.

Just let me add a few brief words in salute to HOWELL HEFLIN—truly a son of the Old South who I think is of as much distinction as all of the other great southerners who have served in the U.S. Senate. He is far more than just a southern Senator. He is a U.S. Senator.

Certainly I wish to say to Mike and HOWELL HEFLIN from both myself and my wife, Pat, we came here together and we will be leaving together. When I think about things like that, Mr. President, I cannot tell you about anyone in this body that I think more exemplifies the term a true workhorse and not a show horse of the Senate.

Mike and HOWELL HEFLIN have been close friends and associates of the Exons lo these many years. However, it is far more than just our personal relationship I have treasured. I have treasured also the professional working relationships we have had in the Senate. And I think when the rollcall of votes are summarized you will likely see that HOWELL HEFLIN and JIM EXON probably voted as close alike as any other Members of this body, which I know we have been very proud in serving.

I wish to cite something personal about HOWELL HEFLIN that not very many people know. A few years ago I had an opportunity to lead a delegation to the Pacific area. HOWELL HEFLIN went along. We stopped in Guam for refueling en route to Manila, and there was to be a brief ceremony for HOWELL HEFLIN that I knew nothing about when we landed there.

It was anything but a brief ceremony. It was obviously one of the most important ceremonies that the Island of Guam had had, I suppose, since the American forces drove out the Japanese from that island during the war in the Pacific. There was a big entourage of cars. I could not imagine what was going on. Finally, I began to get the feel of things. They wanted to take us out to the beach where the American marines landed when the United States of America started taking back that very important and strategic island.

We went out to the beach, and we saw where they landed, the difficulty they had in landing there with the coral reefs that had not been researched very well obviously from a landing standpoint. We went to the museum out on the beach. This was all about HOWELL HEFLIN. When we went over to the beach itself, there was a small Navy band. There was a small tent with people from the Island of Guam who were there when the Americans landed.

A very touching sight. There was a big sign out there that I shall never forget. It said, ''Welcome Back Our Liberating Hero, Lt. HOWELL HEFLIN.'' The mayor was there; the Governor was there; a little Navy band was there. They gave us a flag. And, of course, the big man of the moment was HOWELL HEFLIN.

Because of all his other accomplishments, HOWELL HEFLIN, without very much fanfare—and I suspect maybe most of his colleagues in the Senate do not even know about it—early on he was one of those marines, Lt. HOWELL HEFLIN, who was part of the assault force of the Americans landing to take Guam from the Japanese. He was wounded in the initial assault and kept on fighting. He pointed out the hill to me where he took his second hit. He spent relatively little time there because he was evacuated to the United States where he spent considerable time in the hospital.

This is a side of the proud HOWELL HEFLIN that I know. That is a side that I want his colleagues to know about and Americans to know about in addition to all his other outstanding accomplishments. He is one of those who serves his country in time of need, and we must never forget that.

So to you, HOWELL, and to Mike, the best from Pat and I for our close association. And I point to people like you, HOWELL, as I have talked about before. One of the most wonderful things about being involved in politics—and I have been involved in it about the same amount of time as you—were it not for my involvement in politics there is not one chance in 2 trillion that I would have ever met HOWELL and Mike Heflin. Having met them, having known them, known of their stature, their character, having had them as friends, means a lot to one as you look back on your life and see what really has been important.

I am not going to cite all of your accomplishments, HOWELL, because that has been done so very, very well by your friends and colleagues who have spoken before me in this Chamber in this regard today.

I simply say that one of the great treasures of my life has been knowing you, seeing you serve with such distinction, knowing of the great gratitude of your fellow Senators on both sides of the aisle for the important role that you have played in the Senate, representing your great State so very, very well, but even more so by an excellent, outstanding individual who responded to duty early in life when you served in the Marines; saw and discharged your duties as well here in the Senate as you did in Guam. God bless and God keep you.

I yield the floor.

Mr. DASCHLE. Mr. President, I rise as well to express my disappointment but as well my very best wishes to our dear colleague, HOWELL HEFLIN, with his announcement this afternoon. I have known him as a member of the Senate Agriculture Committee for a long period of time, and all of us have had the good opportunity to work with him in so many different capacities over the last 18 years.

We come to this Chamber as Republicans and Democrats, R's and D's, but I think once we are here we become known not as R's and D's necessarily but C's or D's, constructives or destructives.

There are some who for whatever short-term political gain may be inclined to be destructive to the political or legislative process. Unfortunately, there are all too many cases that come to mind as we think about destructive efforts that have gone on sometimes with no good reason.

But then there are those constructive leaders who come to this Chamber with a true belief that they can do good for others, with an understanding of the importance of Government, and with the belief that we can really look forward to making the next generation and the generation after that one better than the one that is currently occupying this great land. I think that was what HOWELL HEFLIN came to do 18 years ago.

As I look over all of our colleagues in the Senate, I must say I cannot think of anyone who has been more constructive in his approach. The tributes that have already been made here on the Senate floor to the character of Senator HEFLIN, I believe, are illustrative of that fact.

Democrats and Republicans understand the contribution that HOWELL HEFLIN has made. They understand his constructive approach. They understand why it is he came here in the first place. They understand the tremendous reputation that he has established as a result of that approach. And they are fond of calling him their friend.

We look forward to at least 18 more months of that kind of constructive participation, that kind of leadership, the kind of dedication to his job that he brings to work each and every day. And we have that realization that we have the good fortune to work with him for at least 18 more months in this capacity and perhaps in other capacities in public life, as well.

But I want to share my best wishes and hope that he and his family, as wonderful as they are, have many, many years to enjoy the wonderful life that HOWELL has dedicated not only to this Senate but to them as they go forth with their new future.

Someone once said that life has no blessing like that of a good friend. HOWELL HEFLIN has been a good friend to the people of Alabama, to the people of this Chamber, to the people who have had the good fortune to know him now for some time. I wish him well.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. SIMON. Mr. President, I was in my office when my press secretary called and said, ''HOWELL HEFLIN is announcing he is not going to run again.'' I turned on that TV set to hear at least part of what he had to say.

HOWELL HEFLIN has made a real contribution to this body and to the Nation. One of the ways he has made a contribution is that he has taken his job as Senator seriously, but he has not taken himself too seriously. And I think that is very important.

He has a great sense of humor. Well, there may be some disagreement on that here, whether he has a great sense of humor or not. But, you know, you get talking with him about an issue and all of a sudden he will say, ''Well,

that reminds me of the Methodist minister,'' and you are on a story. And all of a sudden, the tension in the situation has been deflated. That sense of humor and ability to laugh at yourself and still take your job seriously, I think, is important.

Both Senator GRASSLEY and Senator HOLLINGS mentioned something else that I think is important, and that is he is partisan but not excessively partisan. We have too much partisanship today in this body. We have to be looking at issues and making judgments on issues. I am not suggesting either party is more guilty of this than the other. We both have our problems here.

I can remember very distinctly when I first met HOWELL HEFLIN. I was asked to go down to speak in the State of Alabama. Hubert Humphrey, some of you will remember, got cancer. For speaking engagements, they would reach around to others. When they really got desperate, I was over there in the House, and I went down to Alabama.

They said, ''We have this really fine chief justice down here who is thinking about running for the Senate.'' I met HOWELL HEFLIN at that dinner. He has probably forgotten that day, but I remember it very, very well.

I learned, in just a brief conversation with him that evening, one other factor about HOWELL HEFLIN, and that is he a genuine humanitarian. He wants to help people. That is what this business is all about.

ROBERT BYRD gets criticized periodically for helping the people of West Virginia. He has never had a critic in PAUL SIMON for helping the people of West Virginia. I applaud him for doing it.

HOWELL HEFLIN has helped the people of Alabama, but he has helped the people of our whole Nation.

Then, finally, he is both a scholar and a good judge of humanity. I remember when we had a well-publicized nominee before the Judiciary Committee. I sit next to HOWELL HEFLIN on the Judiciary Committee. I remember he was asking this nominee a question. As the nominee answered the question, HOWELL HEFLIN leaned over to me and said, ''He's lying.'' I knew right then how HOWELL HEFLIN was going to vote on that nominee. HOWELL HEFLIN knows the human character.

But he also looks at the details of legislation. He gets that pencil—he usually works with a pencil, not a pen—he gets a pencil out, and on his finger, he has a little knob on it. It is a little red on the end of that finger. It looks like he took a Band-Aid off of it. He gets that pencil out and he starts scribbling things down. Then, all of sudden he will say, ''Mr. Chairman, what about section 3 on page 18? What does this mean?'' And all of a sudden he has shifted the whole discourse.

He has made a tremendous contribution. I am proud to be his friend. It is an honor to serve in the U.S. Senate with HOWELL HEFLIN. The people of Alabama ought to be very, very proud of their decision to send HOWELL HEFLIN to the U.S. Senate.

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I will speak later in greater detail about Senator HEFLIN, but I would like to say a couple of words about my good friend HOWELL HEFLIN.

When I became chairman of the Senate Agriculture Committee, I went to HOWELL HEFLIN and said, ''I'm going to need your help and advice regarding commodities from your area. As we write farm bills, I'm going to need to know how they will affect Alabama.'' I knew, even after a short while, I could always call on him for such help.

I sit next to him on the other side from PAUL SIMON in the Senate Judiciary Committee. I have had the advantage sometimes of a running commentary from Judge HEFLIN. I have often thought that some of the things he is whispering in my ears in the Judiciary Committee would make far better reading than what was in the official transcript, and it sometimes influenced me a heck of lot more than what was in the official transcript.

I also had an advantage on the Senate Agriculture Committee where I looked at him and Senator PRYOR as the voices of Southern agriculture on our side of the aisle.

Senator HEFLIN invited me down to Alabama. He vouched for me. He even offered to do a simultaneous translation for me while I was speaking. He told me I could give a 10-minute speech while he translated it into Southern. He said it would take 30 minutes to repeat it, so I should not talk too long.

Mr. President, it was amazing. We went out into small towns. We did a hearing in someone's barn, as I recall. Now, this was a Senate hearing. I brought Republicans and Democrats with me.

We knew where the barn was, because all the signs were not ''Welcome, Senate Agriculture Committee,'' not ''Welcome, Chairman,'' or anything else. It was, ''Welcome, HOWELL,'' or ''Welcome, Senator HEFLIN,'' or ''The farmers of'' whatever county it was—I still remember that barn; I cannot remember the name of the county—''welcome Senator HEFLIN.''

We went there, and then went on to what understood would be a small dinner. Well, we went into this school and the place was a mob scene.

They were asking the tall bald guy to get out of the way because they wanted to see the real—the real—Senate agriculture expert, HOWELL HEFLIN. We went in there, and, Mr. President, I heard Senator HEFLIN speak about going back to his hometown, and he said, ''It's a wonderful little town to be from; it is the best little town in America to go home to.''

Having seen him in Alabama, and having seen the way he feels the roots of his State, I truly believe that.

In fact, I listened to that with some understanding, because as he knows from traveling with me, I feel the same roots in my own State of Vermont. We are blessed because we both know we have a hometown to go home to. He will get there a little bit ahead of me, but I think how fortunate he is to have that. How fortunate his own State of Alabama has been to have him, a voice of sanity, of reason, of moderation, in the best sense of the word, on the Senate Judiciary Committee; a voice where he is a strong advocate for his State but still looking to be an advocate in a way that can help reach consensus with other Senators. His goal was not to win for the sake of winning, but to win because it was the right thing.

I admire that as I admire both he and Mike have been good friends of Marcelle and myself.

We have had great times, from him asking me how I justified smoking a Cuban cigar—I told him I was burning Castro's crops and treating that Communist the way we should—to him coming to me and saying on a couple of occasions, ''You know, you may not be able to get exactly this bill that you want, but I wouldn't be surprised if you modified it a little bit here, if you spoke to this Senator, this Republican and this Democrat, we can work it out,'' and we always did.

Mr. President, I feel, as others who have spoken, that we have been blessed and benefited by serving with Senator HEFLIN. I have enjoyed that service. I have looked forward to the times we have been in committee meetings sitting beside each other. I admire him as a Senator. I respect him as an intellectual giant in this body, and especially I have so much affection for him as a good friend.

Mr. President, I yield the floor.

Mr. PRYOR addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. PRYOR. Mr. President, I was in the office of Senator DASCHLE a few moments ago visiting with Senator DASCHLE and some of our colleagues about issues coming before the Senate this week and down the line, and one of our trusted staff members came in and made the announcement that Senator HOWELL HEFLIN, of Alabama, was on the floor of the U.S. Senate announcing that he would not run for reelection.

There was, I must say, shock and sadness and dismay in that room at that time. As we came to the floor of the Chamber to hear the last part of the remarks of our friend from Alabama, I could not help but be reminded of a part of the creed of the U.S. Junior Chamber of Commerce that we used to recite at our noonday luncheons, and I quote:

> We believe that service to humanity is the best work of life.

I think that service to humanity is something that will be the hallmark of this great son of Alabama. It was my pleasure and my privilege to come to

the Senate with Senator HOWELL HEFLIN and his wonderful wife, Mike, in 1979. I will never forget that we had a class structure; that our Senators in that particular class from time to time would have meetings, we would go to each other's homes for perhaps a potluck supper. We would have speakers, and they would come and give us what they thought were the great issues of the day. It seems almost like the blink of an eye, when I had the privilege of beginning to get to know this fine man, this fine gentleman from Alabama.

I remember, too, Mr. President, that when Judge HEFLIN, as we have affectionately called him over these some 16 or 17 years, I remember the day that he was stricken ill. I will never forget the stillness that overcame this building, the Senate office buildings as Senators and staff members and elevator operators and policemen stopped to pause and to reflect and perhaps even to pray about their friend, HOWELL HEFLIN.

I have had the privilege of serving on the Agriculture Committee with Senator HEFLIN for these 16 years, and I can tell you that the farmers in Alabama, the farmers in Arkansas, the farmers in Michigan or West Virginia, Hawaii, or wherever it might be, have never had a better friend nor a stronger advocate than HOWELL HEFLIN, of Alabama.

Mr. President, finally, I had the high honor of serving as a member of the Senate Ethics Committee—not an easy responsibility—with the very great chairman of many years of that committee, Senator HOWELL HEFLIN. And many, many times during the deliberations, most of the times behind closed doors, in trying to deal with some of the extremely sensitive issues that faced individuals in this body or that faced this body as a whole, it was always Judge HEFLIN who brought us back to the center of the argument and the center of the issue as he said time and time and time again, ''Ladies and gentleman, we must do what is good for this institution.''

This institution—this institution—Mr. President, I think, has been so much better because he has graced this institution with his presence. He has made us laugh, he has made us cry but, above all, he has made us think. He is truly, I think, one of the greatest Members this body has ever had. And it has been a high privilege and honor for me to have had the privilege of serving with him.

Mr. President, I yield the floor.

Mr. INOUYE addressed the Chair.

The PRESIDING OFFICER (Mr. ABRAHAM). The Senator from Hawaii.

Mr. INOUYE. Mr. President, my distinguished colleagues of the Senate have spent much time this afternoon sharing their words of gratitude, their words of affection, their words of admiration for that gentleman from Alabama, HOWELL HEFLIN. Everything that has been said is fully justified.

He is a man of distinction, one of the great jurists of our Nation. He is a great legislator, successful and effective.

But whenever I see my dear friend, HOWELL, I think of another occasion when another great American gave his farewell address.

This happened about 30 years ago and his name was Douglas MacArthur. General MacArthur in his farewell address to the cadet corps of West Point uttered three words that have become part of America's bright pages: Duty, honor, country.

Whenever I think of HOWELL HEFLIN, I think of that moment 50 years and 9 months ago when, as a captain of the Marine Corps, he lead the first wave of marines on the island of Guam. He will never be forgotten for that. On that first attack, he was wounded. And at that point, most men would have said, ''I have done my part.'' But, no, Captain HEFLIN, though seriously wounded, continued to lead his men up the steep hill until he was once again wounded. This time he had to be evacuated. For Captain HEFLIN, duty was an important word. Honor was part of his character. And country was his first love. For that, he received two Purple Hearts and the Silver Star for bravery. And so on this day, I would like to remember him as one old soldier of World War II to another old soldier. Godspeed, sir.

Mr. STEVENS. Mr. President, I join the ranks of those who are saddened to hear the announcement of our good friend from Alabama, and most of the things that any one of us would have wanted to say have already been said. But HOWELL and Mike Heflin have been close personal friends and will be close personal friends to me and Catherine for a long time to come.

I think most of us now today are thinking of the times that we have sat with HOWELL in the Ethics Committee, and I, too, served with him there, or traveled with him, along with my good friend from West Virginia, to deal with foreign parliamentarians or to NATO.

Senator HEFLIN has a special spot in Alaska, too, because he has, from time to time, played hooky with me and dropped a line in a few rivers of Alaska. That is how I am going to cherish the memory of my friend. As a matter of fact, Mike caught most of the fish, but Howell and I did most of the fishing. We have had a wonderful time together in terms of just learning to know one another.

This is a strange body to many people. We are 100 different individuals. As the Senator from West Virginia says, ''our friends go one by one.'' But the friendships that we are able to form here, despite the tensions and the conflicts, and despite the politics, and despite the fighting that goes on from one side of this aisle to the other, those friendships are really what the Senate is all about, in my opinion. From a personal point of view, it has really been a great privilege to all of us to have served with Judge HEFLIN. We are going to be here for another 18 months or so, so we are not saying goodbye, HOWELL.

Mr. President, it is one of the rare privileges that some of us have in this democracy to be able to come together with distinguished citizens of other States and get to know them, get to know their State and their ways—the ways of the people of their State through them. I know of no State that has sent a better representative to the Senate in the time I have been here than Alabama when they sent HOWELL HEFLIN here. And, as I said, we are going to be saddened to see him leave.

Mr. COCHRAN. Mr. President, let me join those who have expressed their good wishes to Senator HEFLIN on this occasion. One of the coincidences of my service with him here in the Senate is that when we were first elected in 1978 and came to the Senate that following January, we were assigned to the same committees—he on the Democratic side, of course, and I on the Republican side. We were assigned to the Ethics Committee, the Judiciary Committee and the Agriculture Committee. So on all three assignments we served together. It did not take long to come to know him as a person of much intelligence and great commitment, with a conscientious sense of duty to the people who sent him here to represent their interests as effectively as he possibly could. And effective he was during debates on agriculture legislation, where I can remember his taking on one of the more experienced, able and articulate Members on our side, Senator DICK LUGAR of Indiana, in a tough debate on the peanut program. It was one of the finest discussions of a legislative issue that I have ever heard, before or since. Each argued very persuasively from different points of view about this issue that was before the committee. HOWELL HEFLIN did an exceptionally good job, and he won. It was a close vote. He may get to do that again this year. So he ought to dust off his yellow legal pad. He had written out the remarks he was going to make, in his own handwriting, page after page after page, on a yellow legal pad. I hope you can find it if you need it.

Mr. President, in the Ethics Committee, some very difficult decisions came before that committee, and he was our chairman. He was a freshman member but was selected to be the chairman. As a brandnew Member of the Senate, that is quite an interesting honor and an indication of the esteem in which he was quickly held by those who had the responsibility for making those decisions.

On the Judiciary Committee, his wisdom and his experience were brought to bear very quickly on all of the matters that came before that committee. But above all, I came to respect him and appreciate him as a friend, someone who is congenial, courteous, very much a gentleman, and someone who appreciated the Senate and its role.

As you know, he had an uncle, Thomas Heflin, who served in the U.S. Senate. I heard him one day on the floor—or maybe it was in committee—say that his uncle had been called ''Cotton Tom Heflin'' because he was such a strong proponent of the cotton interests in agriculture legislation. He started calling me ''Cotton THAD'' because I was taking up for cotton farmers, too.

We are going to miss HOWELL HEFLIN very much. The Senate is going to miss HOWELL HEFLIN very much. We are going to, I think, appreciate more as time goes on, the mark he has made here. I join others in wishing him well and expressing my affection for him on this occasion.

We truly regret his decision not to seek reelection next year.

Mr. HATFIELD. Mr. President, I have to join in terms of expressing my sorrow at the announcement of the Senator from Alabama, HOWELL HEFLIN, on his intended retirement. It seems like this is a virus that is catchy here on the floor of the Senate. I have to face that question myself in the same timeframe. I have not quite reached that conclusion. But Senator HEFLIN has been referred to as an effective member of the Judiciary Committee, Ethics Committee, and any committee he serves on. I have seen him in action here on the floor of the Senate.

As a nonlawyer, I have been able to understand some of these legal questions that are debated with greater clarity when HOWELL HEFLIN has explained them. So I am grateful for his role as a mentor for us laymen on high and sometimes elusive legal points.

I want to talk a few moments about HOWELL HEFLIN in another role. We have, on Wednesday morning, a Senate prayer breakfast.

It is usually presided over by someone selected by acclamation and/or by the person who is absent that day, that he is selected as the year-ahead chair of this group.

Senator HEFLIN and Senator STEVENS started a tradition of cochairing the Senate prayer breakfast. Now, there is one place in the Senate where we leave our masks, our labels—moderate, liberal, conservative, our party identification—at the door. Probably there is no other part of the Senate institution in which people feel so comfortable in being themselves. It is never published. It is not open to the public. It is a very private session of spiritual reflection.

Senator HEFLIN comes from the South. I have come to the conclusion that the people who are the best storytellers, their geographic origins are Southerners and New Englanders—the dry humor of Vermont and the marvelous storytelling capability of Southerners.

I remember Howard Baker, who was our majority leader and minority leader at one time. He could make a point so effectively by telling a story. That is true with Senator HEFLIN as it relates to some biblical truths that we like to discuss. We get into some—not heated discussions—but we get into some repartee in terms of Scripture and of biblical truths.

HOWELL HEFLIN has that great capability of going to the heart of a matter and making a point with a marvelous sense of humor, at the same time with a very profound conclusion or analysis.

Let me illustrate: One day we were talking about a subject I do not even remember. Senator HEFLIN says, ''Well, that reminds me,'' and he starts out slowly, as we know, in his speech. ''That reminds me of the Sunday school teacher'' down in his southern part of the country who was teaching the children one day at Sunday school about the evils of alcohol and the evils of drink. Whereupon one little student raised his hand and said, ''But, Teacher, Christ turned the water into wine.'' And the teacher said, ''Yes, and I would have thought a lot more of him if he hadn't done it.''

It made a very major impact upon the discussion of that moment. I remember the illustration without remembering the subject.

I want to say this is a side of HOWELL HEFLIN that I wanted to, at least, thank him and pay tribute to him for having contributed to the spiritual life of this body in the informal sessions that meet.

If anyone thinks Senator HEFLIN and Senator Ted STEVENS make an odd couple in leading a spiritual group, that gave it more authenticity. It was not just bipartisan, but we had certainly an interesting combination of personalities and dedication.

I want to say to Senator HEFLIN not only will we miss you, sir, but most especially, too, we will miss Mike.

Mr. CONRAD. I was just downstairs, Mr. President, doing a satellite feed to a group back home. The group was a group of REA members. I heard that Judge HEFLIN had decided not to run for reelection. My first thought was, ''What an incredible loss for this Senate. What an incredible loss for the country, and what an incredible loss for the rural electrics.''

I thought this is really appropriate that I am talking to a rural electric group when I find out that Judge HEFLIN has decided not to run again, because HOWELL HEFLIN has been a champion for rural electric. He has been a champion for the little guy. He has been a champion for the farmers. He has been a champion for rural people.

All of that has flowed from a real commitment to the people that he represents. I was thinking of the remarkable career of HOWELL HEFLIN, chief justice of the Alabama Supreme Court for 6 years; somebody who was selected in 1975 as the finest appellate judge in the entire United States; somebody who came to the U.S. Senate and became known as the spokesman for southern agriculture.

Let me just say that was deserved because I serve on the Agriculture Committee with HOWELL HEFLIN. Nobody is a more determined spokesman, a more effective spokesman, or someone for whom his colleagues have more respect than the man I always call Judge HEFLIN.

When he spoke about a matter that was important to his constituency, we all listened. And we listened because he presented his case in terms of substance but also with a sense of humor. I think of so many times he brought a smile to my face on that committee. I can remember the time we were talking about drought aid. Different commodities were being considered. After we had pretty well completed the package, HOWELL HEFLIN raised his hand and said, ''Mr. Chairman, what about peaches?''

Well, no one had thought about peaches. We were not going to include peaches in that package, but after HOWELL finished, we included peaches, and we did it because HOWELL HEFLIN convinced members it was the right thing to do. How many times he convinced members that what he was advocating was the right thing to do.

Mr. President, to me it is a real sense of loss that brings me to the floor, because HOWELL HEFLIN has not only been somebody I teamed up with on things that I thought were important to the people I represent, but I also believe that HOWELL HEFLIN is really the best kind of elected representative. He cares deeply about doing a good job of representing the people that sent him here. He always has that great air of integrity and fairness.

I remember when he was chairman of the Ethics Committee and handled some of the most difficult cases that have ever come before this body. I do not think there was a Member in this Chamber who did not know that HOWELL HEFLIN was going to treat people fairly. Whether they were on the other side of the aisle or on this side of the aisle, HOWELL HEFLIN would treat them fairly. He would treat them equally.

We are going to miss HOWELL HEFLIN, a real champion for the people of Alabama and a real champion for the people of America. Howell, I do not know anybody in this body who deserves a good retirement more than you and Mike do. But I must say you will be missed in the U.S. Senate. I thank the Chair. I yield the floor.

Mr. SHELBY addressed the Chair.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SHELBY. Mr. President, I was in a committee when I learned that my colleague from Alabama, Senator HEFLIN, had made a statement that he was not going to seek reelection for a fourth term in the U.S. Senate.

As his junior Senator—which he used to remind me he wanted me to remain the junior Senator for a long time, and I acquiesced. I said, ''I want you to remain the senior Senator for a long time.''

I want to remind Members that he is not leaving today. He has nearly 2 years that he will be with the Senate,

and his presence will be known, his presence will be felt.

I will, as his colleague from Alabama, appreciate every day his counsel, his maturity, and his, at times, recommendations of what to do and not to do and how to do it.

In 1970—it seems just a few years ago—HOWELL HEFLIN was elected to the office of Chief Justice of the Supreme Court of Alabama. On that same day, I was elected to my first term in the State senate. I had the opportunity to get to know Judge HEFLIN better, to work with him, to work with him on modernization of the courts of Alabama, for which he won a national award for his leadership and was greatly recognized for that.

In 1976 he chose not to run for reelection as chief justice of the Supreme Court of Alabama. Somebody said, ''Well, he is retired.'' We knew, Judge, you had not retired. You were just going into some other things—maybe the practice of law, maybe teaching, which he did for awhile. But, in 1978, he ran and was elected to the U.S. Senate from Alabama, the first time. Again, our paths crossed. I was elected to the U.S. House of Representatives on the same day that he was elected to the Senate. He was sworn in to the U.S. Senate. I was sworn in across the road here, to the U.S. House of Representatives. So we continued to work together. With his leadership here, he was the senior Senator, I worked with him the 8 years I was in the House. Then, when I was able to join him in 1986, I continued to work with him.

He has served not only Alabama, our State, but the Nation with distinction. We are not going to miss him for awhile because he is going to be with us. But I will miss him after the 2 years. And I want to say to his family—his wife Mike, his son, Tom, and his grandchildren in Tuscumbia, he is not going to retire. He is just going to do something else.

Thank you, Judge.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I want to add my comments to those of my colleagues we have heard today on both sides of the aisle. I think it is very clear from the things we have been hearing for the last hour on the floor that Judge HEFLIN, Senator HEFLIN, has the deep respect of people from both sides of the aisle.

I was not sure what Senator HEFLIN would do because I knew he had health problems. But I had hoped he would continue to serve because he is such a good person and because I have enjoyed getting to know him. I have gotten to know him through the Senate prayer breakfasts that have been mentioned here earlier, which are a very important time for us to come together on a bipartisan basis and talk about the things that are bringing us together and the things that we ought to remember about doing what is right rather than what is expedient, or rather than something that is of a partisan nature.

I have really enjoyed the Wednesday morning prayer breakfasts because it is a time when we can come together in that spirit. Sometimes it seems that is the only time during the week that we have that sense of closeness and bonding here in the Senate.

But, as I have heard my colleagues talk who have known Senator HEFLIN and served with him for years, he and his wife, Mike, who is very much a part of his team, are so well loved. I just want to say to him: Godspeed. I hope he will not be gone after he does retire, but will come back and visit with us on Wednesday mornings, or any other time he is able to do it.

I think all of us should respect someone who leaves on their own time, who follows their own compass, and who does what is right for them in their lives rather than staying too long or in any way having someone else decide for them what is right for their lives.

So I wish him well. I would like to add for the record my deep respect for this man who has served his country in so many different areas—two branches out of the three of Government. That is very unusual.

Mr. PELL. Mr. President, I rise to add my voice to those paying tribute to our colleague, Senator HOWELL HEFLIN of Alabama who earlier today announced his intention to retire from the Senate at the end of this Congress. I must say that his announcement today has taken me somewhat by surprise as I had not thought that he had resolved in his mind whether or not to seek another term. Having done so, I wish him well and note that he will be sorely missed in the Senate. His wit, his wisdom, and his unshakable demeanor have endeared him to all of us.

Senator HEFLIN has served his home State of Alabama well and with distinction over the last 18 years. I have often relied on his experience and reason in the areas of his work on the Judiciary and Ethics Committee. He always brings to the topic at hand the level head he acquired through years of sitting on the bench. His integrity has never been challenged and my respect for him has only grown since he joined the Senate. When I think of his tenure in the Senate I affectionately remember the finer traditions of the Senate marked by comity and discourse rather then rancor and partisanship. The Senate needs more people like HOWELL HEFLIN and I regret, but understand, the decision he has made. I wish him and his wonderful wife well as they anticipate their return to Alabama and commend him for a particularly honorable and distinguished career in the Senate.

Mr. HATCH. Mr. President, I want to join my colleagues in expressing sincere regret that the Senator from Alabama has decided not to stand for reelection next year.

It has been my privilege to serve with him on the Judiciary Committee. The majority has shifted four times since we have served together. But, I have to say that regardless of whether HOWELL was in the majority or the minority, he was always fair, always astute in his analysis, and always courteous.

Like the judge he was before coming to the Senate, Senator HEFLIN has been a keen student of the law. I will surely miss his legal ability on the Judiciary Committee, not to mention his sense of humor and comraderie.

But, as the junior Senator from Alabama noted, Senator HEFLIN is not leaving today. I have appreciated working with him on several key initiatives over the last few months including the balanced budget amendment, an amendment to the Constitution to protect our flag from desecration, and regulatory reform, to name just a few. I will appreciate working with him still during the next year and a half on the many pressing issues we face during the 104th Congress.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I ask my colleague from West Virginia whether I am in fact interrupting? I was going to take about 5 minutes, but if I am in the Senator's way—would it be all right, if I had 5 minutes?

Mr. BYRD. It certainly will be.

Mr. President, if I may be recognized?

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I share the expressions, the words of adulation, encomiums of praise, and the warm felicitations of friendship that have been made by so many of our colleagues this afternoon.

I shall speak at another time. So, for now I just want to say to my friend, Senator HEFLIN, who was one of my strongest supporters when I was the leader, both in the majority and in the minority here, he always had my great confidence with respect to his integrity, his fairness, and his judicious demeanor. I appointed him to the Ethics Committee, an assignment for which he has never paused to thank me profusely. But I want him to know I share these expressions of sentiment, and on another day I will try to do my own feelings greater justice than I would at this moment.

I do have an amendment and I ask unanimous consent I may yield to the distinguished Senator from Minnesota without losing my right to the floor so that I may then call up my amendment.

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

The Senator from Minnesota.

Mr. WELLSTONE. I thank the Chair and I thank the Senator from West Virginia.

Mr. President, I actually do not know what I am going to say. I just heard about Judge HEFLIN's announcement. I do not have any prepared text. Maybe later on I can come out on the floor of

the Senate with a more polished speech that the Judge deserves. But I would like to just say a couple of things from the heart and from the head.

First of all, I knew about Judge HEFLIN before I came to the U.S. Senate, but I did not know him personally. That is the second part I want to get into in a moment, the personal part. But as to what I knew about Judge HEFLIN, I am Jewish but I would identify my baptism to politics being the civil rights movement. There were certain heroes and heroines in the South who had the courage to take on what was a system of apartheid. It was apartheid. There were some great, great, great men and women who had the courage to speak up for civil rights for all people.

By the way, I think that what happened in the civil rights movement enriched our country. It made the United States of America a better country for all people; not just black people, but white people, people of all colors.

Mr. President, Judge HEFLIN, Senator HOWELL HEFLIN, was one of those great heroes. He used his skills and has always used his skills as a lawyer to serve people and he served justice in the South and in our country. He lit a candle and he had the courage to speak out.

The prophetic tradition of my faith is that to love God is to love justice. If that is the case, Judge HOWELL HEFLIN is truly a Senator, a judge, and an American who loves God.

Mr. President, at a personal level, I just want to stand on the floor of the Senate and try to say: ''No. No. No. You cannot do this. I am opposed.''

I wish it was in my power, or I was able to have the persuasion to say to Judge HEFLIN: ''You cannot do this.'' I am going to miss him. He is somebody I look up to—not just because I am 5 foot 5½. He is somebody I look up to; somebody I believe in. He is the alternative to cynicism. He is hope. And he is honor.

Judge, I am going to really miss you. Thank you for everything you have done for this country.

I might cry, so I am leaving.

EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT

The Senate continued with the consideration of the bill.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I thank the Chair.

Mr. President, I have an amendment which I will eventually send to the desk. I believe Mr. HATFIELD was going to propose a time limit on the amendment. When he returns shortly, I am sure that, if it is still his disposition to do that, I would be agreeable to doing it.

I offer this amendment on behalf of myself, Mr. HATFIELD, Mr. EXON, and Mr. DOMENICI and Mr. KOHL.

Mr. President, I yield to the distinguished chairman for the purpose of getting that time agreement.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. HATFIELD. Mr. President, I thank the ranking member of the committee.

I ask unanimous consent that the Senate now turn to the consideration of the Byrd amendment, on which there will be 90 minutes of debate with time equally divided in the usual form; further, I ask unanimous consent that there be no second-degree amendments in order.

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

Mr. HATFIELD. I thank the Chair.

Mr. BYRD. Mr. President, I thank my distinguished chairman.

Mr. President, I ask unanimous consent that any other Senators who may wish to become cosponsors of the amendment do so. I have already indicated that I offer the amendment on behalf of myself, and following chief cosponsors: Senators HATFIELD, EXON, DOMENICI, and KOHL.

AMENDMENT NO. 423 TO AMENDMENT NO. 420

(Purpose: To reduce the discretionary spending caps to ensure that savings achieved in the bill are applied to deficit reduction)

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

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from West Virginia [Mr. BYRD], for himself, Mr. HATFIELD, Mr. EXON, Mr. DOMENICI, and Mr. KOHL, proposes an amendment numbered 423 to amendment No. 420.

The amendment is as follows:

At the end of the pending amendment add the following:

TITLE —DEFICIT REDUCTION

DOWNWARD ADJUSTMENTS IN DISCRETIONARY SPENDING LIMITS

SEC. 01. Upon the enactment of this Act, the Director of the Office of Management and Budget shall make downward adjustments in the discretionary spending limits (new budget authority and outlays) specified in section 601(a)(2) of the Congressional Budget Act of 1974 for each of the fiscal years 1995 through 1998 by the aggregate amount of estimated reductions in new budget authority and outlays for discretionary programs resulting from the provisions this Act (other than emergency appropriations) for such fiscal year, as calculated by the Director.

PROHIBITION ON USE OF SAVINGS TO OFFSET DEFICIT INCREASES RESULTING FROM DIRECT SPENDING OR RECEIPTS LEGISLATION

SEC. 02. Reductions in outlays, and reductions in the discretionary spending limits specified in section 601(a)(2) of the Congressional Budget Act of 1974, resulting from the enactment of this Act shall not be taken into account for purposes of section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985.

Mr. BYRD. Mr. President, I thank the clerk for reading the amendment.

Mr. President, my amendment is unambiguous and straightforward in its intent and in its effect. It will require the Director of the Office of Management of Budget to lower the discretionary spending limits, for both new budget authority and outlays, for each of fiscal years 1995 through 1998, by the amount of budgetary savings that will result from the enactment of this act. This will mean that the savings, which will result from enactment of the pending legislation, will go to deficit reduction only.

The savings cannot be spent on other programs. They cannot go for tax cuts. If my amendment is adopted the savings enacted in this bill will really be savings, not fodder for tax goodies to the favored few or part of some shell game designed to save with one hand and spend with the other. We need to reduce the deficits and my amendment will make sure that the savings in this bill will do just that.

The exact amount of deficit reduction that will occur from this measure cannot be determined at this time. That will depend on the outcome of the conference with the House on this bill. We do know, however, that the House-passed bill, H.R. 1158, contains a total of $17.4 billion in rescissions and other reductions in spending. We also know that the committee substitute before the Senate contains $13.5 billion in rescissions and other reductions. If the bill which passes the Senate retains the $13.5 billion in spending cuts, and if the conference splits the difference—as it sometimes does—in rescissions between the two bills, the final conference agreement will result in deficit reduction of somewhere around $8.8 billion. That amount of deficit reduction will occur, even after paying for the FEMA supplemental. That is a substantial amount of deficit reduction, particularly, when one considers that these rescissions are being made half way through the fiscal year. This is not to say that I agree with every rescission contained in the committee substitute. There will undoubtedly be amendments offered to restore a number of the proposed rescissions. I may vote for those amendments. But, whenever these cuts are made, one thing is clear and that is that we must do everything we can to reduce the deficit at every opportunity if we are to reach the goal of budget balance early in the next century. Therefore, if I support amendments to restore cuts in the bill, I will only do so if those amendments have full offsets.

Senators should be aware that, without my amendment, the spending cuts made in the bill will not go to deficit reduction. If the discretionary spending caps are not lowered, as my amendment will require, the savings in this bill can simply be respent somewhere else. Or, as we have heard so much about, the savings could be used to help pay for tax cuts or even for increases in direct spending. It is true that to use the savings in this act for tax cuts, would require a change in the Budget Act. But, that, Mr. President, is precisely what has been proposed by

the House leadership. In fact, I am advised that today, Wednesday, March 29, the House Budget Committee will report a measure which would waive the pay-go requirements of the Budget Act in order to allow reductions in the discretionary spending caps to be used to help pay for the folly of all follies—tax cuts at this time.

To my mind that is an outrage. Here we are ready to cut Head Start Programs, child care programs, money for computers in the classroom, money for scholarships, and funds for safe and drug-free schools, all cuts that will impact on programs designed to assist our young people with getting a better start in life like a good education, better nutrition, adequate learning tools, assistance in the fight against the scourge of drugs, and, yet, there are some who want to take these dollars from our young people and parcel them out in tax cuts to the favored few. Well what is wrong with that? There are several things wrong with that approach. First, we just went through a lot of agony and hand wringing, and heard a lot of passionate rhetoric about how critical it is for this Nation's overall well-being to get these deficits down. The balanced budget debate and the line-item veto debate were about getting these deficits down.

For weeks we have had the wringing of hands and the gnashing of teeth over the need to reduce deficits. There was virtually no disagreement about getting the deficits down. The disagreement was about what method should be employed to accomplish that goal. Now, to come right along behind that debate and blow all the savings in this bill like sailors on leave to pay for tax cuts makes a mockery of all the hot rhetoric on deficit reduction, and certainly further undercuts the American public's view of the sincerity of the Members of this body.

Second, any tax cut proposal at this time is just plain foolish. We must not squander our budget savings on tax favors. I like to vote for tax cuts. That is the easiest vote I have ever cast in 49 years in politics, and in serving in legislative bodies at the State level and at the national level. It is the easiest vote of all. Whoopee. We all like to vote for tax cuts. It is different to vote for tax increases. But any tax cut proposal at this time is just plain foolish. To do so is tantamount to simply running on a treadmill—working up a sweat, but going virtually nowhere.

The Bible says ''to everything there is a season,'' but this is not the season for a tax cut. It is common for politicians to try to be all things to all people, try to make everybody happy, claim deficit reduction to some, but hand out tax cuts to others. But, this is the season for coming to grips with the hard reality of our day. The time for feel-good politics is over, and instead of making everybody happy with phoney placebos, our duty is to make everybody perhaps a little unhappy in the short run for the good of all people—make the cuts and get the deficits down as we have promised.

The third thing wrong about tax cuts is that, in the case of this bill, unless we lock in these savings we will be paying for tax giveaways on the backs of our children and grandchildren. All the tears we have just shed on this floor over our children and grandchildren in the balanced budget debate will have amounted to nothing more than theatrics if we are willing to take from programs that assist our young people and, instead of using them to reduce the deficit, pass them out like party favors on tax cuts for the well-to-do.

Mr. President, I am aware that the President of the United States has proposed a middle-class tax cut. I am also aware that the so-called Contract With America calls for a much larger tax cut—of something like $630 billion over the next 10 years. That is the cost of the bill that has been reported out of the House Ways and Means Committee. Furthermore, after all of the provisions of the House tax cut bill are phased in, the revenue losses every year will total more than $110 billion—for each year thereafter.

And who will get the lion's share of the benefits from these tax cuts? Will it be the average American family, where often both parents have to work in order to make ends meet? Or, will these tax breaks go instead to upper-income households and large corporations?

According to a Treasury Department analysis, less than 16 percent of the benefits of the fully phased-in tax provisions as passed by the House Ways and Means Committee would go to 60 percent of all families with incomes below $50,000. The top 1 percent of families with incomes of $350,000 or more a year would receive 20 percent of the tax benefits, while more than half of the tax goodies would go to the top 12 percent of families—those with incomes over $100,000 per year.

Also, according to an analysis by the Treasury Department, over half the benefits from the House Ways and Means Committee's capital gains provisions would go to the wealthiest 3 percent of families who have incomes over $200,000, while three-fourths of the benefits would go to the top 12 percent of families who have incomes over $100,000 a year.

Mr. President, I cannot imagine a more perverse policy than one that calls for paying for tax cuts for the wealthy through cuts in programs, such as the ones contained in the bill now before the Senate, which provide education and other forms of assistance to the Nation's neediest children and families. I urge my colleagues to reject such an approach by supporting my amendment. In so doing, we will at least have ensured that the savings from the painful and difficult cuts that are being made in this bill will go only toward deficit reduction. Such an approach will benefit all Americans, not just the wealthiest among us.

Mr. President, to me this is a moral issue. It has to do with truthfulness; it has to do with fairness; it has to do with conscience.

And unless this amendment is adopted, I cannot support this legislation.

I cannot be a party to making these difficult cuts, without the assurance that these reductions will only be used to reduce the deficit.

I will not indirectly cast my vote for tax breaks for the wealthy by voting for painful cuts that, without my amendment, may be used to finance subsidies for the rich.

I urge us not to make a parody of the recent serious debate just held on this Senate floor on the line-item veto and the balanced budget amendment. We have promised the American people we will reduce this deficit and do it we must. Today we make our first serious downpayment on our pledge with the adoption of this amendment. I urge that it be adopted by a strong vote so that the Senate, at least, will put its money where its mouth is and keep its commitment to the American people.

I am against a tax cut at this time. I do not care who advocates it, whether it be President Clinton or whether it be in the so-called Contract With America. It is the wrong time. It is the wrong thing to do.

Mr. President, as an additional cosponsor, I ask unanimous consent that Mr. HARKIN's name may be added.

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

Mr. BYRD. Mr. President, I shall ask for the yeas and nays. I reserve the remainder of my time.

How much time do I have remaining?

The PRESIDING OFFICER. Approximately 32 minutes.

Mr. BYRD. I thank the Chair.

I understood that Mr. EXON wanted to speak on this amendment. If there are other speakers, I would like to know. Otherwise, I shall not use any more of my time.

The PRESIDING OFFICER. Is the Senator yielding the floor?

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

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

The PRESIDING OFFICER. Who yields time?

Mr. BYRD. Mr. President, I suggest the absence of a quorum. I ask unanimous consent that the time be equally charged to all sides.

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

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

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. BYRD. Mr. President, I yield 7 minutes to the distinguished Senator from Nebraska [Mr. EXON].

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. EXON. I thank my friend and colleague from West Virginia and I thank the Chair.

Mr. President, I rise today in support of the amendment offered by the distinguished Senator from West Virginia.

I commend the Senator for his thoughtful and timely amendment. Some of our colleagues talk a good game of deficit reduction. Yet, when it comes to taking action, they sometimes get cold feet.

I would like to point out that, even though the distinguished Senator and I were on opposite sides of the fence when it came to the balanced budget amendment and the line-item veto, we are, nevertheless, united when it comes to deficit reduction. We proved that in 1993 when we worked hand-in-hand to pass the largest deficit-reduction plan ever, and we prove it again today. I am proud to stand with my friend, Senator BYRD, the distinguished Senator from West Virginia.

Herein lies a lesson for all of our colleagues. No party has a monopoly when it comes to deficit reduction. No individual has all of the answers. We can hold different views, but when it comes to specific spending cuts and real savings, we should be one body dedicated to a common cause—getting our fiscal house in order.

Mr. President, in spite of the relentless drumbeat from the other side of Capitol Hill to cut taxes, the American people have their priorities in order. And I hope the House and the Senate will listen. Of course, they want lower taxes, but they want a balanced budget first.

The American people are not selfish and certainly they are not foolish. They want to get Government spending under control. They know you cannot run with the rabbit and hunt with the hounds. They want to protect their children's and grandchildren's future.

They certainly question the Contract With America when that contract goes so far as to deviate from common sense.

The American people are willing to accept the sacrifice that comes with creditable deficit reduction. They are willing to accept the pain of deep spending cuts, but only if those cuts go toward balancing the budget, and not spending elsewhere in the form of tax decreases. The American people know you cannot have it both ways. There is the rub and there is the root to this frustration.

I believe that the Byrd amendment takes head-on that proposition by saying that the savings that we made in this legislation will go for deficit reduction—deficit reduction—and nothing else.

What confounds the American people are the complex rules that go along with our budget process. In the never-never world of the budget, a spending cut is not always a spending cut. It is like a lizard's tail that comes off in your hands. We cut program after program, but cuts often become new spending and the deficit continues to grow. The lizard grows another tail, and on and on and on we go.

Mr. President, we could slash the space station. We could eliminate another 100,000 Federal jobs. We could cut every discretionary program by 10 percent. However, those savings mean nothing unless we make the cuts permanent and specifically apply them toward deficit reduction.

I am convinced that is what the vast majority of the American people want, and I know that the Byrd amendment now before us does exactly that.

Fortunately, the Senator from West Virginia is right on top of the issue. The emergency spending bill before the Senate today could be fertile ground for spending mischief. The appropriators propose to cut $13.5 billion and will spend $6.7 billion in relief for last year's earthquakes in California. But what about the difference? What about the difference, Mr. President, the $6.8 billion in supposed savings?

Without the Senator's amendment that we have just referenced, that money could be spent elsewhere, and might be. But the Byrd amendment puts a lockbox around these savings and prohibits the money from being spent. The savings are dedicated solely to reducing the deficit. It is that clear, it is that simple, and it is that necessary.

In fact, this is a safe within a safe. We need the extra safeguard because the bill before us deals with emergency spending which is not counted against the deficit. In the absence of a lockbox, the cuts made to pay for earthquake relief could be spent later this year on something entirely different. Adopt the Byrd amendment and eliminate that possibility.

So, once again, I commend the Senator from West Virginia for offering this important amendment. Anyone who is serious about credible deficit reduction should support it. Some cynics may say that $6.8 billion is merely a drop in the bucket when it comes to the deficit that will grow to $299 billion by the year 2000, if we believe projections.

However, the Byrd amendment demonstrates how we will reduce the deficit by making specific cuts in spending and locking away those savings for deficit reduction and for no other purpose.

I urge my colleagues to support the amendment offered by the Senator from West Virginia. It makes sense from every aspect, and I will be keenly disappointed unless the Senate recognizes the wisdom of this amendment and adopts it overwhelmingly.

I reserve the remainder of my time, and I yield the floor.

Mr. DASCHLE addressed the Chair.

The PRESIDING OFFICER. The minority leader.

Mr. DASCHLE. Mr. President, I will be very brief.

Mr. BYRD. Mr. President, I yield such time as the Senator may require.

Mr. DASCHLE. I did not realize we were under a time agreement. I ask for a couple minutes.

Mr. BYRD. I yield as much time as the Senator needs.

Mr. DASCHLE. Mr. President, I rise to ask unanimous consent to be added as a cosponsor of the amendment.

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

Mr. DASCHLE. Mr. President, I do so because I believe what the distinguished Senator from Nebraska has just said is absolutely correct. If, indeed, we are serious about doing what we have said over and over again over the course of the last several months with regard to deficit reduction, we need this amendment.

We need this amendment because, indeed, we say by adopting this amendment that we are serious, that we recognize that the first and really only purpose of a rescission is to ensure that we can cut spending and dedicate the savings to deficit reduction. We know that over the course of the next 7 years, we may have $1.8 trillion of deficit reduction work ahead of us. We must begin with this bill. We must continue in a budget process that will allow us a blueprint to ensure that between now and the year 2002 or the year 2003 that we have accomplished again what we have indicated we want to do.

So this is the first step. It is a step with regard to process, but it is a step with regard to demonstrating our true intention that, indeed, we are determined to reduce the deficit; indeed we are going to take the tough decisions we made with regard to this rescission and turn them into budget savings; indeed we are determined to do all that we can, collectively, to ensure that what we say we are going to do we are going to do in the long term. That is what this amendment does.

The distinguished Senator from West Virginia has offered it before on other pieces of legislation and, I must say, I hope that on this occasion, we can have broad bipartisan consensus in support of it because, indeed, it puts the rest of our efforts over the course of the next couple of days as we debate the real rescission package, its scope, its size, its practical application to the budget process in much more realistic terms.

This ought to have been the first amendment, because if it had been the first amendment, I think we could have all said unequivocally, regardless of what else we do, as we debate size and as we debate offsets and as we debate all the other issues pertaining directly to this bill, the one thing we will not debate is what we do with the savings once they have been promulgated.

This amendment says unequivocally that those savings will be used for deficit reduction, and I hope, again, with unanimity, this body can support it this afternoon.

Again, I commend the leadership offered to us by the distinguished Senator from West Virginia, and I hope we can support him in this effort when we have our vote later on.

I yield the floor.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I do not know from whom I must request time. I have been informed by the Parliamentarian that that is a mistake, that Senator DASCHLE technically controls the time that Senator HATFIELD controls. Is that correct?

The PRESIDING OFFICER. That is correct.

Mr. DOMENICI. Because it says ''in the usual form.''

Senator DASCHLE, I believe, unbeknownst to both of us, controls 45 minutes. Can the Senator yield me 5 minutes?

Mr. DASCHLE. I will be happy to yield to the distinguished Senator from New Mexico.

Mr. DOMENICI. Mr. President, let me say that I had the amendment that Senator BYRD offered all ready. In fact, I carried it over to him yesterday thinking that I would offer it. He said he already had it ready. I was shopping mine to show him what was in it. So I am a cosponsor. There is no use doing it twice, nor should there be necessarily any pride of authorship on my part since Senator BYRD had the amendment ready, and it is here.

The first big issue we could have is whether we waive the Budget Act in order to adopt this amendment. That means we need 60 votes. I hope that everybody in this Senate, Republican and Democrat, will vote to waive the Budget Act for this amendment. It is a technical waiver. It is not a waiver that has to do with incurring more debt. It is just that this proposal has to go before the Budget Committee to be reviewed, and technically, if it has not, it is subject to quite an appropriate point of order. We would not want all kinds of things coming straight to the floor that change the Congressional Budget and Impoundment Control Act. So we need that point of order. I hope everyone will vote for a waiver if it is necessary.

Essentially, it is not necessarily the case that if Congress approves rescissions and literally cuts money out of ongoing programs that those savings would go toward deficit reduction. That is not necessarily the case.

As a matter of fact, if you did a rescission and you saved some money but you did not provide for what happened to the savings, essentially you could fill the cap back up with later spending. You could go from whatever you cut all the way up to the cap that year, and you would still be within the procedures of the Budget Act. You would simply have cut spending in one program and spend the savings on another program.

Obviously, we are in the midst of this gigantic problem of getting the deficit under control, which I really believe the American people want more than anything else. There may be those who are not yet showing up in the polls saying they want deficit reduction, but I suspect it is because they do not believe it will ever happen. They do not believe we have the guts to do it, so some of them have already given up on us.

I want to make a commitment right here today. It may be very difficult, and it may be that some people cannot vote for it, but I have been encouraged, if not supported unanimously, by Republican Senators who come to meetings—and there was a large group today—that Republicans ought to produce a balanced Federal budget by the year 2002.

Now, that is not without risk, I guarantee you. We are looking for some people on the other side of the aisle to help us. It is going to be for real, and when it is finished, the Congressional Budget Office is going to tell the American people the budget is in balance.

Whatever vagaries of estimating may occur during the 7-year period leading to balance, we are going to produce a balanced budget, not in 5 years, but in 7 years.

It would be absurd for us to make that commitment and then come along here with a midyear reduction in expenditures for the very year we are in, $6 billion net, and not provide that we start that deficit reduction effort with these savings.

Would it not be folly to say, well, let us just wait around and see if we need this spending authority for something else, and then start anew in about 2 months with a budget resolution where we have to do 50 times this much over the next 7 years, or more?

Having said that, this is a very simple but very, very useful amendment. It says the savings achieved by this midyear rescission or carving out of already appropriated money will all go toward deficit reduction in the year we cut it. It will be traced in the budget because some of it flows into, or outlays in, other years. It will be counted as savings in those years, and those amounts will go to deficit reduction.

In a sense, it lowers the caps in a manner such that it would be very difficult to spend the money. But what we are saying is it cannot be used for anything else, and nobody should be worried about that.

For those who are wondering about tax cuts, there is no question that the law is already very clear that you cannot use discretionary savings to pay for tax cuts. How much in tax cuts we will seek, I do not know. Clearly under existing law, when you do that, you are going to have to have entitlement changes to offset the tax cuts.

So I believe this amendment sends an absolutely clear message, one that says we are not trying to fool anybody. If we are cutting a net $6 billion, let us put it toward deficit reduction, and not leave this spending authority around for somebody to dilly-dally, play with, and perhaps even spend.

Let me make another point on how important this is, Mr. President. Yesterday, the President of the United States, in a major, major press conference preceding his regional economic summit in Atlanta, told us about $13 billion in savings over the next 5 years from the second phase of the President's reinventing of Government—$13 billion. Nothing new about it. Incidentally, as it turns out, it is already in the President's budget, that $13 billion in assumed savings, so it is nothing new. However, look at the proportion of savings. We are here debating a bill that will cut a net of $6 billion out of existing appropriations for this year, and the President is touting a major deficit reduction effort over 5 years for $13 billion. Actually, we could take this little $6 billion savings and make it recur each year, and we would be over $30 billion, approaching three times the President's figure. Does anybody think we are not going to do at least that as we put together a 7-year balanced budget? We will have to do more than that.

So it is not that the President is not within his powers and quite appropriately talking about his kind of reform. But I think to make a big case out of it being major deficit reduction pales; it does not quite hit the mark.

So I do not have any other remarks to make. I might have exceeded my 5 minutes.

I hope we do not have to have this be even a close call. I welcome, on our side, putting my name up here as the Budget Committee chairman. I think we should waive the Budget Act on this amendment if that is necessary. I hope Republican Senators understand that we ought to do this. To not do it would be true folly, and we could be subject to enormous criticism, and properly so, if we did not devote these savings to deficit reduction.

I yield the floor.

Mr. BYRD. Mr. President, I thank the distinguished Senator from New Mexico. His word on this is very influential and meaningful. I am very grateful for what he has said in his support for waiving what might be otherwise a budget point of order.

Mr. President, I ask unanimous consent that Senators FEINGOLD, DORGAN, and BUMPERS be added as cosponsors.

I will yield whatever time the Senator from Arkansas may desire off the time that I control.

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

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mr. BUMPERS. Mr. President, I want to compliment the Senator from West

Virginia for this very important proposal, which I see as a sign of things to come. I see this as absolutely essential for keeping faith with the American people, who are counting on us to do something about the deficit.

Everybody knows that we are going to be a severe disappointment to those people unless we give up the idea of this so-called middle-class tax cut and put this spending, which we are laboring mightily to cut, on deficit reduction.

Just on a personal note, Mr. President, I have not received one single letter from a constituent saying, ''Please give me my middle-class tax cut.'' And I have received literally thousands of letters from people saying, ''Please put it all on the deficit.'' You cannot do both. And if you chose to do both, you would run into an unmitigated disaster. You would have to cut Social Security; you would have to cut Medicare; you would have to cut unbelievable programs, such as veterans, to achieve a balanced budget by the year 2002, or any other year.

The proposal of the Senator from West Virginia is simple, straightforward, dynamic, and absolutely necessary if we are serious about deficit reduction.

We tried cutting taxes and increasing spending back in 1981. That was $3.5 trillion ago. We just finished, Mr. President, a very volatile debate on the balanced budget amendment. I was on the unpopular side of that issue, because I regard the Constitution of the United States with a reverence reserved only for the Holy Bible. There were a lot of politics involved in that debate. But you and I both know we cannot balance the budget with political rhetoric. We cannot balance the budget with anything less than common sense and spine.

I heard the Senator from West Virginia say a moment ago, when I was in my office listening to his remarks, that unless this amendment passes, which says this $6 billion in net spending cuts on this bill we are considering goes for deficit reduction, he will vote against the bill. And that makes a lot of sense.

There are a lot of cuts in this bill which, if I had a choice about it, I would prefer to keep. There are dramatic cuts in housing. There are dramatic cuts in jobs. There are dramatic cuts in a lot of programs which I cherish, which I think go to the very heart and strength of the Nation. I do not want to go through this agony only to see it go out for what is called a middle-class tax cut that includes people who make $200,000 a year.

I promise you that the workers of this country would get just about a 13-inch pizza—the equivalent of the tax cut would be about a 13-inch pizza on Friday night. If we balance the budget, as we say we are going to, I promise you, he would give up pizza for life in order to give his children some sense of a good destiny, so that they are living in a country that is worth living in and which has a great future. His house payment will not be as much. His car payment will not be as much. The dollar will again be king, and the people on Wall Street will be rhapsodic.

But that pales compared to the way the American people would change their attitude about this institution we call Congress.

Democracy always hangs by a mere thread. When we say to the American people, ''We cannot function anymore. We made you a promise, but we do not intend to keep it,'' we erode people's confidence in their Government. Every time you do that, you pay a little heavier price.

I may vote for this bill simply because I saw the remarks of the distinguished budget chairman in the paper this morning. Senator, I want to say I was heartened. I was heartened by your comments in that story this morning. I am heartened when I see the chairman of the Finance Committee singing out of the same hymn book, the same page.

Then my heart sinks when I look at what the leader in the House and the leader in the Senate are saying. Not singing from the same hymn book. They say we will have a tax cut.

So I am really troubled about how I will vote on this. I do not want to vote for a tax cut. I wanted to vote for deficit reduction and keep faith with the American people.

Mr. President, this vote is going to separate the people who want a political issue to talk about and those who really believe in deficit reduction. There has never been a more golden moment here where the U.S. Senate can stand up and say ''As much as I would like to give people a tax cut, we are not going to do it, because we have a higher responsibility.''

I am like the Senator from West Virginia. I have never made an enemy voting for a tax cut. There is a Senator in this body came up to me about 10 years ago and said, ''Senator, I just saw a poll that 92 percent of the people in this country do not want their taxes increased.'' Well, no kidding. I would assume that figure would be 99 percent.

So, the choices cannot be easy, if we are serious. The choices must be tough. Here is a vote that will separate those who want the issue from those who want to keep faith with the American people.

This amendment, carefully drafted, says ''You may not use this deficit reduction for taxes, or increased spending.'' Bear in mind, it is not just taxes here. It says two things: Do not increase spending on something else planning to use this $6 billion as an offset; and do not plan to use it for a tax cut. It is just that simple.

I thank the Senator from West Virginia for yielding me this time. I yield the floor.

Mr. BYRD. Mr. President, I have no other requests from Senators who wish to speak. I assume that the distinguished minority leader would be willing to have time under his control yielded back.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, would the Senator yield 1 minute?

Mr. BYRD. Absolutely.

Mr. DOMENICI. Mr. President, I notice my friend from Arkansas said he was ''heartened.'' Let me say I will be heartened almost to death if about 10 or 15 people on that side of the aisle vote for that balanced budget we were talking about.

That will be the test, not this little $6 billion baby. I think with the great enthusiasm that I am hearing from that side of the aisle that there might be great fever and fervor and enthusiasm for the balanced budget that we have been trying to put together.

I thank the distinguished Senator from West Virginia for yielding. I yield the floor.

Mr. BYRD. Mr. President, if I may retrieve 1 minute, I yield it to the Senator from Arkansas.

Mr. BUMPERS. I thank the Senator for yielding 1 minute.

I do not want to open up the debate on the balanced budget amendment, but let me say to my good friend from New Mexico: Here is the opportunity to have the best of two worlds. Do not tinker with the Constitution, and balance the budget—both. I yield the floor.

VOTE ON AMENDMENT NO. 423

The PRESIDING OFFICER. All time has been yielded back. The question is on agreeing to the amendment.

The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from North Dakota [Mr. DORGAN] is necessarily absent.

I further announce that, if present and voting, the Senator from North Dakota [Mr. DORGAN] would vote ''aye.''

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

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

[Rollcall Vote No. 119 Leg.]

YEAS—99

Abraham	D'Amato	Hollings
Akaka	Daschle	Hutchison
Ashcroft	DeWine	Inhofe
Baucus	Dodd	Inouye
Bennett	Dole	Jeffords
Biden	Domenici	Johnston
Bingaman	Exon	Kassebaum
Bond	Faircloth	Kempthorne
Boxer	Feingold	Kennedy
Bradley	Feinstein	Kerrey
Breaux	Ford	Kerry
Brown	Frist	Kohl
Bryan	Glenn	Kyl
Bumpers	Gorton	Lautenberg
Burns	Graham	Leahy
Byrd	Gramm	Levin
Campbell	Grams	Lieberman
Chafee	Grassley	Lott
Coats	Gregg	Lugar
Cochran	Harkin	Mack
Cohen	Hatch	McCain
Conrad	Hatfield	McConnell
Coverdell	Heflin	Mikulski
Craig	Helms	Moseley-Braun

Moynihan	Reid	Smith
Murkowski	Robb	Snowe
Murray	Rockefeller	Specter
Nickles	Roth	Stevens
Nunn	Santorum	Thomas
Packwood	Sarbanes	Thompson
Pell	Shelby	Thurmond
Pressler	Simon	Warner
Pryor	Simpson	Wellstone

NOT VOTING—1

Dorgan

So the amendment (No. 423) was agreed to.

Mr. BYRD. Mr. President, in order that we might not delay Senate rollcall votes, I shall ask unanimous consent——

The PRESIDING OFFICER. If the Senator will withhold, the Senate is not in order.

The Senator from West Virginia.

Mr. BYRD. Mr. President, rather than moving to waive, in view of the fact that no Senator voted against the amendment, I shall ask unanimous consent, to thus save a rollcall vote. I ask unanimous consent to waive the provisions of the Congressional Budget Act of 1974, and the Balanced Budget and Emergency Deficit Control Act of 1985 for the language of amendment No. 423 as included in any conference report on H.R. 1158.

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

Mr. BYRD. Mr. President, I thank all Senators.

Mr. HATFIELD addressed the Chair.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. HATFIELD. Mr. President, may we have order in the Senate?

The PRESIDING OFFICER. Order in the Chamber.

Mr. HATFIELD. Mr. President, I would like to suggest what the immediate agenda may be for the rest of this day.

We have amendments pending, and are ready to be offered by Members. We urge them to be here. I think Senator MCCAIN will be offering the next amendment. We have on our list Senator KYL, and Senator PRESSLER, and then we would like to finish today's activity between 7 and 7:30.

Mr. FORD. Mr. President, I make a point of order that the Senate is not in order. We cannot hear the distinguished chairman.

Mr. HATFIELD. I would estimate that we would probably wind up today between 7 and 7:30, and earlier, if possible, depending on rollcall possibilities for the amendments that are ready to be offered.

I yield the floor.

I yield 2 minutes to the Senator from Wisconsin.

SENATOR HOWELL HEFLIN OF ALABAMA

Mr. KOHL. Thank you very much.

Mr. President, I would like to take just a minute or two to say a few words about our friend, HOWELL HEFLIN.

I was not able to get here earlier when Senator HEFLIN was on the floor. Along with all the many kind things that were said about him, I would like to add my own strong feelings of affection for one of the finest Members of the U.S. Senate that we have ever had in our country. And that is, of course, HOWELL HEFLIN who is retiring.

I have gotten to know HOWELL very well over the last 6 years. He is a man of unquestioned integrity and intelligence. HOWELL HEFLIN is a person who has the capacity for great friendship and compassion for people. He is a person who always has dealt straightforwardly and honestly with his colleagues and with his constituents. He is the kind of a man that—if we had 100 people like him, this would be an even finer institution by far than it is today, and it would be a much better country even than we are today.

He sets an example of all the best things in public service, for his constituents in Alabama, and for people all across this country. You have been a role model to me, a mentor and a friend. I, along with our colleagues, am going to miss you and the qualities that you represent as a legislator, as a Senator, and as a human being.

So along with the rest of us, I send you my respect and my affection and, indeed, my love.

I thank the Chair.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I would like to join my many colleagues in paying our profound respect to the judge.

When I first came to the Senate, I was told to look out for those Senators who were colorful, Senators who would always be there to kind of give a helping hand when you needed it.

HOWELL HEFLIN and I came to the Senate together, and from the first day the chief judge became one of those colorful Senators for most of us. He stood out tall in our freshmen Senate class, and now he stands even taller as he announces today his intention not to seek another term in the Senate.

That was a sad message for me. For all Members of our Senate class who came in with him, his friendship, indeed his wisdom, is something we have sought and relied on through these many years.

I should like to also add that the Heflin family as a whole, his lovely wife, who has been an active member, are beloved members of the Senate family. When the judge did not have a smile, she would have a smile. And I say to my good friend, how fortunate you have been in this life of yours of many accomplishments to have had that very strong and faithful partner by your side these many years.

(Mrs. SNOWE assumed the chair.)

Mr. WARNER. Madam President, as one who was privileged—and I say this with a great deal of humility—to have worn the green of the Marine Corps, HOWELL HEFLIN is indeed one of those unheralded, true heroes of the U.S. Marines. He fought in the Pacific. He distinguished himself. He was recognized for his heroism, his leadership, his courage by the United States of America, and I have always valued those days when in the course of the Senate life we had to address issues relating to the Marine Corps. Many times have we gone to the Marine Corps to attend meetings, to attend breakfasts, the two of us, to always express our gratitude to the corps. So I say to my good friend, ''Semper fi.''

I yield the floor.

Mrs. BOXER addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Thank you very much, Madam President.

As Judge HEFLIN, as we call him, is walking over to Senator WARNER to shake his hand, I just wanted to add a couple of words.

If any American did just one or two of the things that HOWELL HEFLIN has done in his life, that individual would be so blessed—to be a war hero, to be a great and respected judge, to be a great U.S. Senator, one who has respect from both sides of the aisle and, indeed, affection.

I just want to say to you, Judge HEFLIN, that you have been my pal and my friend, that I have gone to you with the issues that perhaps were not in your best interest to support but you always listened to me and you always made a judgment that you thought was right for the people you represent but also what was the right thing for you to do as a human being.

I just wanted you to know one more thing. I have served in the Congress for a long time, in the Senate just a few years, and I remember an incident that occurred on the floor when there was an amendment brought before this body that on the surface maybe one did not understand its true meaning and how much it would impact certain people in this country.

Judge, you voted for that amendment, and then when our friend from Illinois came to the floor, Senator MOSELEY-BRAUN—I am so happy that she is here—and she made the case to the Senate that that amendment would really tear apart many of our people and bring back memories that haunt them, you stepped back and you led this Senate in its reversal of that amendment. You did not think about whether it would make you popular or whether you would win that vote, which you did. You led us onto the right path.

Judge, you are a leader, and we will miss you. There are not enough people in politics who are willing to take the risks that you have taken. God bless you. And myself, I find already that there is a void in the Senate just knowing you will not be here in a year and a half. But let me tell you, I am going to look forward to working with you in the remaining time that we have together in the Senate.

I yield the floor.

Ms. MOSELEY-BRAUN addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois.

Ms. MOSELEY-BRAUN. I thank the Chair.

Madam President, I rise to associate myself with the remarks of my colleagues and to join in saluting Judge HEFLIN as he is known to all of us who have had a chance to work with him. He is truly a beloved figure.

A moment ago, I walked over and gave Judge HEFLIN a big kiss. Now, I do not know if that is the way things have occurred in the Senate over time, but the fact is that just as the Senator from California and I and the Presiding Officer represent the new Senate, Judge HEFLIN represents the new South, and he has given rise to the kind of leadership, the kind of moral force that has lifted up this body certainly and, indeed, this entire country. His integrity, his intelligence, his commitment and faith in the Constitution of these United States, faith in what the American dream has always stood for and can be in the future, has led Judge HEFLIN in a direction that I think is without peer and without parallel in this body.

He has provided constant leadership and always had the time to be nice. He has always had the time to listen. He has always had the time to take a junior Member under his wing and talk with them about the issues, no matter how arcane.

I remember working with Judge HEFLIN on the Judiciary Committee and going over issues having to do with ALJ's and bankruptcy reform and things that really do not rise to the level of the press releases and the things that make the news but that are vitally important in the way we execute and administer the laws of the United States. He paid attention to the details with a sense of the law and history, with a sense of the philosophy and the right way to go in such a way as to give leadership and guidance to those of us who had just joined this august body.

I can tell you that the Senate is going to miss Judge HEFLIN. I personally am going to miss Judge HEFLIN. I know the people of Alabama are going to miss having Judge HEFLIN's service in the Senate because, if nothing else, he has been an advocate for Alabama like I have never known. My mother would have been very proud to know Judge HEFLIN.

My mother, by the way, Madam President, was originally from Alabama, and I consider myself to be—in fact, it is interesting. Judge HEFLIN is sitting on the floor with the Senator from Louisiana. Together they represent my parental ancestral homes, both Louisiana and Alabama.

But my mother came from Alabama. I used to spend summers there as a girl. I grew up on a farm there in the summertime. I have a great love for his State.

But certainly no one has loved Alabama more than Judge HEFLIN has. He has worked for that State. He has worked for the people of that State. He has worked to give the people of that State the kind of leadership, the kind of guidance, the kind of strong advocacy in this body over time.

I know his service in behalf of the people of Alabama will be greatly missed. We will certainly miss him, precisely because he provided the moral leadership and really the voice of what the South can be and what the South is today. He has provided the leadership in regard to issues having to do with race, Madam President, in a way that was always consistent, always fair, always straightforward. And he did so with courage.

And I want to end by saying that I think if one thing distinguishes Judge HEFLIN, it is his courage. He stood on this floor about a year ago and made probably one of the most eloquent speeches I have every heard in my life. He made it from the heart and he made it with great courage. It was that courage, I am sure, that the people of Alabama recognized when they elected him to serve in this body. He certainly has done his best to fulfill the sacred trust that the people of Alabama put in him and in so doing he has provided a great service to all of the people of the United States.

He has been a force for good, he has been a force for the light. We will all miss him. Even as we all make promises now, Judge, to come visit you and see you, the fact of the matter is we are going to miss not having you here every day in the next few years. So, farewell in that regard, and my salute to you.

We love you. We cherish you. We cherish what you have done for all of us. And we will never, ever forget the tremendous role that you have played in leading this country in the right direction.

I yield the floor.

Mr. CHAFEE addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. Madam President, I join in the tributes to Senator HEFLIN. It has been my great privilege to have participated on a couple of trips with him and his wife, Mike. He is a wonderful traveling companion and a wonderful friend.

The eloquent remarks that were made by the Senator from Illinois in connection with Judge HEFLIN are certainly true. She mentioned his courage. He has not only courage in debate, but he has physical courage that was demonstrated by his receiving the Silver Star in World War II in the Marine Corps.

So, Judge, you have not packed your bags yet. You are going to be around for a year and a half, so we do not want to say farewell yet. But we just want to say what a great treat it has been to have been associated with you and with your wife on various occasions. We look forward to more of those instances arising in the future. We will certainly miss you when you leave.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Madam President, I hate to see HOWELL HEFLIN leave the U.S. Senate. We came here together. We were classmates. He and his wife, Mike, and my wife, Barbara, and I have had an awful lot of good times together.

I do not know of any better mind or any greater heart in the U.S. Senate. HOWELL HEFLIN's mind is a tremendous instrument of good, of balance, of thoughtfulness, and compassion, but of logic.

His background as a judge brought great wealth to this Senate. We have watched him over and over again tackle some of the most difficult issues that faced this country and bring to it a judicial temperament, a willingness to look at all sides of an issue, and many issues have more than just two sides. But we have stood in admiration as we watched him analyze an issue.

And that great mind has been matched by a great heart. HOWELL HEFLIN has brought dignity and decency to this institution. We all, I think, would like to believe that we add a measure of that, but I do not know of anybody that has lived up to that requirement of public service that we not only bring talent of intellect but that we also bring a human decency to the job.

And so, I am glad for you, Senator HEFLIN—I have to be formal speaking on the floor. HOWELL, I am glad for you. I am glad for Mike. But, I must tell you, I am sad for Barbara and sad for myself. The Senate will be poorer. Your life, I know, will go on and you will have more time to do things which you so long delayed. But we shall miss you terribly. And we will take full advantage of the year and a half left that we have of your talent here in the U.S. Senate.

Mr. SIMPSON addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. SIMPSON. Madam President, there are four of us here on the floor—Senator PRESSLER, Senator LEVIN, Senator HEFLIN, and myself. We all came here together in the class of 1978.

HOWELL HEFLIN and I were immediately placed on the Judiciary Committee. Senator LEVIN, being more adroit, and Senator PRESSLER, too, managed to escape service there.

But HOWELL HEFLIN and I went to the Judiciary Committee side by side, freshmen Senators. And we went immediately to work on the issues that always confronted a Judiciary Committee, things like—tough ones—issues of judges, issues of immigration, issues of civil rights, the balanced budget amendment.

One of the greatest privileges I had was watching this man work on the balanced budget amendment, day after day, year after year. The first bill out

of the chute every year was the balanced budget amendment. And we were very close and I feel we will get there this year. It will largely be a tribute to you, sir, when it occurs, to HOWELL HEFLIN.

And always you were supportive and helpful to me. When I would seek your counsel, you would give it in a most honest and refreshing way, with that extraordinary honesty and integrity that is, sadly enough, sometimes lacking, but not always.

But to me, you were a steady, thoughtful friend and very, very wise. I do not know many people who are wise. I know brilliant people. I know thoughtful people. I know intelligent people. You are a combination of all those things, but you have a wisdom and common sense which is enviable.

And in our travels together, you and I have a great common bond, and that is humor; good humor.

I will miss your no-tie Hawkins stories, but not much. And I will share with you the toast to water again, and the great story on whiskey, of course, which is memorable in itself.

But, you and Mike have traveled side by side, as Ann and I have, through many years of life. And that remarkable woman at your side is one of the most special ones to me and to my wife, Ann.

So as you go on to new things, knowing that the actual essence of your life is your good humor, it reminds me of what my mother said—that humor is the universal solvent against the abrasive elements of life.

You have lived that way and you have helped us all by just saying, ''Relax. Settle down. We have a job to do. Don't get swept up in the emotion of it.''

The counsel, the friendship, the trust you gave to me are deeply appreciated. We have shared much together. You are a very dear friend and we wish you well. Good luck and Godspeed. We will enjoy these many months more of working with you on things that will come to pass simply because of your presence, and the fact that you have decided to leave us will impel us to do things that are left undone that we will get done as a tribute to you.

I thank the Chair.

Mr. PRESSLER addressed the Chair.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. PRESSLER. Madam President, I join in the tribute to my good friend and colleague.

I recall visiting his home in Tuscumbia, AL, and his lovely wife, Mike, receiving us there. I recall serving on the Commerce Committee and the Judiciary Committee with him over the years, and I believe we have been on a trip or two with some of these delegations.

So I congratulate him on great service to the United States. It has been a pleasure to serve with you. I think you are an example to all of us of what a good U.S. Senator is. I wish you all my best.

EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT

The Senate continued with the consideration of the bill.

Mr. SIMPSON. Mr. President, I rise in support of the pending legislation, which would provide for disaster relief and for accompanying rescissions.

This is not by any measure a partisan bill—indeed, it was put together by the Appropriations Committee in the same fine bipartisan spirit that has always characterized that committee, and the relationship between two very fine and capable men—Chairman HATFIELD and the ranking member, Senator BYRD.

I do believe, however, that there is good cause for many of us who are now in the majority, to be particularly pleased with this legislation.

If there was one glaring, disturbing symptom of ''business as usual'' in Washington as practiced for too many recent years, it would be the practice of always saying ''yes'' to new spending, even when most always failing to make the hard decisions to pay for it.

One category of spending in which this has been most obvious has been the area of disaster relief. It is, of course, entirely fitting and proper that we provide assistance to those who are in need solely because of an ''act of God.'' But we have too often simply appropriated this money, added it to the Federal deficit, and failed to prioritize our spending priorities within existing spending levels.

I joined our distinguished leader, Senator DOLE, during the last session, in attempting to provide for a full spending cut offset during the last time the Senate considered emergency disaster appropriations. We failed in that effort, I am quite sorry to say.

But today we see here a bill that not only provides for needed disaster assistance, but more than makes up for that new spending with an even larger amount of spending cuts. This, to me, means that we have truly arrived at a brand new day in Washington.

Let me assure my colleagues that we do no extra, special service to the victims of disaster, nor to our future generations, by simply adding the tab for such spending to the future national debt. We do not need to be reminded that we will soon be asked to vote the debt limit up to $5 trillion—an astonishing, incomprehensible, inconceivable figure.

The accumulation of such massive debts does not assist us in our efforts to cope with disasters or to forestall their worst effects. It only undercuts our ability to adequately provide for such work. There has never been a good policy reason to add such spending to accumulating debts.

Rather, the existence of a natural emergency, of a climate of urgency, has simply been used extensively by this Congress as an excuse—a ''good'' reason to deficit-spend.

I am so very pleased to stand here today and be considering a bill that will provide for those in need but will not add to the Nation's debt. I think it is notable that the first amendment to this legislation—offered by our fine colleague Senator MIKULSKI—sought not to strike the proposed rescissions from the bill—but rather to replace the targeted, considered rescissions with ''across-the-board'' cuts.

I opposed that amendment, as I believe the targeted approach to be the better way to prioritize our spending.

I agree with my friend Senator BOND that we appear to assume that existing priorities are perfectly set whenever we attempt across-the-board cuts—though surely they are not. But I take heart in the offered amendment as well—the consideration of such an amendment first shows us that we are in a new atmosphere these days, in which fiscal prudence is considered to be desirable. It shows that the voters indeed drove their message home hard last November.

I feel very pleased that my colleagues will approve the pending rescissions legislation.

Mr. MCCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, before I propose an amendment, I would like to make a few remarks on the legislation pending before the Senate.

First, I congratulate the managers of the bill, the chairman and ranking member of the Appropriations Committee. I think the $13 billion that is going to be taken out of the deficit is an important step forward. I think that some very difficult decisions have been made, and I know that the Appropriations Committee has very difficult choices to make.

I do note also that the House has cut $17 billion, a $4 billion differential. Many of those, of course, were carefully examined by the Senate Appropriations Committee and were found wanting.

Madam President, earlier, I wrote a letter to the chairman of the committee recommending $6.3 billion in low-priority defense and nondefense items funded in the defense budget, as well as several domestic programs.

I do not want to go through all the details, but clearly there was some funding that could have been the subject of a rescission. I regret that they were not included in this package. Things like $5.8 million—this is out of the defense appropriations budget—$5.8 million for the National Center for Toxicological Research; National Guard outreach program in the Los Angeles school district; directed allocation of child development funds to the Pacific region; a wild horse roundup at White Sands missile range, New Mexico; electrical service upgrades; natural gas study and infrastructure planning.

Again, these are out of the defense appropriations bill, I emphasize. $2.5 million—I am sorry, I did not give the amounts—$2.5 million to establish a land management training center; $2.2 million for a natural gas study and infrastructure planning; $1.5 million for a wild horse roundup; $1 million for improvement of navigational charts for the lower Mississippi River; $10 million for a Los Angeles school district youth program.

Again, Madam President, many of these funds may be very important and vital, but what happens around here is if you cannot get it into the specific appropriations for which they would normally be attached, then, of course, they are in the defense appropriations because it has such a large amount of money available.

What is $1 million to improve the navigational charts for the lower Mississippi? What is $10 million for the Los Angeles school district; $2.5 million for natural gas utilization; $10 million for natural gas vehicles; $10 million for electrical vehicles? The list goes on and on, Madam President.

What I am saying is that they had nothing to do with defense. They should have been rescinded and, unfortunately, they were not.

Mr. President, $11 million for seismic research, that incorporated research institutions; $20 million for National Center for Manufacturing Sciences; $5.4 million for Hawaii, small business development center; $1 million for Saltsburg Remediation Center, whatever that might be; an additional $15 million for electrical computers; $4 million, Institute for Advanced Flexible Manufacturing Systems; $5 million for nursing research; $1 million for the Police Research Institute.

I might add, that was put in in conference, never scrutinized in any authorization procedure or appropriations procedure on the floor.

Another $1 million for the southwestern Oregon narcotics task force. Again, not in either bill; $18.5 million for a mental health care demonstration project at Fort Bragg, NC, with an open-ended pricing program growth clause.

The list goes on and on, Madam President. The fact is that we should stop it. We had an opportunity to do away with some of, at least, the $6.3 billion that I had sent and recommended to the Appropriations Committee, and I hope that in the years to come, we will try to exercise significantly more discipline.

Also, we proposed rescissions of $352 million which was appropriated for earmark for surface transportation projects which do not necessarily represent either Federal, State, or local priorities. We should have rescinded any unobligated moneys, in my view.

The VA-HUD appropriations bill for fiscal year 1995 included $290 million in special-purpose grants. According to estimates, only $7 million of this funding has been properly authorized.

Examples of projects funded in that bill which should have been rescinded is $450,000 for the construction of the Center for Political Participation; $750,000 for the Sci-Trek Science Center to create a mezzanine level in its building to increase exhibit space in downtown Atlanta; $1.45 million to the College of Notre Dame in Baltimore, MD, for capital costs, including equipping and outfitting activities in connection with renovation of the science center; and $2 million for the De Paul University library to provide direct services and partnerships with community organizations, schools and individuals.

Madam President, my point here is many of these programs are good programs. Many of them are even needed programs. The question is, are they needed to the degree where we should fund them out of taxpayers' dollars, unauthorized? And sometimes they even did not go through the appropriations process. They clearly did not undergo the scrutiny that was necessary.

I would like to thank the committee for adopting language to rescind wastewater treatment earmarks put in last year. I also appreciate the committee's restriction on the expenditure of $19 million which was earmarked to construct a footbridge to Ellis Island, a bridge that was opposed by the National Park Service. The committee has agreed to hold up that money until an environmental impact statement on the project is completed. I think this is a prudent and responsible action, and I commend them.

Mr. President, the committee should also be commended for making a number of spending cuts that exceed the House reduction. In fact, the Senate cuts more than the House in 61 programs.

I might point out that in several accounts, including highway demonstration projects and local library programs, the Senate rescission does not even equal cuts recommended by President Clinton. I think the Senate can and should do better, and I will offer an amendment later to restore rescissions requested by the President.

I have been examining the bill in detail since it came out on Monday, having been marked up in committee last Friday. I am curious about a number of items that remain funded in the bill. I wonder if I might ask the managers several questions.

Madam President, I ask unanimous consent to engage in questions and answers with the manager of the bill, the Senator from Washington.

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

Mr. MCCAIN. Madam President, I ask my friend from Washington, on page 6 of the House report, which I do not expect the Senator from Washington to have, I will quote it to him.

The House rescission bill on page 6 said:

> The committee recommends a rescission of $12,678,000 in the Agriculture Research Service buildings and facilities program. These funds were appropriated for the construction of a swine research center. Additional construction cost requirements for this facility are about $13 million. The Agriculture Research Service currently conducts swine research in at least 13 different Federal facilities at a cost of over $26 million. Many of these programs and facilities are ongoing projects. The agency has no plans to abolish or move existing research and researchers to the proposed swine center if it is constructed. The Department of Agriculture has estimated this facility would cost about $10 million annually to operate.
>
> Existing legislation directs the downsizing of the Federal work force. Therefore, providing additional researchers for this facility would cause adverse effects in research elsewhere.
>
> Critical swine research could be carried out at an existing ARS facility at considerably less cost than providing an additional facility at a time when USDA is closing facilities and reducing staff.

I ask my friend from Washington if he knew of that action that was taken by the House and perhaps tell me where the facility is located and what that facility would do, if he has information.

Mr. GORTON. I may say to my friend from Arizona that I have the House report here in front of me. My page 6 deals with the Department of State international organizations——

Mr. MCCAIN. The bottom of page 7, top of page 8.

Mr. GORTON. Again, I answer my friend from Arizona in the following fashion: I do not see the Senator from Iowa on the floor, though I suspect he will be back soon. I think he or the Senator from Mississippi can better answer the Senator from Arizona. This Senator is here in anticipation of an amendment by the Senator from Arizona on the subject of the Interior Department Bureau of Indian Affairs, and I intended, in connection with the offsets, to defer most of the debate to those who were familiar with the program.

I do notice the Senator from Mississippi here. The Senator from Mississippi is now on the floor. He is the manager of the portion of the bill dealing with the Department of Agriculture, and I think he can probably better deal with that question.

Madam President, the Senator from Arizona has asked a question about a rescission included on page 7 of the House committee report with respect to the construction of the swine research center and has asked for its justification.

I wonder if the Senator from Mississippi would prefer to answer that question.

Mr. COCHRAN. Madam President, if the Senator will yield, I am happy to point out that in this part of the bill, there were several changes in the funding that the House had included in its legislation. There are a number of buildings and facilities and accounts. If I remember, this is in the Agricultural Research Service part of the bill. I am operating on memory now. I was watching the television monitor when I

heard the Senator from Arizona pose the question about this facility in Iowa. My recollection is that the House rescinded funds for this project and we rejected this proposal and instead took funds not needed for another project. The House bill also recommended funding for a number of projects in the Cooperative State Research Service buildings and facilities account be rescinded, and we decided not to go along with any of them as a class.

The reason for it is, No. 1, I do not think the administration requested those rescissions. No. 2, to go back through all of the CSRS buildings and facilities projects halfway through the year and try to pick out a few to cancel, in effect, or rescind funds at this time in the year, would have imposed quite a task on the committee in terms of reevaluating all projects in that bill.

We looked at the overall approach as one where, first of all, the administration's request for rescissions totaling $142 million in the Public Law 480 accounts struck us as something that we should recommend for approval. The House recommended only a $20 million reduction in funding for title III. Our recommendation is for a $142 million reduction, which is what the administration requested.

We tried to make an independent judgment based on the facts as we understood them. Our committee had already looked at this proposal for the research facility in Iowa and decided it was meritorious. The committee had agreed, the Senate had agreed, the House had agreed, and the President had signed the bill appropriating the funds for it.

We decided not to go back and make a second guess at whether or not the House was justified in its decision. We decided to leave it for a discussion with the House in conference. We will review that in conference. I will be interested in hearing what the arguments are. I have consulted with Senator GRASSLEY of Iowa. He told me he strongly recommended the continuation of this funding, and I agreed with him.

So that is, in a nutshell, the process by which I reviewed that account and decided to recommend to the Appropriations Committee that we not agree with the House on that rescission.

Mr. GORTON. Will the Senator yield?

Mr. COCHRAN. Yes.

Mr. GORTON. Did not the Senator from Mississippi inform the entire Appropriations Committee that total rescissions falling within his jurisdiction were, by percentage, either the highest, or one of the highest, of any of the subcommittees of the Appropriations Committee?

Mr. COCHRAN. If the Senator will yield, I do recall that we are recommending more outlay savings than the House, by far. Almost three times as much in outlay savings will be realized from the recommendations under the agriculture and related agencies title of this bill than will be achieved if the Senate had gone along with all of the recommendations of the House.

So we have differences of opinion. They recommended a rescission of all of the funds appropriated for the Farmers' Home Section 515 rural rental housing program. We decided not to do that. We refused to go along with that. The administration did not request a rescission of those funds, and we thought that it would be unfair to stop in the middle of the year and eliminate all the money that was going to be available for that rural housing program. It is important in many parts of the country.

So I will say to my distinguished friend from Arizona, he can go through this bill and pick and choose and isolate and identify specific areas where we disagreed with the House. We did not rubberstamp what the House has suggested. We seriously and carefully considered every provision in the House bill, however. But we came to some different conclusions. We think we brought our best efforts to bear on that challenge and, in a responsible way, made recommendations to the full committee on appropriations.

Mr. MCCAIN. Madam President, I understand and appreciate the hard work of the Senator from Mississippi and the Members of the Appropriations Committee. But it is also the right and, in my view, the responsibility of those of us who also are Members of this body to look at these provisions. And as I discussed before the Senator from Mississippi came on the floor, when there are billions of dollars appropriated for defense that have no relation to defense, and when I see things like—for example, included is a recommendation for rescission which is only $93,000. But if the Appropriations Committee did not see fit to rescind it for the National Potato Trade and Tariff Association, then obviously there is a certain degree of cynicism about some of the things that I see in the appropriations bills.

Also, the House recommended that the funding for certain agricultural research centers be rescinded. Among them were a poultry science facility, alternative pest control center, a chemistry building, aquatic research facility, center for applied aquaculture, science facility, southeast research station, food science facility, and the list goes on and on—a plant bioscience facility, $3 million for a botanical garden.

I suggest very respectfully to my colleagues that if the State wants to build a botanical garden, I do not see why they should not build it themselves. A grain storage research extension center. A horse science and teaching center—that is one I do not understand at all. A horse science and teaching center. I do not know if we are teaching horses or if we are learning about the science of horses. Either way, I think we have probably explored that issue fairly extensively in the last couple hundred years. A biocontainment facility; a wheat research facility; an environmental simulation facility.

It all has to do, Madam President, with the role of Government. Do we spend money on these projects, such as a horse science and teaching center and a center for applied agriculture? Do we allow the State and local governments to do it, or does the Federal Government do it?

If the Federal Government does it and that is the judgment of this body, that is fine. But then I have an additional problem because what we have done is left programs like this in and taken other programs such as native Americans out.

That is the subject of my amendment.

AMENDMENT NO. 424 TO AMENDMENT NO. 420

(Purpose: To make adjustments to certain rescissions)

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

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Arizona [Mr. MCCAIN] proposes an amendment numbered 424 to amendment No. 420.

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

Mr. COCHRAN. Madam President, I object.

The PRESIDING OFFICER. The clerk will continue reading the amendment.

On page 4, line 20, strike ''$1,500,000'' and insert ''$14,178,000''.

On page 5, between lines 8 and 9, insert the following:

BUILDINGS AND FACILITIES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–330 and other Acts, $20,994,000 are rescinded.

On page 19, line 12, strike ''$11,350,000'' and insert ''$8,250,000''.

On page 19, strike lines 20 through 23.

Mr. MCCAIN. Madam President, the amendment would rescind over $12.5 million for construction of a swine research facility and nearly $21 million which are construction feasibility study funds not yet obligated.

The House rescissions bill removed these funds. The Senate bill under consideration would restore these funds.

Madam President, this amendment would also restore funding for the $5 million to Indian programs. I would describe those Indian programs which have been cut which I seek to be restored.

I cannot improve upon the case made in the House committee report for cutting $12.678 million, and I described earlier the House report for the construction of a swine research center. Additional cost requirements stated in the report for this facility are about $13 million. They also mention the cost of about $10 million annually to operate.

It also points out that there is swine research being conducted in at least 13 different Federal facilities at a cost of over $26 million.

On a Cooperative State Research Services building facilities program, the House report notes that there is a current backlog of $400 million to complete facility construction projects already in the pipeline.

The bill provides for 15 new feasibility studies and this amendment, which would conform with the House bill, would rescind all funds not yet obligated and stop all feasibility studies.

I have two reasons for offering the amendment. First, I support the Senate rescission bill that meets the House-passed rescission bill. In light of the need for significant deficit reduction, I believe the Senate can and hopefully should be able to reach the goal.

Second, the cutting of $12.7 million and $20.1 million low-priority projects permits the Senate to restore $5 million in Indian programs rescinded by the Senate bill, which Indian programs I believe are not appropriate for rescission.

Over the years I have served on the Committee on Indian Affairs, I have come to the painful yet very certain conclusion that Indian programs have been the last to be funded and the first to be cut.

Last month, the Congressional Research Service provided the Committee on Indian Affairs with a study that showed in graphic form how the disparity in per capita Federal expenditures between Indians and non-Indians, which first became negative for Indians in 1985, has steadily worsened since then, and further deteriorates in the fiscal year 1995 enacted appropriations.

Consequently, in recent weeks, as the 1995 rescission efforts have quickened in Congress, I have told Indian tribes on every occasion that I believe many of the proposed rescissions on Indian programs are a bad idea and that I oppose them.

The Senate bill already adequately addresses some of the House proposed cuts of tribal court funds, the Indian business development grants, and an amount sufficient to permit construction of the Indian Museum Cultural Center to proceed.

I strongly support efforts to maintain funding for these accounts so long as they are offsetting reductions from lower priority programs. In addition, I believe there are other lower priority projects or programs that should be cut, rather than the $5 million in several BIA accounts.

The amendment would restore $5 million in Indian funds and rescind and offset $12.7 million from the swine research facility. The $5 million is comprised of four items in the BIA operation of Indian programs and Indian direct loan program accounts.

The Indian self-determination fund: These indirect cost fundings are currently needed by tribes under self-determination and self-governance contracts and compacts to administer formerly Federal activities.

Last year, Congress passed Public Law 103–413 to encourage expanded tribal assumption of BIA programs as the Federal bureaucracy is downsized. I am concerned the cuts will deter expanded contracting and compacting. In addition, for the past 2 years, tribes have borne unreimbursed shortfalls in indirect costs because tribes spent funds under cost plans approved by the Interior Department inspector general, but later could not collect reimbursement from the BIA because funding had not kept pace.

The second program is a community reservation economic development grant of $600,000. Federal economic development funds, properly administered and distributed, are absolutely vital to restoring the grossly underdeveloped physical, economic, and social infrastructure of American Indian and Alaska Native communities.

This important program was begun in 1992 as a 5-year pilot program when 34 tribal proposals were competitively selected from 148 tribal applications. Most grants are used as seed funds to leverage additional funding. The grants ranged from a low of $27,000. Fiscal year 1995 total enacted level for this program is $5.945 million.

Indian rights protection, $500,000. In the context of the Department's vast trust responsibility to protect, maintain, and manage Indian resources, these funds offer only minimal assistance to support reservation and native community level efforts to protect property rights.

Included in this account are funds for reserved water rights negotiation/litigation and settlement expenses, funds to uphold the directives protecting native allotments prescribed in the Alaskan National Interest Lands Conservation Act, and funds to fulfill the investigation and certification mandates of the Alaska Native Claims Settlement Act.

The last program would be the Indian Direct Loan Program of $1.9 million. This account provides loans to tribes, Indian organizations, and individual Indian for-profit enterprises under the Indian Financing Act.

Fiscal year 1995 total enacted level for this account is $2.479 million, which through a subsidy arrangement is expected to leverage up to $10 million in direct loans this year, unless rescinded.

Madam President, I absolutely believe we must place short constraints on appropriations in this and following fiscal years. The amendment would restore less than one-half of the Indian program rescissions proposed in the Senate bill, and it would make offsetting cuts in the construction of the swine research facility in the cooperative State Research Service buildings and facilities account.

These Indian programs are an extremely important expression of the solemn government-to-government relationship the United States and this Congress has with American Indian and Alaskan Native tribal governments.

I believe we can achieve significant cuts in fiscal year 1995 spending, and we can do so even as we carry out our obligation to ensure that the lowest priority projects are cut first before Indian projects.

I want to point out again, Madam President, I am seeking a restoration of approximately half of the Indian cuts that were made in Indian programs in this rescission bill.

If we look at the cuts that were made in Indian programs as a portion of the entire budget, we will find, as usual, that the cuts in Indian programs is a much higher percentage than any other cuts, rescissions, that have been made.

I am seeking to restore four vital programs that are important to the well-being of Native Americans and the fulfillment of our solemn treaty obligations.

I might add, Madam President, having been down here on numerous occasions and embarked on efforts like these, I probably will not win this amendment, this vote. I probably will lose it. But it is very difficult for me to go back to the native Americans and tell them that I did not at least try to restore the funds that I believe are necessary to try to help the one group of Americans whose conditions are worse than any other group of Americans.

I will not recite the statistics concerning diabetes, alcoholism, child abuse, and all the other horrible and graphic statistics that afflict Indian country, because I have done that before and I am sure I will probably do that in the future.

I feel that in keeping with my obligation to them as chairman of the Indian Affairs Committee, I cannot, in good conscience, not seek a restoration of the funding for at least those most vital programs.

Madam President, I ask for the yeas and nays on this amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is not a sufficient second.

Mr. COCHRAN. Madam President, I question the ruling of the Chair on the request for the seconds.

The PRESIDING OFFICER. Is there a sufficient second?

There is now a sufficient second.

The yeas and nays were ordered.

The Senator from Washington.

Mr. GORTON. Madam President, as the distinguished Senator from Arizona has pointed out, this amendment has two quite separate and distinct parts. And of course, the arguments relating to those two separate and distinct parts are quite separate from one another as well.

The Senator from Arizona has fought a long and often lonely fight with respect to many items and many appropriations bills. He was quite eloquent, just a few moments ago, on the misuse of the defense appropriations bill for nondefense items, and went through quite a number of them. Yet this

amendment does not deal with an offset from the defense budget for nondefense items. But, for some reason or another, it takes on the agricultural appropriations bill which, as has already been pointed out by the distinguished chairman of that subcommittee, has in it an amount of rescissions far greater than those proposed by the House and I think proportionately as high as any portion of this rescissions bill. So let me speak very, very briefly to those agricultural projects because I know the Senators, both from Iowa and Mississippi, will do so themselves.

At least a significant number of the Cooperative State Research Service proposals here are for money for facilities which are in the process of being constructed, and where the removal of the money might well cause a cessation of those construction projects.

It is, I am certain, for exactly that reason the Senator from Mississippi did not wish to go along with the House of Representatives. Because there will be differences on each one of these issues, a conference committee may well determine that some of the studies for new projects, which might be very expensive, should be dismissed—should be eventually rescinded. But the Senator from Mississippi——

Mr. MCCAIN. Will the Senator yield?

Mr. GORTON. Did not wish to deal just with those items. He was faced with a set of rescissions at varying levels of study and of actual construction. He and the Senator from Iowa can deal with other matters, but the swine research facility is one that will be before a conference committee along with all the other cuts and reductions, where members of the Subcommittee on Agriculture can determine a priority order of rescissions, designed to meet the very real goal of this rescissions bill.

I think sometime during the course of this afternoon, not only Members, but the general public may have lost track of the extraordinary nature of this bill. I do not believe there is a Senator alive who has dealt in the middle of a fiscal year with the rescission of so many billions of dollars as this one does, in order to make at least a modest downpayment on balancing our Federal budget. It seems to me the chairman of the Subcommittee on Agriculture deserves a great deal of credit for being willing to rescind a wide range of appropriations which, just a few months ago, he felt were appropriate.

Let me also speak, of course, to the other side of the equation and that is the $5 million restoration for the Bureau of Indian Affairs concerns. Unlike the agricultural section of this bill, where the Senate rescissions are greater than the House rescissions in total for Indian purposes in general, the Senate rescissions are less and fewer than the House rescissions. When I, as the chairman of the Subcommittee on Interior, was faced with a table of what the House had done, it had, I must say, fewer rescissions than we ended up with for the Bureau of Indian Affairs.

But the No. 1 goal of those who were concerned with and sensitive to Indian affairs, Madam President, was not the particular line items for the BIA, which, of course, is bitterly criticized by many of its purported beneficiaries, but was directed at the total rescission of all money for the National Museum of the American Indian—two facilities which have been planned and promised, one storage facility in Suitland and a museum on The Mall here in Washington, DC.

Another part of this bill for the Smithsonian Institution restores almost $20 million for this year's progress in the creation of that National Museum for the American Indian. It seemed to me in making that restoration we needed some balance from other Indian appropriations, and for that reason, many of those which are the object of this amendment were included. But the total of all of the additional rescissions for the Bureau of Indian Affairs, Madam President, is nowhere near the amount restored for the museum.

Granted, the beneficiaries are different. There is no question about that. But we did not go dollar for dollar any more than the Senator from Mississippi did. He rescinded more dollars than he restored. In our case we rescinded fewer dollars than we restored, in the broad sense of the term—matters of great interest to the native American communities of this country. In fact, of the $5 million which the Senator from Arizona seeks to restore, $1.9 million, almost 40 percent, is for a program which the President in his budget for next year has recommended zero dollars. So all we are doing here is anticipating the recommendations of the President of the United States—these are Indian direct loans—because there is another guarantee, there is a guaranteed loan program for Indians. And in each of the other cases, we are dealing—which is not the case with all of these agricultural rescissions—with unobligated funds in smaller amounts than had originally been intended and in much smaller amounts than the otherwise total of rescissions for Indian matters.

So I suppose it is possible to say that in one or more of the four objects of restoration here, we might have done a better job. But I know I have been approached by many Senators from my part of the country, as has the Senator from Mississippi, protesting individual rescissions while in general terms, as is the case with the Senator from Arizona, feeling that, if anything, we have not cut out enough spending overall. But the spending that we have not cut off overall almost always seems to be spending in an area which is not of much interest to that particular Senator; and the areas which are of interest are matters of great sacrifice.

So I hope we have been reasonably sensitive in this case, to native American concerns. I know that we have been more generous to them than was the House of Representatives. And I know that the Senator from Mississippi was tougher on agriculture, overall, than was the House of Representatives. I do not think that we should, by this amendment, exacerbate or make worse differences which already exist.

So, Madam President, with regret I oppose the amendment.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Madam President, I will be brief. First, I hope the Senator from Washington will note these funds do not go to the BIA; they are not BIA programs. They go direct to the tribes. I think that is an important distinction, particularly after he mentions the well-justified criticism of the Bureau of Indian Affairs.

Second, if the Senator is correct, that much of this money has already been spent and allocated, I do not quite understand the statement in the House bill that says there is a backlog of $400 million, necessary to complete facilities already in the pipeline; so that is of some interest. And fiscal year 1995 provides for 15 new feasibility studies. According again to the House report, the Agricultural Research Service currently conducts swine research in at least 13 different facilities at a cost of over $26 million, and this facility would cost $10 million annually to operate.

The Senator from Washington alluded to something about programs in individuals' areas or States. I would point out to him these Indian programs are national programs. They have no particular affiliation with my State.

I do not intend to drag out this amendment or the debate. I know that the Senator from Iowa will, with his usual passion and articulate presentation, defend this program, and I will, before he even speaks, say I respect and admire his continued commitment to his State and agriculture and how important it is to his State as well as that of swine research.

So I do not intend to extend this debate, and I appreciate the time of the Senate.

I yield the floor.

Mr. GRASSLEY addressed the Chair.

The PRESIDING OFFICER (Mr. GRAMS). The Senator from Iowa.

Mr. GRASSLEY. Mr. President, careful consideration was given to the formation of the National Swine Research Center.

A national peer panel recommended the establishment of the Swine Research Center because the needed research was not being conducted in any other State or Federal laboratory nationwide.

The program of research is not duplicative.

The mission of the research center is to develop technology to ensure that the U.S. pork industry operates as an environmentally sound and efficient animal production system.

It will help maintain and increase the competitiveness and efficiency of U.S. pork production and marketing.

This is the answer which the Agricultural Research Service of the USDA gave in response to a question from the House Agriculture Appropriations Committee.

Concerns expressed by Members of the House of Representatives have not been about the facility itself or the research that it will conduct.

Their concerns have been with the outyear funding of research.

The ARS and the pork producers are currently working on this and are making a good faith attempt to consolidate swine research programs in the future to reduce program funding requirements.

Pork production is on the increase in many States.

The research at this center will help pork producers nationwide.

ARS has no swine research projects in the areas of waste management, marketing, economics, housing, management, human health, or swine health, welfare, and behavior in production systems.

Permit me to try to answer the key questions about the National Swine Research Center.

NATIONAL SWINE RESEARCH CENTER FACILITY JUSTIFICATION

What national strategic issues are associated with pork production?

Conservative projections indicate that the United States, in an environment of trade liberalization and increased demand, will have an opportunity to triple its pork exports, currently 262,000 tons), in the next 10 to 15 years. At that level, the impact would be the creation of 36,000 U.S. jobs and $1.1 billion in income, U.S. input-output model. Other parts of the world, including areas in Europe and South America, are poised to take advantage of this opportunity.

What are the barriers to growth in U.S. pork production and pork exports?

Major barriers to growth in U.S. pork production are related to manure management/nutrient utilization, odor control, water quality, employee health, animal well-being, and housing and food safety questions associated with increased pork production. Current USDA facilities are not designed to research these questions; nor are they staffed by scientists with the expertise to study them; nor is it feasible to convert them for the type of research the industry urgently needs.

What are the social concerns associated with increased pork production?

Our society places a high value on environmental quality, water quality, protection from odors associated with swine production, worker health, and animal well-being. At a 1994 international meeting of experts on odor perception and odor production, scientists agreed that the difficulty of obtaining objective measures of odors was a serious problem for the swine industry.

We must develop systems that allow U.S. producers to be competitive while meeting our Nation's social and environmental expectations.

How can these problems be solved?

A national group, including representatives from major pork-producing States and the public and private sectors, examined the opportunities and threats facing U.S. pork production. These group recommended the establishment of the National Swine Research Center, concluding that a unique new swine research center was required to provide the conditions for addressing complex, systems-based issues of critical importance to the survival and growth of the Nation's pork production sector.

Why should a public institution conduct this research?

The center will focus on the type of research that is best suited to public institutions. Private sector incentives to conduct such research are inadequate; advances are likely to be widely useful within the United States; and results will provide a national strategic advantage in pork production with positive impacts on rural development, the national economy, and the Nation's balance of trade.

RESEARCH PROGRAM SUMMARY

Research at the National Swine Research Center will focus on environmental quality, including water and air quality, utilization of manure, and housing designs to improve conditions for rearing swine and preventing human health problems.

In addition to areas of research already described in this document, proposed projects include:

Development of manure-based soil amendments for urban use,

Separation/concentration/drying/fermentation technologies for manure,

Methods to store and handle manure,

Production of biomass energy crops with organic fertilizer, and

Production of methane from manure.

The center will be the source of creative new research on a wide range of production, health, environmental, and socioeconomic issues that must be resolved to support U.S. producers' bid to claim a substantial share of growth in the world market for pork.

Finally, this is a list of current major ARS swine research projects:

USDA–ARS PROGRAM ON SWINE RESEARCH

In FY 1995, $26.1 million was appropriated for ARS to conduct swine research at 13 ARS locations. The areas of swine research currently pursued are: foreign animal diseases; domestic animal diseases; reproduction; food safety; nutrition; systems; parasites; stress; pork quality; genetics; and growth. ARS has no swine projects in the areas of waste management, marketing, economics, housing, management, human health, or swine health, welfare, and behavior in production systems.

CURRENT MAJOR AREAS OF RESEARCH ON SWINE IN ARS

Genetics (Beltsville, MD, Clay Center, NE) Development of genomic map; identify genes associated with disease resistance; identify animals with superior reproductive capacity.

Reproduction (Athens, GA, Beltsville, MD) Sorting of male and female sperm cells, cryopreservation of gametes and embryos; neuroendocrine regulation of reproduction; genetic and physiological factors that influence litter size.

Nutrition and Growth (Athens, GA, Beltsville, MD, Clay Center, NE, Columbia, MO, Fayetteville, AR) Neuroendocrine and bioregulation of physiological and genetic factors that influence fat and protein metabolism; endocrine control studies to increase the lean and reduce the fat in pork.

Domestic Diseases (Ames, IA, Peoria, IL) Viral-induced reproductive diseases; enteric diseases; bacterial and microbiological factors that influence the level of disease and production efficiency

Foreign Animal Disease (Greenport, NY) Foot-and-mouth disease; African swine fever.

Parasites (Beltsville, MD) Identification of swine resistant to parasites; epidemiology and vaccines; diagnostic methods for trichinosis and toxoplasmosis.

Pork Quality and Stress (Beltsville, MD, Clay Center, NE, Columbia, MO, New Orleans, LA, W. Lafayette, IN) Improve baby pig survival by reducing stress and environmental factors; breed and diet effect on quantity, quality, and composition of pork; metabolic regulation of fat synthesis.

Food Safety (Albany, CA, College Station, TX, Clay Center, NE, Wyndmoor, PA) Rapid test to identify drug and antibiotic residues; microbiological safety of port carcasses and pork products; control of pathogenic and spoilage bacteria on meat.

I do feel the managers of this bill want to get to a vote soon. I believe with the forceful response that the Senator from Washington just gave as to the wrongness of the amendment by the Senator from Arizona, plus the defense of this decision of the subcommittee on this specific swine research center, I do not need to add a great deal to how unjustified the amendment is that is offered at this point.

I will simply make a couple points, one in regard to the Federal Government's involvement in agriculture research. It has been a policy of the Federal Government since 1862, with the establishment of the land grant universities, to have the Federal Government very deeply involved in agricultural research and education to enhance the productivity of our farms and to enhance the quality of the product of our farms. That research is much more sophisticated today than it was 132 years ago. That research must still continue to go on to keep our agricultural industry competitive.

It happens that there is a research facility proposed at Iowa State University. There are swine research facilities located at other universities, or research centers. The one established at Iowa State University is not duplicative. I have an official response from ARS on that that I am going to read in closing.

It should not be surprising to anybody that the Iowa State University would be very deeply involved in agriculture research in the first place and even specializing to a considerable extent in swine research because my State is first in the production of corn,

my State is either first or second to Illinois in the production of soybeans, and we are No. 1, way beyond any other State, in the production of pork. One out of every four pigs in America reside in my State. We are a massive pork producing State. And Iowa State University is right in the middle of it. So nobody should be surprised whatsoever if there is a determination made by a national organization, the Congress, following up on proposals by outstanding research groups in America that we need to do specific research in a specific aspect of the swine industry that might be located at Iowa State University.

That is the history of agricultural research. I wish to speak to a specific point, and I am just going to read a short statement on this point, about the suggestion by the Senator from Arizona that there is so much swine research already, why do you need another swine research facility?

Well, the simple answer to that is the different specializations of the different facilities around the United States. I could give a long list, but I will not bother to do so, of what research has been done. But a Congressman from my State, Mr. LATHAM, had an opportunity to ask the Agricultural Research Service this question:

> The National Swine Research Center—

And that is the one that the Senator from Arizona proposes to delete. I wish to start over again. Mr. LATHAM asked the question:

> The National Swine Research Center has been criticized on the basis that it will conduct duplicative research. What is your opinion on the research mission of the center and do you think it is duplicative?

This is the response from the Agricultural Research Service of the USDA to the House Agriculture Appropriations Subcommittee:

> A national peer panel recommended—

I wish to stop just a minute. The reason I wish to emphasize, ''A national peer panel recommended,'' this is not some Congressman or Senator getting something for their particular State. This was a studied approach.

> A national peer panel recommended the establishment of the National Swine Research Center because the needed research was not being conducted at any other State or Federal laboratory nationwide. The program of research will not be duplicative. The mission of the National Swine Research Center is to develop technology to ensure that the U.S. pork industry operates as an environmentally sound and efficient animal production system. It will help maintain and increase the competitiveness and efficiency of the U.S. pork production and market.

I hope those are adequate responses to the supposed justification of the Senator from Arizona for this deletion so that my colleagues will not rescind this project and that we will move forward.

If we make a decision to move forward, I wish to emphasize what the distinguished Senator from Mississippi said. We are only going back to conference with the House and take a second look at this. My judgment is a second look based upon the recommendation of a national peer panel will show that this is not duplicative and it is needed, particularly in the area of cleaning up the environment and having an environmentally sound pork producing system; that this will move forward.

I yield the floor.

Mr. THOMAS addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. THOMAS. Mr. President, I rise very briefly to support the position of the appropriators here and oppose the amendment. I do it on the basis the Senator from Washington pointed out, and that is some of these projects have been under way or are in the midst of getting under way. The one I have particular interest in is the environmental simulator that is designed to study the aspects of hazardous materials moving through soil. And it does it in a very abbreviated way. It is something that pertains to what we are seeking in this country. And so, Mr. President, I rise briefly to oppose the amendment.

Mr. HARKIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, I wish to associate myself strongly with the comments made by my colleague from Iowa, Senator GRASSLEY, regarding this pending amendment. I think he hit the nail right on the head when he read the letter from the Agricultural Research Service regarding the importance of this swine research center and the fact it is not duplicative of other research and facilities. The kind of research that is going to be done there is not being done anywhere else in the country.

There has been a lot of comment made on that this kind of research is done elsewhere. Quite frankly, it is not.

Mr. President, I understand the desire of the Senator from Arizona to put more money into two accounts funding American Indian programs. I am not fully familiar with them. I am sure he has some legitimate arguments why that funding is necessary.

I would suggest, however, that the Senator from Arizona has gone after wrong accounts to get the money. Because he has gone after some research projects that are important to us nationally; research projects that are important not only for the producers in this country but for our consumers also.

We have a long, proud history of Federal support for research in this country, especially agricultural research, going clear back to Abraham Lincoln's time.

That support for agricultural research is a key factor providing us an abundance of the most wholesome, most varied food at the lowest price of any nation. About 8 cents of every dollar of disposable income an American family has goes to buy the food they consume at home. You cannot match that figure anywhere in the world. We have not only the most variety and the largest quantity of foods, but they are the healthiest and the cheapest.

These benefits have been brought about, in substantial part, by the agricultural research that has been done in this country. A lot of this research is not the easiest to understand. There is a lot of sophisticated work being done to improve agricultural productivity, to expand markets and uses for agricultural commodities, to improve the competitiveness of U.S. agriculture in world markets, and also to reduce the impact of agriculture on the environment while at the same time maintaining productivity.

This is no time to be cutting this vital agricultural research. Speaking only for myself, I believe we are not putting enough into agricultural research as it is. For example, USDA formula funds for land grant universities have been essentially flat in dollar amounts since 1983, meaning universities have lost 20 to 25 percent of their research purchasing power since 1983.

Agricultural research is a good investment. Studies have shown that the return on investment in agriculture research has been in the area of about 20 to 25 percent.

And let us keep in mind that a relatively small share of Federal research and development funding actually goes to agricultural research and development. According to the National Science Foundation, for 1994, only 2 percent of the total Federal research and development dollars went to agriculture. Of the total Federal dollars for basic research, only 4 percent went to agriculture.

So again, while these proposed cuts may seem small in the magnitude of the billions of dollars we are talking about, they are large when you compare them to the relatively small amount of actual research dollars that go to agriculture.

As I said, this research is sophisticated work; it is highly specialized. And that can sometimes make it easy to attack or to poke fun at.

Well, there was even a television show one night that referred to funding for the Swine Research Center, very jokingly saying, ''Well, this is the ultimate pork, isn't it, Federal dollars going to pork research?''

Well, I suppose it got a lot of laughs and people who did not know what it was about can laugh about it.

But the fact is, the pork industry in America is no laughing matter. There are over 200,000 pork producers in this country. The pork industry generates over $66 billion in economic activity and supports about 764,000 jobs directly and indirectly and adds nearly $26 billion of value to production inputs. Annual farm sales of hogs are usually more than $11 billion, and retail sales of pork are more than $30 billion each year.

In fact, farm receipts from sales of hogs place the industry in fourth or fifth place among all agricultural commodities that we produce in this country. So it is a very important industry. It is very important for our producers. It is important for our consumers. It is important for our Nation.

Some of the important issues that will be researched at the Swine Research Center include how pork production can be made more efficient and how we can solve some of the environmental problems of pork production.

The research will include studies by soil, plant, and animal scientists into enhancing both the competitiveness and the environmental soundness of the pork industry.

There is currently, as my colleague from Iowa pointed out, no other State or Federal facility capable of addressing the unique research planned for this center.

The Agricultural Research Service has identified this project as a high priority. It is the result of joint planning and continuing efforts by the USDA's Agricultural Research Service, the National Pork Producers Council, Iowa State University, and the Iowa Pork Producers Association.

As Senator GRASSLEY pointed out, there was peer review, a national peer review, not just regional or State.

So for these reasons, it is important that we continue our commitment to agricultural research in general and to the Cooperative State Research Service and to the Agricultural Research Service.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD a fact sheet from the National Pork Producers Council, entitled ''A Profile of Today's Pork Industry.''

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

A PROFILE OF TODAY'S PORK INDUSTRY

The U.S. pork industry is experiencing unprecedented growth. More pork was produced in the U.S. in 1992 than ever before, and 1993 was nearly as large. Over 17 billion pounds will again be processed from just under 93 million hogs in 1994.

The economic impact of the industry on rural America is immense. Farm receipts from hogs place the industry in 4th or 5th position [depending on the year] among all farm commodities. Annual farm sales usually exceed $11 billion, while the retail value of pork sold to consumers exceeds $30 billion.

And the pork industry benefits more than just farmers! Pork production means jobs and economic opportunity for thousands of rural communities. The ''value added'' nature of pork provides employment well beyond the farm. Based on a 1993 study by researchers at Iowa State University, the U.S. pork industry is responsible for over $66 billion dollars in total domestic economic activity. Through direct, indirect and induced effects, the pork industry supports 764,080 jobs and adds nearly $26 billion dollars of value to production inputs. Given these figures, the pork industry's major contribution to local, state and national economies and governments (through tax revenues) is obvious.

Approximately 200,000 pork producers are in business today compared to nearly three million in 1950. Farms have grown in size—nearly 80 percent of the hogs are grown on farms producing 1000 or more hogs per year. These operations, which are often more technically sophisticated, are still predominantly individual family farms.

The geographic location of pork production is shifting as well. While the traditional Corn Belt represents the overwhelming share of production, growth is also occurring in ''nontraditional'' hog states such as Texas, Colorado, and Oklahoma. North Carolina, which ranked 14th in pork production 30 years ago, now ranks 2nd among states.

The global market offers tremendous growth potential for U.S. pork producers. With many of the world's most cost-efficient producers, the U.S. pork industry still only sells about 2 percent of total production overseas. Yet pork is the world's ''meat of choice'' by far, with over 40 percent share of the world's meat protein market.

The National Pork Producers Council is the only national membership organization representing pork producers exclusively. The ''Pork. The Other White Meat'' promotion is well known. Funded by the national pork checkoff and paid for by producers, it is credited with having a major impact in improving pork's consumer image and helping improve pork demand. The checkoff also funds important research projects to improve pork's nutritional profile, overall quality and price.

Mr. HARKIN. Again, Mr. President, while I understand the desire of the Senator from Arizona to put more money into programs he feels very strongly about, this is not the time to turn our backs on the important agricultural research being done all over this country.

I yield the floor.

Mr. EXON addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

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

The PRESIDING OFFICER. The clerk will call the roll.

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

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

Mr. GORTON. Mr. President, I move to table the McCain amendment.

The distinguished Senator from Arizona has agreed it can be done by voice vote.

The PRESIDING OFFICER. The question is on agreeing to the motion to table the McCain amendment.

So the motion to table the amendment (No. 424) was agreed to.

Mr. GORTON. Mr. President, I move to reconsider the vote by which the motion was agreed to.

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

The motion to lay on the table was agreed to.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. DOLE. Mr. President, I am going to use a portion of my leader's time.

TRIBUTE TO SENATOR HOWELL HEFLIN

Mr. DOLE. Mr. President, in announcing his plans to not seek reelection, our distinguished colleague from Alabama, Senator HEFLIN, said today that he hopes he ''will be looked upon as a public servant who has served with dignity, integrity, and diligence.'' In my view, those qualities speak volumes about Senator HOWELL HEFLIN.

From his highly decorated service in the U.S. Marine Corps in World War II, to his 6 years as chief justice of Alabama's Supreme Court, to his three terms in the U.S. Senate during which he held the thankless post of Ethics Committee chairman, this man affectionately known as the country judge from Tuscumbia, AL, has made a difference for America and the people of his State.

While we have not agreed on every issue, I have been proud to stand with my friend from Alabama time after time, whether it's been on the Desert Storm resolution, the flag protection amendment, the balanced budget amendment, regulatory reform, or one of countless other issues.

Mr. President, as Senator HEFLIN looks ahead to returning home to Alabama and more time with his wife, children, and grandchildren, I know all my colleagues join in wishing him all the best for the future. And I know that during that final 2 years of his term, he will continue to serve with the dignity, integrity, and diligence that have characterized his life in public service.

Mr. DOLE. Let me first announce there will be no more votes this evening. It is my understanding that the manager of the appropriations bill now pending indicates we will complete action on the bill maybe late tomorrow evening. That is the hope of the chairman, Senator HATFIELD.

EXECUTIVE SESSION

Mr. DOLE. I now ask unanimous consent that the Senate go into executive session to consider the nomination of Daniel Glickman to be Secretary of Agriculture, and that it be considered under the following agreement: 40 minutes to be equally divided in the usual form. I ask further that, when the Senate concludes its debate tonight, there be 10 minutes for debate, equally divided in the usual form, on Thursday, prior to vote on the confirmation of Mr. Glickman.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

NOMINATION OF DANIEL ROBERT GLICKMAN, OF KANSAS, TO BE SECRETARY OF AGRICULTURE

The legislative clerk read the nomination of Daniel Glickman, of Kansas, to be Secretary of Agriculture.

ORDER FOR VOTE ON GLICKMAN NOMINATION

Mr. DOLE. I ask unanimous consent that the vote occur on the confirmation of Mr. Glickman at 10:25 a.m. on Thursday, March 30, 1995.

Mr. President, I further ask unanimous consent that following the vote on the confirmation of Mr. Glickman, the President be immediately notified of the Senate's action and the Senate return to legislative session.

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

Mr. DOLE. Mr. President, Senator HATFIELD is here, and if Members on either side have amendments that could be disposed of this evening following the discussion of the Glickman nomination, which I do not think will take very long, he would be prepared to do that.

I yield the floor.

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. LEAHY. Mr. President, I rise today in support of the nomination of Dan Glickman to be Secretary of Agriculture. Dan and I have worked together on four farm bills.

No matter how active or informed the members of the Committee on Agriculture, Nutrition, and Forestry are, we cannot put together a good farm bill without an active administration. I know personally from speaking to the President that Dan Glickman has his confidence. Mr. Glickman has the President's mandate to develop a farm bill that makes sense for both rural Americans and the taxpayers of this country as a whole.

I know that Dan Glickman will be an ideal person to represent this administration as we try to develop farm policies that make sense for farmers, for consumers, for the environment, and for this country.

Dan Glickman was born in Wichita on November 24, 1944. He was first elected to Congress in 1976—just 2 years after I began my service in the Senate.

As a veteran of the House Agriculture Committee, he has mastered the arcane details of U.S. farm programs.

Again and again in his career he has fought to focus farm subsidies on low- and middle-income farmers and tried to increase Federal oversight of the commodity futures markets.

These are battles in which I am proud I was allied with him.

One of the things that I like best about Dan Glickman is his self-deprecating sense of humor. This was highlighted in a recent story in the New York Times. Mr. Glickman was joking about the Capitol's notorious reputation for abandoning those out of power. Mr. Glickman said, ''The only one working in the family now is our son and he won't take our calls.''

On the night of his election loss Congressman Glickman commented: ''I liken it to a bear market; sometimes the good stocks got hit every bit as much as the bad stocks. In this case, I think I was a good stock.''

Fortunately, for all of us, the stock market has shifted direction again. How high Dan Glickman's stock has risen again will be clear tonight when he is overwhelmingly approved by the Senate.

Mr. DOLE. Mr. President, as the longest sitting member of the Senate Agriculture Committee, I welcome the administrations choice to appoint Dan Glickman as Secretary of Agriculture. I have worked with Dan Glickman as a Congressman from the State of Kansas for a number of years. I can attest to his commitment to agricultural issues and I know the qualifications that he brings to the job.

Throughout his 18 years in Congress, he earned a reputation as a Congressman who understands the issues, who listens, and who works with his colleagues to find common ground.

Congressman PAT ROBERTS, Senator NANCY KASSEBAUM, and I introduced Dan to the Senate Agriculture Committee. I think that it is very significant that we three Republicans support this nomination. We may all share a Kansas background, but more importantly we know from working with Dan that he is more interested in solving problems than scoring partisan points.

His experience speaks for itself. He has helped write the last four farm bills—the last one as the chairman of the Subcommittee on Wheat, Soybeans and Feed Grains. We all know that the 1995 farm bill will be difficult to write. The Agriculture Committee's recent hearings have hinted at the tough choices that lie ahead. We will need an experienced, committed advocate at the Department of Agriculture. Dan Glickman recognizes the weaknesses and strengths in our current policies, and the fiscal constraints that will play an important role in shaping our future policies. Above all, he realizes that the foundation of our Nation is American Agriculture.

Mr. President, the people of Kansas are proud of Dan Glickman. I am pleased to recommend him to be Secretary of Agriculture. I, too, hope there will be an overwhelming vote.

Mrs. KASSEBAUM. Mr. President, I rise today in support of the nomination of Dan Glickman to become the next Secretary of Agriculture. Dan and I are long-time friends, and share a mutual appreciation and admiration for an agriculture system that provides the wholesome, abundant, and inexpensive food supply that all Americans now enjoy.

For the past 18 years, Dan has ably and effectively served agriculture as a Member of the House of Representatives, representing Kansas' Fourth District. During his tenure, Dan provided outstanding leadership as a member of the House Committee on Agriculture. Many of us recognize the important role Dan has played in the effort to help U.S. agriculture compete in an increasingly global marketplace by expanding and strengthening our country's export programs. Dan also has been instrumental in congressional efforts to improve U.S. grain quality standards, making our commodity exports more attractive to potential foreign buyers.

I know Dan to be a competent, thoughtful, and articulate spokesman for agriculture. He has forged strong relationships with producers, agribusinesses, and legislators. These relationships will prove invaluable as he begins his work as Secretary of Agriculture.

Mr. President, rural communities depend on a vibrant and prosperous agriculture industry to support schools, churches, hospitals, community organizations, and main street businesses. I firmly believe that a key to our economic prosperity is the continued emphasis on American exports. During this year's farm bill debate, we must commit ourselves to crafting agriculture policy that allows our producers to compete in the 21st century, global marketplace, strengthening our rural communities in the process. It is also imperative that we continue to look for ways to improve effective programs, while eliminating costly, obsolete programs. Dan Glickman will play a vital role in achieving this ambitious, yet attainable goal.

Mr. BAUCUS. Mr. President, I rise today in support of the confirmation of Dan Glickman as the Secretary of Agriculture.

The post of Secretary of Agriculture is important to this Senator and vital to American agriculture. His confirmation will bring an outstanding advocate for farmers to the Clinton administration.

Agriculture in this Nation is very diverse. While on the surface Kansas and Montana agriculture are similar—we produce wheat and beef—there are some significant differences as well. And there are myriad variations in the agricultural industry which is found across this Nation.

As we focus our attention on the 1995 farm bill, he will bring an expertise to this debate which will be critical and beneficial to all—but especially to our farmers. His experience, knowledge, and skill will help us guide farm policy into the 21st century. I look forward to working with him on that important task.

With the confirmation of Dan Glickman, I am confident that help is on the way in dealing with several crises facing Montana. While I am concerned about the closure of the region I Forest

Service office in Missoula, MT, I hope that Secretary Glickman will review the Forest Service reorganization plan and that he will stop any actions which make no sense—like the proposed Missoula closure.

Although I remain concerned about the need for expanded agricultural research and stability within the Agricultural Research Service, I know that before stations are closed, Secretary Glickman will help identify critical research and make certain such research is not unnecessarily eliminated just to show that locations are being cut.

Finally, today I am heartened that we will soon see a heightened sense of cooperation between the Department of Agriculture and the Department of the Interior. Whether it is animal damage control on our Forest Service and Bureau of Land Management properties or prevention of the spread of brucellosis between bison and cattle, I know we can expect greater teamwork.

I am confident that Mr. Glickman is well prepared for the challenges ahead of him. I congratulate him and I look forward to rolling up our sleeves and getting to work.

Thank you Mr. President. I yield the floor.

LEGISLATIVE SESSION

Mr. DOLE. I now ask that the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, the Senate will return to legislative session.

COMMENDING CHICK REYNOLDS ON THE OCCASION OF HIS RETIREMENT

Mr. DOLE. I send a resolution to the desk on behalf of myself and Senator DASCHLE and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will state the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 96) commending Chick Reynolds on the occasion of his retirement.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

RETIREMENT OF CHICK REYNOLDS

Mr. DOLE. Mr. President, our friend Chick Reynolds, chief reporter of the Official Reporters of Debates, has notified the Secretary of the Senate that he intends to retire effective July 7, 1995.

Mr. Reynolds' remarkable Senate career began in 1974 when he was appointed an official reporter of debates. He later became the chief reporter in 1988. Mr. Reynolds' service has been honorable as well as memorable—his reporting has often landed him in the center of the day's headlines.

In his two decades of service, Mr. Reynolds reported Federal agency hearings and various committee testimonies in both the House and the Senate, including such notable events as the Joseph McCarthy and Jimmy Hoffa hearings. He covered the White House during the Kennedy, Johnson, and Nixon administrations.

And Mr. Reynolds is truly a part of our country's great history. During his assignment in the Kennedy administration, he reported President Kennedy's famous Berlin speech and was in the Presidential motorcade on that tragic day in Dallas, when President Kennedy was assassinated.

Mr. Reynolds has served the Senate and the Nation with distinction and loyalty for over 20 years. I know all Senators will join me in wishing Chick and his wife, Lucille, our sincere gratitude and our prayers in his retirement.

The PRESIDING OFFICER. Without objection, the resolution is agreed to and the preamble is agreed to.

So the resolution (S. Res. 96) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

Whereas Chick Reynolds will retire from service to the United States Senate after twenty years as a member of the staff of the Official Reporters of Debates;

Whereas he has served the United States Senate with honor and distinction since joining the staff of the Official Reporters of Debates on July 1, 1974;

Whereas his hard work and outstanding excellence as an official reporter resulted in his appointment to the position of Chief Reporter on May 1, 1988;

Whereas, Chick Reynolds, as Chief Reporter of the Congressional Record, has at all times executed the important duties and responsibilities of his office with great efficiency and diligence;

Whereas Chick Reynolds has demonstrated loyal dedication to the United States Senate as an institution and leaves a legacy of superior and professional service: Now, therefore, be it

Resolved, That the United States Senate expresses its deep appreciation and gratitude to Chick Reynolds for his years of faithful and exemplary service to his country and to the United States Senate.

SEC. 2. The Secretary shall transmit a copy of this resolution to Chick Reynolds.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. 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.

NOMINATION OF DANIEL ROBERT GLICKMAN, OF KANSAS, TO BE SECRETARY OF AGRICULTURE

The Senate continued with the consideration of the nomination.

Mr. DASCHLE. Mr. President, let me join with the others who have risen in support of this important nomination. I want to thank the majority leader for bringing this matter to the floor at this time. This is a very important and timely issue for a lot of reasons.

Obviously, there are many extraordinary decisions that the Senate and Congress must make over the course of the next several months, and we need the leadership that Congressman Glickman can provide in this regard.

There are many who would like to begin working with him very earnestly, at the earliest possible date, to begin the process of developing another 5-year farm bill. We need to get on with that. We need to recognize how important it is that this farm bill be passed expeditiously.

Certainly, the sooner we can get this nomination confirmed, the better. I am excited about this nomination for a lot of reasons. I believe that Dan Glickman is perhaps one of the most qualified people to be nominated for this position, at least in recent memory.

He understands the importance of agriculture, of rural America, of all of the challenges that we face as we consider the transition that rural America is now experiencing.

He is extraordinary at creative bipartisan consensus on policy issues, as well as on the strategy regarding a number of the legislative matters that will come before the Senate. I believe that his bipartisan consensus building skills will serve everyone well.

Dan Glickman has served in the Congress for a long time. As a member of the House Agriculture Committee, he has been the leader on countless legislative issues relating to farm bills and agriculture. He deserves our support. We all recognize the leadership he has provided. He deserves the kind of consideration that he is being given this evening.

Mr. President, I think it is also important to note that Dan Glickman is one of the most accessible people I know. He is willing to go the extra mile, to talk with people, to be available as questions arise, both on and off the hill. He is willing to travel. He is willing to go out into the far reaches of this country to address in the most meaningful and considered way the broad range of issues that the Secretary of Agriculture must consider.

He is an outstanding legislator who is ready to lead on a whole range of issues that I know will be on his desk in the not-too-distant future. He has been an advocate of increasing trade with other countries. While he had specific reservations about the most recent trade agreement, Dan Glickman understands how important trade is, how important it is that we reach out to other countries and create new markets.

He recognizes, as well, the value of the new market development that we need to improve farm prices. He recognizes that value-added markets are really the key to long-term agricultural development. We cannot look to the farm bill to create artificial price mechanisms. We have to go out and build the markets both internationally and domestically.

I have had many conversations over the course of the last several months with Dan on this point. I am pleased at his enthusiastic response to the desire that many share with regard to building value-added markets in the future.

Dan Glickman also understands the importance of the next generation of agriculture. He knows that the farm community is getting older, that the farm community is getting to the point where, indeed, we must look to the next generation for the long-term future and viability of agriculture. He knows we have to help young farmers. He knows that the only way to do that is to provide a better price.

Dan Glickman also understands the importance of conservation. Conservation has been an issue that he has worked on for many years. He realizes the importance of the CRP program and the efforts that we made to address soil erosion. He understands the importance of research in providing for the efforts to conserve our soil and to do more in the realm of providing for long-term environmentally sound responses to the agricultural practices of the past.

So, Dan Glickman is a very futuristic individual. He understands that we made an investment that ought to be protected, but he understands, as well, the need to refocus that investment as warranted.

Mr. President, it is with great enthusiasm that I come to the floor this evening to support his nomination, to again reiterate my view that there are few people that have come to the Senate in support or in recognition of the need for agricultural policy that have been as qualified as this person is.

Dan Glickman deserves strong bipartisan support. Given the remarks made by the majority leader and others in the Senate Agriculture Committee, I am confident that there will be overwhelming support demonstrated in our vote for him tomorrow.

Once he becomes Secretary, I look forward to working with him. I know for the next couple of years his plate will be full and his agenda will be long, but, I think there also will be a good deal of willingness on both sides of the aisle to work with him to ensure that he is successful.

Our country depends upon the talents of a Dan Glickman. Our future in agriculture depends upon his leadership. It is critical that we cooperate with Dan as he continues to provide that leadership.

Mr. President, I hope that we can demonstrate with enthusiasm tomorrow how strongly we feel about this nomination, how hopeful we are about his success and how determined we can be about our willingness to cooperate as he begins his task. I yield the floor.

Mr. EXON addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. EXON. Mr. President, I want to add my voice to the strong support that has been evident for a long time with the President's new nominee for the Secretary of Agriculture, former Congressman Dan Glickman, from my neighboring State of Kansas.

Mr. President, much has been said about this dedicated, talented individual. I have heard statements made by Senator LEAHY, the ranking Democrat on this side of the Agriculture Committee; by the majority leader, Senator DOLE, who has, as he has indicated in his remarks on the floor a few moments ago, the record as the longest sitting member of the Agriculture Committee; and just a few moments ago by the minority leader, from my neighboring State to the north, South Dakota, the minority leader, Senator DASCHLE.

They all summed up very, very well, the regard that the nominee had by those who know him the best. I have known him for a long, long time. I have worked with him on foreign policy ever since I have been in the U.S. Senate.

He is one who thoroughly understands the farm programs, but more importantly, what an important part agriculture is to the overall economy of the United States of America.

I remind all once again that, if it were not for the offsetting factor of exports of farm products, the balance of trade deficit that the United States has would skyrocket dramatically. Dan Glickman understands agriculture. He knows the serious situation that agriculture is facing today. I am delighted that the majority leader has called for the vote on tomorrow morning.

I am anxious to begin working with the new Secretary of Agriculture because, as the lead Democrat on the Budget Committee, the new agricultural leader knows, the Agricultural Committee knows, the Appropriations Committee knows, that the actions that will take place in the Budget Committee in the near future are going to have a great deal to do with how successful the new Secretary of Agriculture will be in writing a workable farm program and policy.

I have not been in a position, nor has he, during this waiting period which held up his assuming this new role in even a more timely fashion—it was not possible for me to sit down with him and talk specifics about what his recommendations will be with regard to the recommendations out of the Budget Committee for the total agricultural programs.

Dan Glickman will do a great job. I will listen to his recommendations very carefully with regard to the farm program. Given the fact we are going to have to make some very, very hard choices on a whole series of issues if we are going to get ourselves on the road to a balanced budget by the year 2002—which I think obviously is the overwhelming goal of Members of the Congress on both sides of the aisle and in both Houses—it is, therefore, critically important we get Dan Glickman on board as soon as we make the confirmation tomorrow and as soon as the President goes through the formality, which I hope will follow almost instantaneously. Then Dan Glickman can take over fully the important function of Secretary of Agriculture of the United States of America and, for that matter, the Secretary of Agriculture for the whole free world.

I urge as near a unanimous vote as possible. I would not be surprised if the vote of the Senate was unanimous tomorrow morning. I am looking forward to working with my great friend, Dan Glickman, who will be the new Secretary of Agriculture.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from South Dakota.

LEGISLATIVE SESSION

Mr. PRESSLER. Mr. President, I ask unanimous consent that the Senate return to legislative session, to the bill, for purposes of my offering an amendment that has been agreed to on both sides regarding grazing permits for cattle in certain parts of the United States.

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

EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT

The Senate continued with the consideration of the bill.

AMENDMENT NO. 425 TO AMENDMENT NO. 420

(Purpose: To extend the terms of permits for grazing on National Forest System lands to allow time for compliance with the National Environmental Policy Act of 1969 in connection with permit renewals)

Mr. PRESSLER. Mr. President, on behalf of myself, Mr. THOMAS, Mr. SIMPSON, and others, I send an amendment to the desk that has been approved on both sides and that the chairman of the Interior appropriations subcommittee has approved, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from South Dakota [Mr. PRESSLER], for himself, Mr. THOMAS, and Mr. SIMPSON proposes an amendment numbered 425 to amendment No. 420.

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

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

The amendment is as follows:

At the appropriate place insert the following:

SEC. . RENEWAL OF PERMITS FOR GRAZING ON NATIONAL FOREST LANDS.

Notwithstanding any other law, at the request of an applicant for renewal of a permit that expires on or after the date of enactment of this Act for grazing on land located in a unit of the National Forest System, the Secretary of Agriculture shall reinstate, if necessary, and extend the term of the permit until the date on which the Secretary of Agriculture completes action on the application, including action required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

Mr. PRESSLER. Mr. President, I rise today to propose an amendment to allow the renewal of grazing permits on Forest Service lands until the completion of the required analyses under the National Environmental Protection Act [NEPA].

The management of Federal lands is the hub of multiple-use strategies. Sound stewardship and range management practices represent the foundation needed to protect Federal lands and ensure that they are maintained for future generations. Multiple-use practices by the ranchers themselves greatly enhance the condition of Federal lands. Keep in mind that many generations of ranch families have made a living, raised their families, and maintained these lands for future generations. The sustainability of their livelihoods is linked to the substainability of the land. They are the true environmentalists.

Despite their previous good stewardship, ranch families now risk being punished for the Forest Service's inability to complete the studies required by NEPA in time for the beginning of the 1996 grazing season. Over 120 Black Hills' grazing permits must be reissued by the Forest Service before the 1996 grazing season, which begins in March 1996. In accordance with NEPA, before the permits can be reissued the Forest Service must analyze each allotment for effects on endangered species, and environmental, cultural, historical, and water resources.

In this time of downsizing, already 4,000 jobs at the Forest Service have been eliminated. Yet despite this reduction in human resources, the Forest Service must now take on sweeping studies of every single ranking allotment—not just in South Dakota—but throughout the Western States.

I met with Chief Jack Ward Thomas of the Forest Service last week. He said that in order to complete these analyses as close on time as possible, he will have to concentrate both his financial and human resources on completing the NEPA studies. Chief Thomas said it himself: ''This means that every other function of the Forest Service in the West will suffer as a result.''

The timber industry will suffer, as well as the ongoing Black Hills forest management plan activity. In addition, because Forest Service personnel and resources will be spread so thinly, the risk of appeals—of both timber sales and grazing permits—is even greater.

I recognize that due to recent court action, the Forest Service is between a rock and a hard place. My amendment will solve the Forest Service's dilemma. It allows the permits to be renewed until the completion of the NEPA analyses.

I would like to note that my amendment is very similar to an amendment offered yesterday by my colleague from South Dakota. However, my colleague's amendment was included as a part of the Regulatory Transition Act which could be delayed in conference for some time. The very fact that I am introducing a similar amendment again today attests to the gravity of the situation, and my commitment to passing a resolution to this problem into law.

Unfortunately, Mr. President, we do not have much time. It is imperative that we resolve this issue quickly, for the sake of the ranchers and loggers in South Dakota—and across the West.

I urge my colleagues to support my amendment.

I will now yield to my colleague who has taken a great deal of leadership on this issue, the Senator from Wyoming.

The PRESIDING OFFICER (Mr. BENNETT). The Senator from Wyoming.

Mr. THOMAS. Mr. President, I thank the Senator from South Dakota. He has joined with many of us to deal with this issue. It is one of these issues that has a timeliness problem.

What we really have, as the Senator has pointed out, is during the past several months there has been some kind of court ruling that requires an individual NEPA investigation for every grazing permit. There are about 4,500 grazing permits from the Forest Service. About 700 of them will expire this year, the end of 1995. And, under the new regulation, driven by the court procedure, these NEPA requirements would have to be completed before these grazing permits can be extended.

The Forest Service has said there is no way they can do that within that length of time. The result would be that ranches that depend upon grazing permits for their summer grass for cattle and sheep would simply be out of business.

This does not change the requirement, it simply provides for some time. It says basically that permits cannot be refused because of the lack of the NEPA regulation. In other words, it says until the NEPA regulation is finished the permits can be renewed. That is really what it is all about.

By the way, there is plenty of protection. It is not a matter of protection. There are now NEPA requirements on the forest plain, at the forest level. It is already there. In fact you can make an argument it is not needed. We are not making that argument. We are simply making the argument that the process of NEPA can continue but that there is not enough time to do it without injuring people who have a business of grazing on public lands.

This would simply extend the time for that to happen. It is timely and needs to be done so people can plan for next year, can plan to turn their cattle out, can have loans and continue their business as they always have.

Mr. President, I urge the amendment. Let us put it in the bill so we can take away this threat to the economy of the West.

I thank the Senator from South Dakota.

Mr. EXON addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. EXON. Mr. President, I want to congratulate my friend and colleague from South Dakota, and my colleague and friend from Wyoming. I just made some pronouncements about the new Secretary of Agriculture about adjoining States. Here we are, adjoining States again. I am here with my senior colleague from South Dakota, Senator PRESSLER, and my new colleague from the western neighbor of the State of Nebraska.

I congratulate both of them for the amendment that has been offered. The matter has been cleared on this side and we are prepared to go ahead and agree to the amendment, if that is the will of the chairman of the Commerce Committee?

Mr. PRESSLER. I thank my friend from Nebraska. I regret he is leaving this Chamber. I have previously said a few kind words about him, both here and in the press. But I thank him very much for his great service here in this body.

Mr. President, I urge the adoption of this amendment.

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

The amendment (No. 425) to amendment No. 420 was agreed to.

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

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

The motion to lay on the table was agreed to.

EXECUTIVE SESSION

Mr. PRESSLER. Mr. President, I ask unanimous consent that the Senate now return to executive session to the nomination of Secretary Glickman.

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

NOMINATION OF DANIEL ROBERT GLICKMAN, OF KANSAS, TO BE SECRETARY OF AGRICULTURE

The Senate continued with the consideration of the nomination.

Mr. PRESSLER. Mr. President, I would like to say a few words about Dan Glickman. I have known him since 1974, when we came to the U.S. House of Representatives together. I have known him and his wife. We have traveled to different events together over the years. We have voted together in the House of Representatives. We have served together on a number of caucuses. I had observed his work over the years.

I certainly shall be voting with a great deal of pride for Dan Glickman for Secretary of Agriculture.

I am especially interested in the international aspects of agriculture. I believe in the next few years what we do in international agricultural trade will be just as important to farm prices as some of our domestic programs.

The business of the Secretary of Agriculture is the business of food for

peace. It is the business of international trade. It is the business of selling our products abroad, but also using food in foreign policy situations. The Secretary of Agriculture can be a driving force for what happens in farm prices and for the entire agricultural industry in our country in the next few years.

The Secretary of Agriculture also is a very important force domestically because it is his Department that sets the standards for food—what people are supposed to eat. The Food Stamp Program also is administered by the Department of Agriculture to provide food assistance for the poor. These are just some of a whole array of domestic issues handled by the Secretary of Agriculture.

The Department of Agriculture is a vast, huge agency. I first became acquainted with it when I was a young 4H member growing up on a farm near Humboldt, SD. There is a great deal of controversy about what the Department should do about reorganizing, and making it more efficient. I hope Dan Glickman will heed the call of the American people for less Government and more action, so to speak, in terms of the bureaucracy. It seems every time we cut spending around here we are told it is going to cut children's programs or food stamps or it is going to close a local office in one of our States. We never hear anything about shutting down any of the bureaucracy here in Washington, DC.

We need to have a more efficient Department of Agriculture. I am hoping Dan Glickman will do just that. I am prepared to help him and I wish him well.

Mr. President, I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. PRESSLER. Mr. President, I would like to yield back all the time on both sides regarding the nomination of Mr. Glickman. And I am playing the role of both leader and Democratic leader at the same time, I am told.

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

LEGISLATIVE SESSION

The Senate resumed legislative session.

MEASURE READ FOR THE FIRST TIME

Mr. PRESSLER. I would inquire of the Chair if H.R. 849 has arrived from the House of Representatives?

The PRESIDING OFFICER. Yes, it has.

Mr. PRESSLER. Therefore, I will ask for its first reading.

The PRESIDING OFFICER. The clerk will read the bill for the first time.

The assistant legislative clerk read as follows:

A bill (H.R. 849) to amend the Age Discrimination in Employment Act to reinstate an exemption for certain bona fide hiring and retirement plans applicable to State and local fire-fighters and law enforcement officers, and for other purposes.

Mr. PRESSLER. I now ask for its second reading.

I object.

The PRESIDING OFFICER. Objection is heard. The bill will remain at the desk and have its next reading on the next legislative day.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the Select Committee on Intelligence.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT ON SCIENCE AND TECHNOLOGY—MESSAGE FROM THE PRESIDENT—PM 39

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 Commerce, Science, and Transportation.

To the Congress of the United States:

This Nation's future depends on strong public and private support for science and technology. My Administration's decision to make sound investments in science and technology even as the Federal Government cuts other spending is premised on three basic assumptions:

—Technology is the engine of economic growth.

—Scientific knowledge is the key to the future.

—Responsible government advances science and technology.

The Congress and the American people can find evidence of the Administration's dedication to responsible government support for science and technology in our defense and economic policies as well as our management of the science and technology enterprise. We have decreased the Federal deficit, helped to create millions of new jobs, and improved the tax treatment of small businesses and of investments in research and development. Hemispheric and global trade agreements as well as relaxation of outdated export controls have opened huge export markets to America's high-tech industries. My *National Security Strategy of Engagement and Enlargement* (February 1995) depends on farsighted and efficient science and technology investments. Our foreign policy and security interests are also supported by mutually beneficial international cooperation in science and technology.

We have consistently endorsed technology policies to increase prosperity and enhance environmental quality. In *Technology for America's Economic Growth* (February 1993) and *Technology for a Sustainable Future* (July 1994) this Administration conveyed to the American people our plans for public/private partnerships to improve the business environment, enhance access to quality education and training, support development of information infrastructure, ensure continued excellence in health care, and strengthen America's global competitiveness.

Streamlined government based on strong partnerships—within the government, with the private sector, and among nations—is a hallmark of the Clinton/Gore Administration. The ''virtual department'' I created by establishing the National Science and Technology Council (NSTC) has cut bureaucratic red tape and produced a historic first: an integrated research and development budget that focuses on national goals. The NSTC has also produced large savings by enabling agencies to coordinate their efforts, divide tasks, and share resources.

My Committee of Advisors on Science and Technology (PCAST) provides critical links to industry and academia. Their oversight of NSTC activities, such as development of strategies for the management and disposition of fissile materials, promises to improve the Federal effort. So, too, do the forums and workshops that have drawn in thousands of experts and stakeholders to help develop priorities in areas as diverse as fundamental science; environmental technology; and health; safety; and food research.

I am also very proud of the steps we have taken to improve international cooperation in science and technology. Through the Gore-Chernomyrdin Commission we have used science and technology cooperation to ease the Russians' transition to democracy and a market economy. We have received valuable new technology and cultivated a crucial partner in global affairs through Russian participation in the international space station. We have used the Megasciences Forum of the Organization for Economic Cooperation and Development and other international forums to explore ways to share the increasing costs of cutting-edge research while maintaining our position of world leadership. Bilateral science and technology cooperation with other nations, including advanced industrial economies such as

Japan, and big, emerging markets such as the People's Republic of China, serve us well in the global economy—giving us access to new ideas and new technologies while creating new opportunities for business.

Economists have estimated that the social rate of return on investments in research and development averages about 50 percent, or about double the average private rate of return. Clearly a solid Federal investment program is justified even in the leanest times. It is especially important for the Federal Government to maintain its investments in science and technology when the pressures of international competition are leading businesses to focus on shorter term payoffs at the expense of more basic, longer term, and riskier research and development.

In *Science in the National Interest* (August 1994), the Vice President and I reaffirmed our longstanding commitment to world leadership in science, mathematics, and engineering. Scientific discoveries inspire and enrich us. Equally important, science and mathematics education provides all Americans with the knowledge and skills they need to prepare for and adapt to the high-technology jobs of the future and to exercise the responsibilities of citizenship.

This Administration has articulated clear goals and established priorities for Federal spending, and our economic policies have improved the climate for private investment as well. We intend to work closely with the Congress to ensure the well-being of our children and grandchildren. These investments will prepare us for the challenges of the 21st century.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *March 29, 1995.*

MESSAGES FROM THE HOUSE

At 11:47 a.m., a message from the House of Representatives, delivered by Mr. Schaefer, one of its legislative clerks, announced that the House disagrees to the amendment of the Senate to the bill (H.R. 831) to amend the Internal Revenue Code of 1986 to permanently extend the deduction for the health insurance costs of self-employed individuals, to repeal the provision permitting nonrecognition of gain on sales and exchanges effectuating policies of the Federal Communications Commission, and for other purposes, and agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon; and appoints the following Members as managers of the conference on the part of the Houses: Mr. ARCHER, Mr. CRANE, Mr. THOMAS of California, Mr. GIBBONS, and Mr. RANGEL.

At 4:55 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 4. An act to restore the American family, reduce illegitimacy, control welfare spending and reduce welfare dependence.

H.R. 256. An act to withdraw and reserve certain public lands and minerals within the State of Colorado for military uses, and for other purposes.

H.R. 529. An act to authorize the exchange of National Forest System lands in the Targhee National Forest in Idaho for non-Federal lands within the forest in Wyoming.

H.R. 606. An act to amend the Dayton Aviation Heritage Preservation Act of 1992, and for other purposes.

H.R. 622. An act to implement the Convention on Future Multilateral Cooperation in the Northwest Atlantic Fisheries.

H.R. 849. An act to amend the Age Discrimination in Employment Act of 1967 to reinstate an exemption for certain bona fide hiring and retirement plans applicable to State and local firefighters and law enforcement officers; and for other purposes.

MEASURES REFERRED

The following bills were read the first and second times by unanimous consent and referred as indicated:

H.R. 4. An act to restore the American family, reduce illegitimacy, control welfare spending and reduce welfare dependence; to the Committee on Finance;

H.R. 256. An act to withdraw and reserve certain public lands and minerals within the State of Colorado for military uses, and for other purposes; to the Committee on Energy and Natural Resources;

H.R. 529. An act to authorize the exchange of National Forest System lands in the Targhee National Forest in Idaho for non-Federal lands within the forest in Wyoming; to the Committee on Energy and Natural Resources; and

H.R. 606. An act to amend the Dayton Aviation Heritage Preservation Act of 1992, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 622. An act to implement the Convention on Future Multilateral Cooperation in the Northwest Atlantic Fisheries; to the Committee on Commerce, Science, and Transportation.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

H.R. 849. An act to amend the Age Discrimination in Employment Act of 1967 to reinstate an exemption for certain bona fide hiring and retirement plans applicable to State and local firefighters and law enforcement officers, and for other purposes.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–54. A resolution adopted by the Central Washington Farm Crops Association relative to USDA; to the Committee on Agriculture, Nutrition, and Forestry.

POM–55. A joint resolution adopted by the Legislature of the Commonwealth of Virginia; to the Committee on Armed Services.

''SENATE JOINT RESOLUTION NO. 328

''Whereas, American servicemen and women have dedicated their careers to protect the rights we all enjoy; and

''Whereas, military personnel endure hardships, privation, the threat of death and disability, and long separation from their families in service to their country; and

''Whereas, career military personnel earn retirement benefits based on the number of years of service and their rank at retirement; and

''Whereas, service-connected disability compensation serves a different purpose from longevity retirement pay and is intended to compensate for pain, suffering, disfigurement and impaired earning ability because of the disability; and

''Whereas, retired disabled servicemen and women endure a reduction in longevity retirement pay for any service-connected disability compensation they receive; and

''Whereas, the offset of retirement benefits by service-connected disability compensation presents an economic hardship to disabled military retirees, often reducing them to a poverty-level existence; and

''Whereas, similarly situated federal civil service retirees do not face a reduction in civil service retirement benefits if they receive compensation for a service-connected disability; and

''Whereas, it is fundamentally unfair to require disabled military retirees essentially to fund their own disability compensation; now, therefore, be it

''*Resolved*'' by the Senate, the House of Delegates concurring, That Congress be urged to enact legislation to eliminate this inequity and to allow disabled military retirees concurrent receipt of full longevity retirement benefits and service-connected disability compensation; and be it

''*Resolved further,*'' That the Clerk of the Senate transmit copies of this resolution to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, and the Virginia Congressional Delegation, so that they may be apprised of the sense of the General Assembly of Virginia.''

REPORTS OF COMMITTEE

The following report of a committee was submitted:

By Mr. HELMS, from the Committee on Foreign Relations:

Special Report entitled ''Legislative Activities Report of the Committee on Foreign Relations'' (Rept. No. 104–21).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. THURMOND, from the Committee on Armed Services:

Mr. THURMOND. Mr. President, from the Committee on Armed Services, I report favorably the attached listing of nominations.

Those identified with a single asterisk (*) are to be placed on the Executive Calendar. Those identified with a double asterisk (**) are to lie on the Secretary's desk for the information of any Senator since these names have already appeared in the RECORDS of January 6, February 3, 8, 16, 22, 27, March 6, 8, and 14, 1995 and to save the expense of printing again.

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

(The nominations ordered to lie on the Secretary's desk were printed in the RECORDS of January 6, February 3,

8, 16, 22, 27, March 6, 8, and 14, 1995 at the end of the Senate proceedings.)

*Col. Stephen M. Englehardt, USMCR to be brigadier general (Reference No. 95).

**In the Navy there is 1 promotion to the grade of lieutenant commander (Sergey M. Scollan) (Reference No. 119).

*In the Marine Corps there are 14 promotions to the grade of brigadier general (list begins with Charles F. Bolden, Jr.) (Reference No. 146).

**In the Air Force Reserve there are 9 appointments to the grade of colonel and below (list begins with Harold L. Kennedy) (Reference No. 188).

**In the Army there are 4 promotions to the grade of lieutenant colonel and below (list begins with Orin R. Hilmo, Jr.) (Reference No. 189).

**In the Marine Corps there is 1 promotion to the grade of lieutenant colonel (Lawrence J. Kovalchik) (Reference No. 190).

*Gen. Ronald W. Yates, USAF to be placed on the retired list in the grade of general (Reference No. 197).

*Gen. Henry Viccellio, Jr., USAF for reappointment to the grade of general (Reference No. 198).

*Lt. Gen. Billy J. Boles, USAF for reappointment to the grade of lieutenant general (Reference No. 199).

*Lt. Gen. Eugene E. Habiger, USAF for reappointment to the grade of lieutenant general (Reference No. 201).

*Maj. Gen. Lawrence P. Farrell, Jr. USAF to be lieutenant general (Reference No. 202).

**In the Air Force Reserve there are 2 appointments to the grade of lieutenant colonel (list begins with Thomas A. Work) (Reference No. 205).

**In the Air Force Reserve there are 11 promotions to the grade of lieutenant colonel (list begins with Lawrence R. Dowling) (Reference No. 206).

**In the Air Force Reserve there are 26 promotions to the grade of lieutenant colonel (list begins with Michael M. Adkinson) (Reference No. 207).

**In the Air Force there are 38 appointments to the grade of second lieutenant (list begins with Norman W. Anderson) (Reference No. 208).

**In the Air Force there are 71 promotions to the grade of colonel and below (list begins with James M. Corrigan) (Reference No. 209).

**In the Army Reserve there are 24 promotions to the grade of colonel (list begins with Richard G. Austin) (Reference No. 210).

**In the Army Reserve there are 32 promotions to the grade of lieutenant colonel (list begins with Gary D. Bray) (Reference No. 211).

**In the Navy there are 7 promotions to the grade of commander and below (list begins with Kerby E. Rich) (Reference No. 212).

**In the Navy and Naval Reserve there are 33 appointments to the grade of commander and below (list begins with Eric R. Victory) (Reference No. 213).

**In the Marine Corps there are 5 appointments to the grade of second lieutenant (list begins with Brandon D. Brown) (Reference No. 214).

**In the Air Force there are 44 appointments to the grade of captain (list begins with Saket K. Ambasht) (Reference No. 220).

**In the Army Reserve there are 11 promotions to the grade of colonel and below (list begins with Ben W. Adams, Jr.) (Reference No. 221).

**In the Marine Corps there are 2 promotions to the grade of major (list begins with Donovan E. V. Bryan) (Reference No. 222).

**In the Marine Corps there are 258 appointments to the grade of second lieutenant (list begins with Jonathan M. Aadland) (Reference No. 223).

**Vice Adm. Joseph W. Prueher, USN to be Vice Chief of Naval Operations and to be admiral (Reference No. 228).

**Rear Adm. Donald L. Pilling, USN to be vice admiral (Reference No. 229).

**In the Army there is 1 promotion to the grade of lieutenant colonel (Milton D. Hughes) (Reference No. 231).

**In the Army Reserve there are 33 promotions to the grade of colonel and below (list begins with Peter P. Baljet) (Reference No. 237).

**In the Army there are 15 promotions to the grade of colonel (list begins with Jack N. Anderson) (Reference No. 238) a)

**In the Army Reserve there are 6 promotions to the grade of colonel (list begins with Duane B. Anderson) (Reference No. 239).

**In the Army Reserve there are 33 promotions to the grade of lieutenant colonel (list begins with Arthur D. Bacon) (Reference No. 240).

**In the Army there are 401 promotions to the grade of colonel (list begins with Andrew E. Adams) (Reference No. 241).

**In the Army there is 1 promotion to the grade of lieutenant colonel (David C. Chuber) (Reference No. 250).

**In the Air Force there are 52 promotions to the grade of lieutenant colonel (list begins with Carl M. Alley). (Reference No. 251).

*Lt. Gen. Glynn C. Mallory, Jr., USA to be placed on the retired list in the grade of lieutenant general (Reference No. 252).

*In the Air Force Reserve there are 18 appointments to the grade of major general and below (list begins with Louis A. Crigler) (Reference No. 254).

*In the Air Force and Air Force Reserve there are 45 appointments to the grade of lieutenant colonel and below (list begins with Roberta L. Fierro) (Reference No. 255).

**In the Navy and Naval Reserve there are 42 appointments to the grade of commander and below (list begins with Amy L. Digiovanni) (Reference No. 256).

*Lt. Gen. James A. Fain, Jr., USAF to be placed on the retired list in the grade of lieutenant general (Reference No. 261).

*Lt. Gen. John M. Nowak, USAF to be placed on the retired list in the grade of lieutenant general (Reference No. 262).

*Maj. Gen. George T. Babbitt, Jr., USAF to be lieutenant general (Reference No. 263).

*Lt. Gen. Daniel R. Schroeder, USA to be placed on the retired list in the grade of lieutenant general (Reference No. 265).

**In the Army there are 3 promotions to the grade of lieutenant colonel and below (list begins with Joseph L. Walden) (Reference No. 268).

**In the Army there are 105 promotions to the grade or colonel (list begins with Douglas M. Anderson) (Reference No. 269).

Total: 1,361.

By Mrs. KASSEBAUM, from the Committee on Labor and Human Resources:

John L. Bryant, Jr., of the District of Columbia, to be a Member of the National Museum Services Board for a term expiring December 6, 1997.

Robert G. Breunig, of Arizona, to be a Member of the National Museum Services Board for a term expiring December 6, 1998.

Ela Yazzie-King, of Arizona, to be a Member of the National Council on Disability for a term expiring September 17, 1996.

Warren M. Washington, of Colorado, to be a Member of the National Science Board, National Science Foundation, for a term expiring May 10, 2000.

Townsend Wolfe, of Arkansas, to be a Member of the National Museum Services Board for a term expiring December 6, 1995.

Steven L. Zinter, of South Dakota, to be a Member of the Board of Trustees of the Harry S Truman Scholarship Foundation for a term expiring December 10, 1997.

Rae E. Unzicker, of North Dakota, to be a Member of the National Council on Disability for a term expiring September 17, 1997.

John A. White, Jr., of Georgia, to be a Member of the National Science Board, National Science Foundation, for a term expiring May 10, 2000.

Joseph E. Stevens, Jr., of Missouri, to be a Member of the Board of Trustees of the Harry S Truman Scholarship Foundation for a term expiring December 10, 1997.

Ruth Y. Tamura, of Hawaii, to be a Member of the National Museum Services Board for a term expiring December 6, 1996.

Lt. Gen. William W. Quinn, U.S. Army, retired, of Maryland, to be a Member of the Board of Trustees of the Barry Goldwater Scholarship and Excellence in Education Foundation for a term expiring October 13, 1999.

Yerker Andersson, of Maryland, to be a Member of the National Council on Disability for a term expiring September 17, 1996.

Nancy Marsiglia, of Louisiana, to be a Member of the National Museum Services Board for a term expiring December 6, 1998.

Kenneth Byron Hipp, of Hawaii, to be a Member of the National Mediation Board for a term expiring July 1, 1997.

Peggy Goldwater-Clay, of California, to be a Member of the Board of Trustees of the Barry Goldwater Scholarship and Excellence in Education Foundation for a term expiring June 5, 2000.

Jerome F. Kever, of Illinois, to be a Member of the Railroad Retirement Board for a term expiring August 28, 1998.

Charles Hummel, of Delaware, to be a Member of the National Museum Services Board for a term expiring December 6, 1999.

E. Gordon Gee, of Ohio, to be a Member of the Board of Trustees of the Harry S. Truman Scholarship Foundation for a term expiring December 10, 1999.

Phillip Frost, of Florida, to be a Member of the National Museum Services Board for a term expiring December 6, 1996.

Kinshasha Holman Conwill, of New York, to be a Member of the National Museum Services Board for a term expiring December 6, 1997.

Sanford D. Greenberg, of the District of Columbia, to be a Member of the National Science Board, National Science Foundation, for a term expiring May 10, 2000.

John A. Gannon, of Ohio, to be a Member of the National Council on Disability for a term expiring September 17, 1995.

John Challinor, of the District of Columbia, to be a Member of the National Commission on Libraries and Information Science for a term expiring July 19, 1999.

Niranjan Shamalbhai Shah, of Illinois, to be a Member of the Board of Trustees of the Barry Goldwater Scholarship and Excellence in Education Foundation for a term expiring August 11, 1998.

Virgil M. Speakman, of Ohio, to be a Member of the Railroad Retirement Board, for a term expiring August 28, 1999.

Robert M. Solow, of Massachusetts, to be a Member of the National Science Board, National Science Foundation, for a term expiring May 10, 2000.

Debra Robinson, of Pennsylvania, to be a Member of the National Council on Disability for a term expiring September 17, 1997.

Lynda Hare Scribante, of Nebraska, to be a Member of the Board of Trustees of the Barry Goldwater Scholarship and Excellence in Education Foundation for a term expiring October 13, 1999.

Arthur Rosenblatt, of New York, to be a Member of the National Museum Services Board for a term expiring December 6, 1997.

Lilliam Rangel Pollo, of Florida, to be a Member of the National Council on Disability for a term expiring September 17, 1996.

Diana S. Natalicio, of Texas, to be a Member of the National Science Board, National Science Foundation, for a term expiring May 10, 2000.

Audrey L. McCrimon, of Illinois, to be a Member of the National Council on Disability for a term expiring September 17, 1997.

Claudia Mitchell-Kernan, of California, to be a Member of the National Science Board, National Science Foundation, for a term expiring May 10, 2000.

Marciene S. Mattleman, of Pennsylvania, to be a Member of the National Institute for Literacy Advisory Board for the remainder of the term expiring October 12, 1995.

Ayse Manyas Kenmore, of Florida, to be a Member of the National Museum Services Board for the remainder of the term expiring December 6, 1995.

Eve L. Menger, of New York, to be a Member of the National Science Board, National Science Foundation, for a term expiring May 10, 2000.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred to as indicated:

By Mr. CAMPBELL (for himself, Mr. BROWN, and Mr. AKAKA):

S. 644. A bill to amend title 38, United States Code, to reauthorize the establishment of research corporations in the Veterans Health Administration, and for other purposes; to the Committee on Veterans Affairs.

By Mr. FEINGOLD:

S. 645. A bill to amend the Agricultural Adjustment Act to prohibit the Secretary of Agriculture from basing minimum prices for Class I milk on the distance or transportation costs from any location that is not within a marketing area, except under certain circumstances, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. ROTH (for himself, Mr. GRASSLEY, and Mr. COHEN):

S. 646. A bill to amend title 10, United States Code, to modernize Department of Defense acquisition procedures, and for other purposes; to the Committee on Armed Services.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. DOLE (for himself and Mr. DASCHLE):

S. Res. 96. A resolution commending Chick Reynolds on the occasion of his retirement; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CAMPBELL (for himself, Mr. BROWN, and Mr. AKAKA):

S. 644, A bill to amend title 38, United States Code, to reauthorize the establishment of research corporations in the Veterans Health Administration, and for other purposes; to the Committee on Veterans Affairs.

NONPROFIT RESEARCH CORPORATIONS LEGISLATION

Mr. CAMPBELL. Mr. President, today I am introducing a bill to reauthorize Department of Veterans Affairs Medical Centers [VAMC's] to establish nonprofit research corporations [NPRC's].

In 1988, Congress passed a law, Public Law 100–322, allowing VAMC's to establish NPRC's as a means to provide a flexible funding mechanism for VA-approved research. The purpose of these foundations is to enhance ongoing federally-funded VA research by allowing them to accept private funds, contributions and grants. Between June 1993 and June 1994, the 65 active corporations provided nearly $40 million in VA research support.

These NPRC's have five overlapping functions which help VAMC's serve veteran patients and their families. First, these foundations help recruit and maintain qualified staff inside the VA health care system by insuring a strong research program. Not only do NPRC's fund research projects directly, they also help send VA researchers, nurses, pharmacists, and other staff to conferences and other research events. This both encourages physicians and other health professionals to work for VA and keeps the knowledge inside the VA system.

Second, these foundations manage research donations and grants with Government oversight. NPRC researchers must abide by sunshine laws and conduct every project in the open. Unlike universities and private foundations, NPRC's must follow strict conflict of interest guidelines which protect integrity of the research and the interests of veteran patients.

Third, these foundations insure that substantial overhead funds are retained by VAMC's. Most universities charge overhead costs from 30 to 50 percent, while NPRC's charge only about 5 to 30 percent for overhead. Simply stated, foundations allow more money to be spent on research-related activities and insure that the money stays inside the VA system. Furthermore, some NPRC's provide funds for overheard costs. For example, the San Diego foundation contributes over $100,000 for overhead expenses, including paying one-quarter of the hospital's bill for hazardous waste disposal at the research facility. Before NPRC's were established, the medical centers were forced to carry all the administrative costs of research.

Fourth, these foundations help provide resources for research-related personnel, equipment, supplies, and conferences. For example, in Seattle, WA, the foundation purchases approximately 75,000 dollars worth of new equipment for the medical center each year. In some instances, the staff supplied provide direct patient care. In Washington, DC, the foundation has 25 employees who work directly in patient care as doctors, nurses, or clinicians.

Finally, NPRC's allow interested veterans to participate in the development of new drugs and treatments benefiting veterans. In Knoxville, TN, the foundation participated in a study which made a new blood pressure medication available to patients in a safe, controlled manner. In Indianapolis, IN the foundation conducted a drug study that gave veteran patients access to a new medication that benefits chronically ill heart patients.

By helping to provide equipment, treatment, staff, and other resources, while defraying the costs of overhead, these foundations are serving veterans without requiring more money from the VA budget.

This legislation would correct two problems in current law. First, it would extend the window of opportunity for the establishment of new NPRC's until December 31, 2000. To my knowledge, there are several VAMC's that would like to establish these important research corporations, including one in Colorado. If these VAMC's were allowed to establish NPRC's, it would pump much-needed supplemental funds into the VA research program.

The second provision of this bill would delete the requirement that NPRC's be established as 501(c)(3) corporations. Realizing that the IRS has recognized several foundations under different classifications, this technical correction is needed to insure the legality of several NPRC's.

I am happy to include Senators BROWN and AKAKA as original cosponsors of this bill. Mr. President, I hope the Committee on Veterans' Affairs will consider this legislation favorably so that interested VA Medical Center can once again establish new nonprofit research corporations.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 644

Be is enacted by the Senate and House of Representatives of the United States of American in Congress assembled,

SECTION 1. AUTHORITY FOR RESEARCH CORPORATIONS.

(a) AUTHORITY.—Subsection (a) of section 7361 of title 38, United States Code, is amended by inserting after the first sentence the following new sentence: ''Subject to the provisions of section 7368 of this title, the Secretary may exercise the authority set forth in the preceding sentence on or after the date of the enactment of the Act entitled 'An Act to amend title 38, United States Code, to reauthorize the establishment of research

corporations in the Veterans Health Administration, and for other purposes.'''.

(b) CLARIFICATION OF TAX-EXEMPT STATUS.—(1) Subsection (b) of such section is amended by striking out ''section 501(c)(3) of''.

(2) Section 7363(c) of such title is amended by striking out ''section 501(c)(3) of''.

(c) TERMINATION OF AUTHORITY.—Section 7368 of such title is amended by striking out ''December 31, 1992'' and inserting in lieu thereof ''December 31, 2000''.

By Mr. FEINGOLD:

S. 645. A bill to amend the Agriculture Adjustment Act to prohibit the Secretary of Agriculture from basing minimum prices for class I milk on the distance or transportation costs from any location that is not within a marketing area, except under certain circumstances, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

THE AGRICULTURAL ADJUSTMENT ACT AMENDMENT ACT OF 1995

• Mr. FEINGOLD. Mr. President, today I rise to introduce a bill which will be a first step toward rectifying the inequities in the Federal milk marketing order system. The Federal milk marketing order system, created nearly 60 years ago, establishes minimum prices for milk paid to producers throughout various marketing areas in the United States.

My legislation is very simple. It identifies the single most harmful flaw in the current system, and corrects it.

That flaw is USDA's practice of basing prices for fluid milk in all marketing ares east of the Rocky Mountains on the distance from Eau Claire, WI, when there is no longer any economic justification for doing so.

The price for fluid milk increases at a rate of 21 cents per hundred miles from Eau Claire, WI, even though most milk marketing orders do not receive any milk from Wisconsin. Fluid milk prices, as a result, are $2.98 cents higher in Florida than in Wisconsin and over $1.00 higher in Texas.

This method of pricing fluid milk is not only arbitrary, it is both out of date and out of sync with the market conditions of 1995. It is time for this method of pricing—known as single-based-point pricing—to come to an end.

The bill I am introducing today will prohibit the Secretary of Agriculture from using distance or transportation costs from any location as the basis for pricing milk, unless significant quantities of milk are actually transported from that location into the recipient market. The Secretary will have to comply with the statutory requirement that supply and demand factors be considered as specified in the Agricultural Marketing Agreement Act when setting milk prices in marketing orders. The fact remains that single-basing-point pricing simply cannot be justified based on supply and demand for milk both in local and national markets.

This bill also requires the Secretary to report to Congress on specifically which criteria are used to set milk prices. Finally, he will have to certify to Congress that in no way do the criteria used by the Department attempt to circumvent the prohibition on using distance or transportation cost as basis for pricing milk.

This one change is so crucial to Upper Midwest producers, because the current system has penalized them for many years. By providing disparate profits for producers in other parts of the country and creating artificial economic incentives for milk production, Wisconsin producers have seen national surpluses rise, and milk prices fall. Rather than providing adequate supplies of fluid milk in some parts of the country, the prices have led to excess production.

The prices have provided production incentives beyond those needed to ensure a local supply of fluid milk in some regions, leading to an increase in manufactured products in those marketing orders. Those manufactured products directly compete with Wisconsin's processed products, eroding our markets and driving national prices down.

In the past 4 years, markets far from Eau Claire, WI, sold most of the surplus manufactured dairy products to the Federal Government under the dairy price support program. The Minnesota-Wisconsin area—the supposed surplus area of the country—in reality accounts for only a small percentage of actual surplus sales.

The perverse nature of this system is further illustrated by the fact that in 1995 some regions of the United States, notably the Central States and the Southwest, are now producing so much milk that they are actually shipping fluid milk north to the Upper Midwest. The high fluid milk prices have generated so much excess production, that these markets distant from Eau Claire are now taking not only our manufactured markets, but also our markets for fluid milk, further eroding prices in Wisconsin.

Emphasizing the market distorting effects of the fluid price differentials in Federal orders is the Congressional Budget Office estimate that eliminating the orders would save $669 million over 5 years. Government outlays would fall, CBO concludes, because production would fall in response to lower milk prices and there would be fewer Government purchases of surplus milk. The regions which would gain and lose in this scenario illustrate the discrimination inherent to the current system. Recent economic analyses show that farm revenues in the absence of Federal orders would actually increase in the Upper Midwest and fall in most other milk-producing regions.

I am not advocating total elimination of the current system at this point, however, the data clearly show that Upper Midwest producers are hurt by distortions built into a single-basing-point system that prevent them from competing effectively in a national market.

While this system has been around since 1937, the practice of basing fluid milk price differentials on the distance from Eau Claire was formalized in the 1960's, when arguably the Upper Midwest was the primary reserve for additional supplies of milk. The idea was to encourage local supplies of fluid milk in areas of the country that did not traditionally produce enough fluid milk to meet their own needs.

Mr. President, that is no longer the case. The Upper Midwest is neither the lowest cost production area nor a primary source of reserve supplies of milk. Milk is produced efficiently, and in some cases, at lower cost than the Upper Midwest, in many of the markets with higher fluid milk differentials. Unfortunately, the prices didn't adjust with changing economic conditions, most notably the shift of the dairy industry away from the Upper Midwest and toward the Southwest.

Fluid milk prices should have been lowered to reflect that trend. Instead, in 1985, the prices were increased for markets distant from Eau Claire. USDA has refused to use the administrative authority provided by Congress to make the appropriate adjustments to reflect economic realities. They continue to stand behind single-basing-point pricing.

The result has been the decline in the Upper Midwest dairy industry, not because they can't compete in the marketplace, but because the system discriminates against them.

Since 1980, Wisconsin has lost over 15,000 dairy farmers. The Upper Midwest, with the lowest fluid milk prices, is shrinking as a dairy region. Other regions with higher fluid milk prices are growing rapidly.

In an unregulated market with a level playing field these shifts in production might be fair. But in a market where the Government is setting the prices and providing that artificial advantage, the current system is unconscionable.

This bill is a first step in reforming Federal orders by prohibiting a practice that should have been dropped long ago. However, for Congress there is a long way to go. Through the process of the 1995 farm bill we will have to determine not only what Federal orders should not do, but also what they should do, and, indeed, if they are still necessary. My bill is a starting point. I look forward to working with my colleagues and with the dairy industry in the upcoming months to determine more specifically how we should establish orderly marketing conditions. However, this bill identifies the one change that is absolutely necessary in any outcome—the elimination of single basing point pricing.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 645

Be it enacted by the Senate and House of Representatives of the United States of Congress assembled,

SECTION 1. LOCATION ADJUSTMENTS FOR MINIMUM PRICES FOR CLASS I MILK.

Section 8c(5) of the Agricultural Adjustment Act (7 U.S.C. 608c(5)), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937, is amended—

(1) in paragraph (A)—

(A) in clause (3) of the second sentence, by inserting after ''the locations'' the following: ''within a marketing area subject to the order''; and

(B) by striking the last 2 sentences and inserting the following: ''Notwithstanding paragraph (18) or any other provision of law, when fixing minimum prices for milk of the highest use classification in a marketing area subject to an order under this subsection, the Secretary may not, directly or indirectly, base the prices on the distance from, or all or part of the costs incurred to transport milk to or from, any location that is not within the marketing area subject to the order, unless milk from the location constitutes at least 50 percent of the total supply of milk of the highest use classification in the marketing area. The Secretary shall report to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate on the criteria that are used as the basis for the minimum prices referred to in the preceding sentence, including a certification that the minimum prices are made in accordance with the preceding sentence''; and

(2) in paragraph (B)(c), by inserting after ''the locations'' the following: ''within a marketing area subject to the order''.●

By Mr. ROTH (for himself, Mr. GRASSLEY, and Mr. COHEN):

S. 646. A bill to amend title 10, United States Code, to modernize Department of Defense acquisition procedures, and for other purposes, to the Committee on Armed Services.

THE ACQUISITION MANAGEMENT REFORM ACT OF 1995

Mr. ROTH. Mr. President, last year, we joined with the administration in taking a step toward improving the Federal Government's massive buying system. This is an issue that I have been working on for over a decade and the payoff from a comprehensive reform is significant. Last year's bill, the Federal Acquisition Streamlining Act, attempted to improve the Government's access to commercial items. It also laid the groundwork for more comprehensive reforms. However, it did not remedy the core problems of the Federal buying system. Today, Congressman KASICH and I are introducing legislation to dramatically reshape the Defense Department buying system.

Recent reports from both the Defense Department and the General Accounting Office highlight the need for reform. In short, the Defense Department has become increasingly unable to produce the best technology in an affordable manner, when it is needed. The vast majority of weapon acquisition programs are experiencing serious cost and schedule problems. Last December, two of the Defense Department's own reports found that, on average, 33 percent of its programs are experiencing overruns. A Defense Systems Management College study, published last month in the College's journal, reported average cost overruns of 45 percent with schedule delays of 63 percent. For example, the C–17 transport's cost and schedule overruns have seriously delayed its availability. After spending $10.4 billion and over 20 years in developing the C–17, the Air Force is considering buying commercial aircraft in its place.

We can point to such horror stories in all the services. Acquisition costs for Navy major weapon systems are over budget by as much as 179 percent; Air Force systems by as much as 158 percent, and Army systems by as much as 220 percent, even after accounting for the effects of inflation and quantity. A July 1993 Defense Science Board study found that: ''without fundamental reform, DOD will be unable to afford the weapons, equipment, and services it needs to provide for our national security.''

The defense buying bureaucracy is plagued by multi-billion-dollar cost overruns, programs that are years or even a decade behind schedule, incentives that encourage spending rather than cost-cutting, and topheavy bureaucratic agencies that rely on detailed regulations rather than good judgment. Defense Department studies find that it takes 16 to 25 years and more than 840 steps to bring a technology to the battlefield. By then the technologies are out of date. Until the buying system is changed, the results would not improve.

Mr. President, I have long maintained that Congress must be bold if it is to make significant improvements in the Government's buying system—a system I have worked for more than a decade to reform. It was my legislation that led to the creation of the Packard Commission. I have sponsored and fought for many reforms, including the Federal Acquisition Streamlining Act, which I and my colleagues on the Governmental Affairs Committee successfully enacted into law.

While last year's legislation made a good step forward more significant changes are required to fix the core problems. Without major cultural and structural change, cost and schedule overruns will continue, the Pentagon will pay more than it should for goods and services; and the taxpayer will pick up the inflated tab. Moreover, our brave young men and women in uniform will continue to wait for decades to get weapons that may not meet their needs.

Mr. President, there are three root causes to this situation which must be addressed today:

One, the defense acquisition process is too cumbersome, takes too long, and does not produce desired results. The DOD 5000 and 8000 Series of documents and its consensus based management process must be abandoned in favor of a results oriented process.

Two, incentives are wrong. They reward program managers and contractors for increasing the size of their program and their budget. There are no incentives for a job well done.

Three, the organization is too large. It is a bureaucracy with layer upon layer of management and dozens of buying commands and subcommands spread across the four military services. Many of the bureaucratic layers exist solely for the purpose of satisfying the needs of the bureaucracy and add no value. The dozens of defense acquisition schools that were originally intended to ensure the excellence of the work force have now become a barrier to reform. And, dozens of military depots have become a hindrance to efficiently downsizing the defense industrial base.

Mr. President, my proposal contains eight parts and incorporates the principles of unity of command, lean management structure, fast processes, and pay for performance for both Government workers and contractors.

First, with respect to program performance, programs must be managed within 90 percent of their budget, schedule, and performance goals. If they overrun by 50 percent or more, programs must be terminated.

Second, my legislation would require the Secretary of Defense to streamline the acquisition management process so that program managers focus on achieving results. It also integrates the operational testing reforms that I have been working on with Senator PRYOR to prevent circumvention of operational tests and force early operational assessments to reduce the risk of major flaws being found after production has started.

Third, my proposal streamlines the defense acquisition organization and its interface with operational users. The bill reorganizes the Defense Department research, development, and acquisition bureaucracies into a single DOD-wide agency, using the three layer organization endorsed by the Packard commission.

Fourth, the bill re-emphasizes the commitment of Congress to a professional acquisition work force and establishes an incentive structure focused on program performance.

Fifth, the legislation emphasizes the necessity for an efficient contracting process by establishing a policy goal of cutting in-half the time it takes to get an item to someone with a need. It also allows the Defense Department to limit the final selection process to the top two or three bidders, as recommended by the GAO.

Sixth, the Defense Department will be able to manage its contractors on the basis of performance, rather than relying on continuous audit oversight and the threat of penalties. Under the

concept that I am proposing, contractor profit would be tried to achievement of quantifiable performance measures.

Seventh, the bill addresses major financial management problems that afflict the defense buying system. It reduces the major source of program instability by enabling full-funding of a program for each phase of the development process. Additionally, those who use weapons will regain authority for determining what is bought to support them. The bill also applies pay for performance to responsible officials, requiring them to bring financial management up to commercial standards.

Eighth, the bill consolidates duplicative military and industry maintenance and repair depots. The bill prohibits the Defense Department from performing depot and intermediate level maintenance and repair work, unless industry is unwilling to perform the work. Therefore existing repair depots must be either privatized or shut down.

Mr. President, large savings can be realized from the comprehensive reforms I am proposing. I anticipate that my approach will reduce acquisition management personnel by as much as 25 to 30 percent through reduction in duplicative headquarters staffs. The Defense Science Board Task Force on Defense Acquisition Reform reported in July 1993 that a comprehensive reform along the lines I am proposing would save $20 billion per year. The House Budget Committee has included $3.5 billion in its budget reduction proposal, and the Congressional Budget Office conservatively estimates the savings at about $1.7 billion per year.

In summary, there is both a need and an opportunity for reforming Defense acquisition. But, Mr. President, I must point out that bureaucracies are inherently unable to reform themselves. The time has come for us to make some very hard and difficult decisions which have far-reaching impact on the future of our country. Change must be brought about by those of us who are concerned about maintaining a strong defense within today's budget constraints.

Mr. President, I ask that the full text of the bill and a letter be printed in the RECORD.

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

S. 646

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 ''Department of Defense Acquisition Management Reform Act of 1995''.

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.

Sec. 2. Table of contents.

TITLE I—PERFORMANCE BASED ACQUISITION PROCESS

Subtitle A—Performance Goals

Sec. 101. Strengthened reporting requirement.
Sec. 102. Termination of major defense acquisition programs not meeting goals.
Sec. 103. Enhanced performance incentives for acquisition workforce.

Subtitle B—Results-Oriented Acquisition Process

Sec. 111. Revision of regulations relating to acquisition of major systems and information technology systems.
Sec. 112. Results oriented acquisition program cycle.
Sec. 113. Operational test and evaluation requirements in relation to low-rate production.
Sec. 114. Acquisition of information technology.

Subtitle C—Rapid Contracting

Sec. 121. Goal.
Sec. 122. Authority to limit number of offerors.
Sec. 123. Preference for certified contractors.
Sec. 124. Consideration of past performance and eligibility certification.
Sec. 125. Encouragement of multiyear contracting.
Sec. 126. Encouragement of use of leasing authority.

Subtitle D—Performance Based Contract Management

Sec. 131. Unallowable costs.
Sec. 132. Alternatives approaches to contract management.
Sec. 133. Contractor share of gains and losses from cost, schedule, and performance experience.

Subtitle E—Financial Management

Sec. 141. Phase funding of defense acquisition programs.
Sec. 142. Maximized benefit funding.
Sec. 143. Improved Department of Defense contract payment procedures.

Subtitle F—Defense Acquisition Workforce

Sec. 151. Consideration of past performance in assignment to acquisition positions.
Sec. 152. Termination of defense acquisition schools.

Subtitle G—Revision of Procurement Integrity Requirements

Sec. 161. Amendments to Office of Federal Procurement Policy Act.
Sec. 162. Amendments to title 18, United States Code.
Sec. 163. Repeal of superseded and obsolete laws
Sec. 164. Implementation.

Subtitle H—Clerical Amendments

Sec. 171. Clerical amendments to title 10.
Sec. 172. Other laws.

TITLE II—REORGANIZATION AND REFORM OF THE DEFENSE ACQUISITION SYSTEM

Subtitle A—Streamlining and Improvement of Acquisition Management

Sec. 201. Reorganization of acquisition authority.
Sec. 202. Joint foreign products development.

Subtitle B—Transfer of Functions

Sec. 211. Transfers.
Sec. 212. Savings provisions.

Subtitle C—Conforming Amendments

Sec. 221. Modification of the responsibility of the Under Secretary of Defense (Comptroller) for defense acquisition budgets.
Sec. 222. The defense acquisition work force.
Sec. 223. Procurement procedures generally.
Sec. 224. Research and development.
Sec. 225. Miscellaneous procurement provisions.
Sec. 226. Major defense acquisition programs.
Sec. 227. Service specific acquisition authority.
Sec. 228. Other laws.

Subtitle D—Effective Date

Sec. 241. Effective date.

TITLE III—DEPOT-LEVEL MAINTENANCE

Sec. 301. Elimination of 60/40 rule for public/private division of depot-level maintenance workload.
Sec. 302. Preservation of core maintenance and repair capability.
Sec. 303. Performance of depot-level maintenance workload by private sector whenever possible.

TITLE I—PERFORMANCE BASED ACQUISITION PROCESS

Subtitle A—Performance Goals

SEC. 101. STRENGTHENED REPORTING REQUIREMENT.

Section 2220(b) of title 10, United States Code, is amended in the first sentence by striking out ''an assessment of whether major and nonmajor acquisition programs of the Department of Defense are achieving'' and inserting in lieu thereof ''an assessment, for each Department of Defense appropriation account, of whether the major and nonmajor acquisition programs funded from such account are achieving''.

SEC. 102. TERMINATION OF MAJOR DEFENSE ACQUISITION PROGRAMS NOT MEETING GOALS.

Section 2220 of title 10, United States Code, is amended by adding at the end the following:

''(d) TERMINATION OF PROGRAMS SIGNIFICANTLY UNDER GOALS.—The Secretary of Defense shall terminate any major defense acquisition program that—

''(1) is more than 50 percent over the cost goal established for a phase of the program;

''(2) fails to achieve at least 50 percent of the performance capability goals established for a phase of the program; or

''(3) is more than 50 percent behind schedule, as determined in accordance with the schedule goal established for a phase of the program.''.

SEC. 103. ENHANCED PERFORMANCE INCENTIVES FOR ACQUISITION WORKFORCE.

(a) CLARIFICATION OF REQUIREMENTS FOR SYSTEM OF INCENTIVES.—Subsection (b) of section 5001 of the Federal Acquisition Streamlining Act of 1994 (Public Law 103–355; 108 Stat. 3350; 10 U.S.C. 2220 note) is amended—

(1) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(2) by designating the second sentence as paragraph (2); and

(3) by inserting ''(1)'' after ''(b) ENHANCED SYSTEM OF PERFORMANCE INCENTIVES.—''; and

(4) by adding at the end the following:

''(3) The Secretary shall include in the enhanced system of incentives the following:

''(A) Pay bands.

''(B) Significant and material pay and promotion incentives to be awarded, and significant and material unfavorable personnel actions to be imposed, under the system exclusively, or primarily, on the basis of the contributions of personnel to the performance of the acquisition program in relation to cost goals, performance goals, and schedule goals.

''(C) Provisions for pay incentives and promotion incentives to be awarded under the system only if—

''(i) the cost of the acquisition program is less than 90 percent of the baseline parameter established for the cost of the program under section 2435 of title 10, United States Code;

''(ii) the period for completion of the program is less than 90 percent of the period provided under the baseline parameter established for the program schedule under such section; and

''(iii) the results of the phase of the program being executed exceed the performance parameter established for the system under such section by more than 10 percent.

''(D) Provisions for unfavorable personnel actions to be taken under the system only if the acquisition program performance for the phase being executed exceeds by more than 10 percent the cost and schedule parameters established for the program phase under section 2435 of title 10, United States Code, and the performance of the system acquired or to be acquired under the program fails to achieve at lease 90 percent of the baseline parameters established for performance of the program under such section.''.

(b) RECOMMENDED LEGISLATION.—Subsection (c) of such section is amended by adding at the end the following: ''The Secretary shall include in the recommendations provisions necessary to implement the requirements of subsection (b)(3).''.

(c) IMPLEMENTATION OF INCENTIVES SYSTEM.—Section 5001 of the Federal Acquisition Streamlining Act of 1994 is further amended by adding at the end the following:

''(d) IMPLEMENTATION OF INCENTIVES SYSTEM.—(1) The Secretary shall complete the review required by subsection (b) and take such actions as are necessary to provide an enhanced system of incentives in accordance with such subsection not later than October 1, 1997.

''(2) Not later than October 1, 1996, the Secretary shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a report on the actions taken to satisfy the requirements of paragraph (1).''.

Subtitle B—Results-Oriented Acquisition Process

SEC. 111. REVISION OF REGULATIONS RELATING TO ACQUISITION OF MAJOR SYSTEMS AND INFORMATION TECHNOLOGY SYSTEMS.

Not later than October 1, 1996, the Secretary of Defense shall revise the regulations of the Department of Defense relating to the acquisition of major systems and of information technology systems to ensure that, in the acquisition of those systems, program managers focus on achieving results rather than on preparing and transmitting reports and building consensus among interested persons.

SEC. 112. RESULTS ORIENTED ACQUISITION PROGRAM CYCLE.

(a) CYCLE DEFINED.—Chapter 131 of title 10, United States Code, is amended by adding at the end the following:

''§ 2221. Results oriented acquisition program cycle

''(a) PROGRAM PHASES.—The Secretary of Defense shall define in regulations a simplified acquisition program cycle that is results-oriented and consists of the following phases:

''(1) The integrated decision team meeting which—

''(A) may be requested by a potential user of the system or component to be acquired, the head of a laboratory, or a program office on such bases as the emergence of a new military requirement, cost savings opportunity, or new technology opportunity;

''(B) shall be conducted by the program executive officer;

''(C) shall include representatives of commanders of unified and specified combatant commands, all armed forces (other than the Coast Guard), laboratories, and industry; and

''(D) shall result in the team recommending to the potential user a range of solutions for meeting user requirements or for evaluating opportunities;

''(E) shall be completed within one to three months.

''(2) The prototype development and testing phase which—

''(A) shall include operational tests and concerns relating to manufacturing operations and life cycle support;

''(B) shall be completed within 6 to 36 months; and

''(C) shall produce sufficient numbers of prototypes to assess operational utility.

''(3) Product integration, development, and testing which—

''(A) shall include full-scale development, operational testing, and integration of components; and

''(B) shall be completed within one to five years.

''(4) Production, integration into existing systems, or production and integration into existing systems.

''(b) RELATIONSHIP BETWEEN EXTENT OF TECHNICAL RISK AND COMPLETION OF PHASES.—(1) The time constraints set forth in subsections (a)(1)(E), (a)(2)(B), and (a)(3)(B) establish maximum limits for completion of the acquisition program cycle and for each phase of the program cycle. The regulations prescribed for the acquisition program cycle shall provide for reducing the maximum time limits for an acquisition program in relation to the degree of the technical difficulty that is involved in the execution of the various recommendations developed for the program in the integrated decision team phase under subsection (a)(1)(D).

''(2) The regulations shall provide three alternatives for maximum time limits that are to apply to completion of the acquisition program cycle for a program and for each phase of the program cycle, as follows:

''(A) In the case of an acquisition that involves complex technical risks and integration issues, completion within the maximum time limits set forth in subsection (a).

''(B) In the case of an acquisition of a component primarily using existing technology or of a modification of a component or system primarily using existing technology, accelerated completion.

''(C) In the case of an acquisition of a commercial item or a nondevelopmental item, relatively rapid completion.

''(c) SINGLE MAJOR DECISION POINT.—(1) The acquisition program approval process within the Department of Defense shall have one major decision point which shall occur for an acquisition program before that program proceeds into product integration, development, and testing.

''(2) At the major decision point for an acquisition program, the Under Secretary of Defense for Acquisition, in consultation with the Vice Chairman of the Joint Chiefs of Staff, shall—

''(A) review the program;

''(B) determine whether the program should continue to be carried out beyond product integration and development; and

''(C) decide whether—

''(i) to direct the program manager to request an integrated decision team meeting;

''(ii) to proceed into product integration or development; or

''(iii) to terminate the program.

''(3) In the review of an acquisition program, the Under Secretary shall consider the potential benefits, independent cost estimates, affordability, needs, and risks of the program.

''(d) USER INVOLVEMENT IN INTEGRATION MATTERS.—The regulations under subsection (a) shall ensure that the potential users (within the military departments) of an item being acquired under the program cycle set forth in subsection (a) are afforded an opportunity to participate meaningfully in the acquisition decisions concerning such item during the phases described in paragraphs (3) and (4) of that subsection.''.

(b) CONFORMING AMENDMENTS.—

(1) COORDINATION AND COMMUNICATION OF DEFENSE RESEARCH ACTIVITIES.—Section 2364 of title 10, United States Code, is amended—

(A) in subsection (b)(5), by striking out ''making milestone 0, milestone I, and milestone II decision'' and inserting in lieu thereof ''the integrated decision team meeting, the making of the decision at the single major decision point under subsection (c) of section 2221 of this title, and, as appropriate, the making of other acquisition program decisions during the acquisition program cycle described in section 2221 of this title''; and

(B) by striking out subsection (c).

(2) SURVIVABILITY AND LETHALITY TESTING.—Section 2366(c) of such title is amended by striking out ''engineering and manufacturing development'' in paragraph (1) and in the second sentence of paragraph (2) and inserting in lieu thereof ''product integration, development, and testing''.

(3) LOW-RATE INITIAL PRODUCTION OF NEW SYSTEMS.—Section 2400(a)(2) of such title is amended by striking out ''engineering and manufacturing development'' and inserting in lieu thereof ''product integration, development, and testing''.

(4) SELECTED ACQUISITION REPORTS.—Section 2432 of such title is amended—

(A) in subsection (b)(3)(A)(i), by striking out ''engineering and manufacturing development'' and inserting in lieu thereof ''product integration, development, and testing'';

(B) in subsection (c)(3)(A), by striking out ''engineering and manufacturing development phase or has completed that stage'' and inserting in lieu thereof ''product integration, development, and testing phase or has completed that phase'';

(C) in subsection (h)(1)—

(i) in the first sentence, by striking out ''engineering and manufacturing development'' and inserting in lieu thereof ''prototype development and testing''; and

(ii) in the second sentence, by striking out ''engineering and manufacturing development'' and inserting in lieu thereof ''product integration, development, and testing''.

(5) MAJOR DEFENSE ACQUISITION PROGRAMS.—

(A) INDEPENDENT COST ESTIMATES.—Section 2434(a) of such title is amended by striking out ''engineering and manufacturing development, or the production and deployment,'' and inserting in lieu thereof ''product integration, development, and testing''.

(B) BASELINE DESCRIPTION.—Section 2435 of such title is amended—

(i) in subsection (b), by striking out ''engineering and manufacturing development'' and inserting in lieu thereof ''prototype development and testing''; and

(ii) by striking out subsection (c) and inserting in lieu thereof the following:

''(c) SCHEDULE.—A baseline description for a major defense acquisition program shall be prepared under this section—

''(1) before the program enters prototype development and testing;

''(2) before the program enters product integration and development; and

''(3) before the program enters production, integration into existing systems, or production and integration into existing systems.''.

SEC. 113. OPERATIONAL TEST AND EVALUATION REQUIREMENTS IN RELATION TO LOW-RATE PRODUCTION.

(a) REQUIREMENTS.—Section 2399 of title 10, United States Code, is amended to read as follows:

''§ 2399. Operational test and evaluation of major systems

''(a) CONDITION FOR PROCEEDING INTO LOW-RATE INITIAL PRODUCTION.—(1) The Secretary of Defense may not issue a notice to proceed with production of a major system until—

''(A) at least one phase of initial operational test and evaluation has been completed, during the prototype development and testing phase and again during the product integration, development, and testing phase, in order to demonstrate that the system—

''(i) meets the minimum performance requirements established for the system;

''(ii) is suitable for the purposes for which the system is to be acquired; and

''(iii) does not require significant design changes or other significant modifications in order to demonstrate required operational capabilities; and

''(B) the Director of Operational Test and Evaluation has certified to the Secretary and to the congressional defense committees that—

''(i) the test and evaluation performed on the system were adequate; and

''(ii) the conditions set forth in clauses (i), (ii), and (iii) of subparagraph (A) were satisfied.

''(2) The Secretary may waive the requirements of paragraph (1)(B) in the case of a major system if the Secretary—

''(A) determines and certifies to the congressional defense committees that the waiver is vital to national security interests; or

''(B) certifies to the congressional defense committees that the Secretary has information that demonstrates that the conditions set forth in clauses (i), (ii), and (iii) of paragraph (1)(A) can be satisfied without increasing—

''(i) the production unit cost of the system by more than 10 percent over the production unit cost estimated at the time of the waiver; and

''(ii) the production period for the system by more than 10 percent over the production period estimated at the time of the waiver.

''(3) Paragraph (1) does not apply to acquisition of a naval vessel or a satellite.

''(b) CONDITION FOR PROCEEDING BEYOND LOW-RATE INITIAL PRODUCTION.—The Secretary of Defense shall provide that a program for the acquisition of a major system may not proceed beyond low-rate initial production until initial operational test and evaluation of the program is completed.

''(c) OPERATIONAL TEST AND EVALUATION.—(1) Operational testing of a major system may not be conducted until the Director of Operational Test and Evaluation of the Department of Defense—

''(A) approves (in writing) the adequacy of the plans for operational test and evaluation of the system, including the adequacy of the plans with regard to—

''(i) the projected level of funding; and

''(ii) demonstration of the matters set forth in clauses (i), (ii), and (iii) of subsection (a)(1)(A); and

''(B) determines the quantity of articles of the system that are needed for operational testing.

''(2) The Director shall analyze the results of the operational test and evaluation of each major system. At the conclusion of such testing, the Director shall determine whether—

''(A) the test and evaluation performed were adequate; and

''(B) the results of such test and evaluation confirm that the items or components actually tested are effective and suitable for combat.

''(3) A final decision within the Department of Defense to proceed with a program for the acquisition of a major system beyond low-rate initial production may not be made until the Director submits to the Secretary of Defense and the congressional defense committees a written opinion on the matters.

''(d) NON-MAJOR SYSTEMS.—Operational testing of a new system other than a major system may not be conducted until the head of the operational test and evaluation agency of the military department concerned determines the quantity of articles of the system that are to be procured for operational testing.

''(e) IMPARTIALITY OF CONTRACTOR TESTING PERSONNEL.—No person employed by the contractor under a program for the acquisition of a major system may be involved in the conduct of the operational test and evaluation necessary for the program to proceed beyond low-rate production in accordance with subsection (b). The limitation in the preceding sentence does not apply to the extent that the Secretary of Defense plans for persons employed by that contractor to be involved in the operation, maintenance, and support of the system when the system is deployed in combat.

''(f) IMPARTIAL CONTRACTED ADVISORY AND ASSISTANCE SERVICES.—(1) The Director may not contract with any person for advisory and assistance services with regard to the test and evaluation of a major system if that person participated in (or is participating in) the development, production, or testing of such system for a military department or Defense Agency (or for another contractor of the Department of Defense).

''(2) The Director may waive the limitation under paragraph (1) in any case if the Director determines in writing that sufficient steps have been taken to ensure the impartiality of the contractor in providing the services. The Inspector General of the Department of Defense shall review each such waiver and shall include in the Inspector General's semi-annual report an assessment of those waivers made since the last such report.

''(3)(A) A contractor that has participated in (or is participating in) the development, production, or testing of a system for the Department of Defense or for another contractor of the Department of Defense may not be involved in any way in the establishment of criteria for data collection, performance assessment, or evaluation activities for the operational test and evaluation of that system.

''(B) The limitation in subparagraph (A) does not apply to a contractor that has participated solely in testing for the Federal Government.

''(g) SOURCE OF FUNDS FOR TESTING.—The costs for all tests required under subsection (b) shall be paid from funds available for the system being tested.

''(h) DIRECTOR'S ANNUAL REPORT.—As part of the annual report of the Director under section 139 of this title, the Director shall describe for each program covered in the report the status of test and evaluation activities in comparison with the test and evaluation master plan for that program, as approved by the Director. The Director shall include in such annual report a description of each waiver granted under subsection (f)(2) since the last such report.

''(i) DEFINITIONS.—In this section:

''(1) The term 'major system' has the meaning given that term in section 2302(5) of this title.

''(2) The term 'operational test and evaluation' has the meaning given that term in section 139(a)(2)(A) of this title. For purposes of subsection (a), that term does not include an operational assessment based exclusively on—

''(A) computer modeling;

''(B) simulation; or

''(C) an analysis of system requirements, engineering proposals, design specifications, or any other information contained in program documents.

''(3) The term 'congressional defense committees' means—

''(A) the Committee on Armed Services and and the Committee on Appropriations of the Senate; and

''(B) the Committee on National Security and the Committee on Appropriations of the House of Representatives.''.

(b) QUANTITIES PROCURED FOR LOW-RATE INITIAL PRODUCTION.—(1) Subsection (a) of section 2400 of such title is amended—

(A) by striking out paragraph (3);

(B) by redesignating paragraphs (4) and (5) as paragraphs (3) and (4), respectively;

(C) by striking out the second sentence of paragraph (4), as so redesignated; and

(D) by adding at the end the following new paragraph:

''(5)(A) Except as provided in subparagraph (B), the quantity determined for a system under paragraph (1) may not exceed the quantity equal to 10 percent of the total quantity of articles of the system that is to be acquired under the program for the acquisition of such system, determined as of the date on which funds appropriated for procurement are first obligated for the program.

''(B) The quantity of articles determined for a system under paragraph (1) may exceed the maximum quantity provided under subparagraph (A)—

''(i) during a war declared by Congress or a national emergency declared by Congress or the President; or

''(ii) if the Secretary of Defense certifies to the congressional defense committees referred to in section 2399(i)(3) of this title that it is necessary to do so in order to provide for completion of initial operational test and evaluation of the system and that it is impracticable to limit the quantity of the articles procured to such maximum quantity.

''(6) The additional quantity of articles that may be determined for a system pursuant to the exception in paragraph (5)(B)(ii) may not exceed the quantity equal to 5 percent of the total quantity of articles of the system that are to be acquired under the program, determined as of the date referred to in paragraph (5)(A).''.

(2) Subsection (b) of such section is amended to read as follows:

''(b) LOW-RATE INITIAL PRODUCTION OF WEAPON SYSTEMS.—Except as provided in subsection (c), low-rate initial production with respect to a new system is production of the system in the minimum quantity necessary—

''(1) to establish an initial production base with the capacity to provide production-configured or representative articles for operational tests pursuant to section 2399 of this title; and

''(2) to maintain such production base until initial operational test and evaluation of the system is completed and a decision is made regarding whether to proceed into full-rate production.''.

(c) DUTIES AND AUTHORITY OF DIRECTOR OF OPERATIONAL TEST AND EVALUATION.—Section 139(c) of title 10, United States Code, is amended by striking out the first sentence and inserting in lieu thereof the following: ''The Director reports directly, without intervening review or approval, to the Secretary of Defense personally.''.

(d) EFFECTIVE DATE AND SAVINGS PROVISION.—(1) The amendments made by this section shall take effect on the date of the enactment of this Act.

(2) The amendments made by subsections (a), (b), and (c) shall apply with respect to programs for the acquisition of systems that, as of the date of the enactment of this Act, are scheduled to enter low-rate initial production on or after October 1, 1996.

(3) The provisions of sections 2399 and 2400 of title 10, United States Code, as in effect on the day before the date of the enactment of this Act, shall continue to apply after that date to programs for the acquisition of major systems that enter or, as of the date of the enactment of this Act, are scheduled to enter low-rate initial production before October 1, 1996.

SEC. 114. ACQUISITION OF INFORMATION TECHNOLOGY.

The Secretary of Defense shall revise the existing Department of Defense directives regarding development and procurement of information systems (numbered in the 8000 series) and the Department of Defense directives numbered in the 5000 series in order to consolidate those directives into one series of directives that is consistent with the simplified acquisition program cycle provided for in section 2221 of title 10, United States Code, as added by section 112.

Subtitle C—Rapid Contracting

SEC. 121. GOAL.

(a) ESTABLISHMENT.—The Secretary of Defense shall establish a goal of reducing by 50 percent the time necessary for the Department of Defense to acquire an item for the user of that item.

(b) ACTION.—The Secretary shall take such action as is necessary to ensure that the Department of Defense achieves the goal established under subsection (a), including actions necessary to facilitate—

(1) the definition of the requirements for an acquisition; and

(2) the selection of sources from among the offerors.

SEC. 122. AUTHORITY TO LIMIT NUMBER OF OFFERORS.

Section 2305(b) of title 10, United States Code, is amended by adding at the end the following:

''(5) Under regulations prescribed by the head of an agency, a contracting officer of the agency receiving more than three competitive proposals for a proposed contract may solicit best and final offers from three of the offerors who submitted offers within the competitive range. Notwithstanding paragraph (4)(A)(i), the contracting officer need not first conduct discussions with all of the responsible parties that submit offers within the competitive range.''.

SEC. 123. PREFERENCE FOR CERTIFIED CONTRACTORS.

Chapter 137 of title 10, United States Code is amended by inserting after section 2319 the following new section:

''§ 2319a. Contractor performance certification system

''(a) CERTIFICATION AUTHORIZED.—The Secretary of Defense may establish a contractor certification system for the procurement of particular property or services that are procured by the Department of Defense on a repetitive basis. Under the system, the Secretary shall use competitive procedures to certify contractors as eligible for contracts to furnish such property or services. The Secretary shall award certifications on the basis of the relative efficiency and effectiveness of the business practices, level of quality, and demonstrated contract performance of the responding contractors with regard to the particular property or services.

''(b) PROCUREMENT FROM CERTIFIED CONTRACTORS.—The head of an agency within the Department of Defense may enter into a contract for a procurement of property or services referred to in subsection (a) on the basis of a competition among contractors certified with respect to such property or services pursuant to that subsection.

''(c) TERMINATION OF CERTIFICATION.—The Secretary—

''(1) may provide for the termination of a certification awarded a contractor under this section upon the expiration of a period specified by the Secretary; and

''(2) may revoke a certification awarded a contractor under this section upon a determination that the quality of performance of the contractor does not meet standards applied by the Secretary as of the time of the revocation decision.''.

SEC. 124. CONSIDERATION OF PAST PERFORMANCE AND ELIGIBILITY CERTIFICATION.

Section 2305 of title 10, United States Code, is amended—

(1) in subsection (a)(2)(A)(i)—

(A) by striking out ''(including price)'' and inserting in lieu thereof ''(including price, past contract performance of the offeror, and any certification of the offeror under section 2319a of this title)''; and

(B) by striking out ''and noncost-related'' and inserting in lieu thereof the following: ''past contract performance of the offeror, any certification of the offeror under section 2319a of this title, and other noncost-related'';

(2) in subsection (b)—

(A) in paragraph (3), by striking out ''and the other price-related factors included in the solicitation'' in the second sentence and inserting in lieu thereof '', the other price-related factors included in the solicitation, the past contract performance (if any) of the offerors, and any certification of offerors under section 2319a of this title''; and

(B) in paragraph (4)(B), by striking out ''and the other factors included in the solicitation'' in the first sentence and inserting in lieu thereof '', the past contract performance (if any) of the offerors, any certification of offerors under section 2319a of this title, and the other factors included in the solicitation'';

(3) in subsection (c)(1), by inserting ''past performance of the offerors, any certification of offerors under section 2319a of this title,'' after ''(considering quality, price, delivery,''; and

(4) by adding at the end the following new subsection:

''(g) The Secretary of Defense shall maintain a contractor performance data base. The Secretary shall include in the data base information on the history of the performance of each contractor under Department of Defense contracts and, for each such contract performed by the contractor, a technical evaluation of the contractor's performance prepared by the acquisition program manager responsible for the contract. The Secretary shall make information in the data base available to acquisition program executive officers and acquisition program managers of the Department of Defense and to the contractor to which the information pertains.''.

SEC. 125. ENCOURAGEMENT OF MULTIYEAR CONTRACTING.

Section 2306b(a) of title 10, United States Code, is amended in the matter preceding paragraph (1) by striking out ''may'' and inserting in lieu thereof ''shall, to the maximum extent possible,''.

SEC. 126. ENCOURAGEMENT OF USE OF LEASING AUTHORITY.

(a) IN GENERAL.—Chapter 137 of title 10, United States Code, is amended by inserting after section 2316 the following new section:

''§ 2317. Equipment leasing

''The Secretary of Defense shall authorize and encourage the use of leasing in the acquisition of equipment whenever such leasing is practicable and otherwise authorized by law.''.

(b) REPORT.—Not later than 90 days after the the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report setting forth changes in legislation that would be required in order to facilitate the use of leases by the Department of Defense in the acquisition of equipment, including the use of multiyear leases.

Subtitle D—Performance Based Contract Management

SEC. 131. UNALLOWABLE COSTS.

(a) SPECIFIC COSTS.—Section 2324(e)(1) of title 10, United States Code, is amended by adding at the end the following:

''(P) Labor costs in excess of the labor costs provided for in the offer of the contractor.

''(Q) Bid protest costs.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act and shall apply with respect to solicitations for offers issued under chapter 137 of title 10, United States Code, on or after that date.

SEC. 132. ALTERNATIVES APPROACHES TO CONTRACT MANAGEMENT.

The Secretary of Defense shall prescribe in regulations policies and procedures that encourage contract administrators of the Department of Defense to submit to program managers, and program managers to consider, alternative approaches to contract management. A contract administrator submitting an alternative approach to the program manager shall include an analysis of the costs and benefits of each alternative.

SEC. 133. CONTRACTOR SHARE OF GAINS AND LOSSES FROM COST, SCHEDULE, AND PERFORMANCE EXPERIENCE.

Chapter 137 of title 10, United States Code, is amended by inserting after section 2306b the following new section:

''§ 2306c. Contractor share of gains and losses from cost, schedule, and performance experience

''The Secretary of Defense shall prescribe in regulations a clause, to be included in each cost-type contract and incentive-type contract, that provides a system for the contractor to be rewarded for contract performance exceeding the contract cost, schedule, or performance parameters to the benefit of the United States and to be penalized for failing to adhere to cost, schedule, or performance parameters to the detriment of the United States.''.

Subtitle E—Financial Management

SEC. 141. PHASE FUNDING OF DEFENSE ACQUISITION PROGRAMS.

Chapter 131 of title 10, United States Code, as amended by section 112, is further amended by adding at the end the following:

''§ 2222. Funding for results oriented acquisition program cycle

''(a) PROGRAM PHASE DETAILS TO BE SUBMITTED TO CONGRESS.—Before initial funding is made available for a phase of the acquisition program cycle of an acquisition program for which an authorization of appropriations is required by section 114 of this title, the Secretary of Defense shall submit to Congress information about the objectives and plans for the conduct of that phase and the funding requirements for the entire

phase. The information shall identify the intended user of the system to be acquired under the program and shall include objective, quantifiable criteria for assessing the extent to which the objectives and goals determined pursuant to section 2435 of this title are achieved.

''(b) FULL PHASE FUNDING.—(1) In authorizing appropriations for an acquisition program for which an authorization of appropriations is required by section 114 of this title, Congress shall provide in an Act authorizing appropriations for the Department of Defense an authorization of appropriations for a phase of the acquisition program in a single amount that is sufficient for carrying out that phase. Each such authorization of appropriations shall be stated in the Act as a specific item.

''(2) In each Act making appropriations for the Department of Defense Congress shall specify the phase of each such acquisition program of the department for which an appropriation is made and the amount of the appropriation for the phase of that program.''.

SEC. 142. MAXIMIZED BENEFIT FUNDING.

Chapter 131 of title 10, United States Code, as amended by section 141, is further amended by adding at the end the following:

''§ 2223. Maximized benefit funding

''(a) TRANSFERS AUTHORITY.—The Secretary of Defense may transfer funds from appropriations available for a particular phase of an acquisition program of the Department of Defense in order to pay out of the transferred funds the cost of incentives provided program managers who have been certified by the Secretary as having achieved at least 90 percent of the cost, schedule, and performance goals established for that phase.

''(b) LIMITATIONS.—The Secretary shall prescribe in regulations—

''(1) the percent of available funds that may be transferred under the authority of subsection (a) for payment of incentives; and

''(2) a limitation that the total amount transferred for a phase of a program may not exceed ⅓ of the total amount of the cost of such phase that is determined under the regulations to have been saved as a result of the achievement of the goals for which the incentives are to be paid.''.

SEC. 143. IMPROVED DEPARTMENT OF DEFENSE CONTRACT PAYMENT PROCEDURES.

(a) REVIEW AND IMPROVEMENT OF PROCEDURES.—The Comptroller General of the United States shall review commercial practices regarding accounts payable and, considering the results of the review, develop standards for the Secretary of Defense to use for improving the contract payment procedures and financial management systems of the Department of Defense.

(b) GAO REPORT.—Not later than September 30, 1996, the Comptroller General shall submit to Congress a report containing the following matters:

(1) The weaknesses in the financial management processes of the Department of Defense.

(2) Deviations of the Department of Defense payment procedures and financial management systems from the standards developed pursuant to subsection (a), expressed quantitatively.

(3) The officials of the Department of Defense who are responsible for resolving the deviations.

(c) RESPONSIBILITIES OF THE SECRETARY.—The Secretary of Defense shall take such corrective actions as are necessary to resolve the deviations reported pursuant to subsection (b) to within 90 percent of the applicable standards developed under subsection (a).

(d) ENFORCEMENT OF RESPONSIBILITY FOR RESOLVING SYSTEM WEAKNESSES.—The Secretary of Defense may not provide any bonus or incentive pay to an official identified pursuant to subsection (b) as responsible for resolving deviations until the Secretary certifies to Congress that the official has resolved more than 90 percent of those deviations to be within the applicable standards developed under subsection (a).

Subtitle F—Defense Acquisition Workforce

SEC. 151. CONSIDERATION OF PAST PERFORMANCE IN ASSIGNMENT TO ACQUISITION POSITIONS.

(a) REQUIREMENT.—Section 1701(a) of title 10, United States Code, is amended by adding at the end the following: ''The policies and procedures shall provide that education and training in acquisition matters, and past performance of acquisition responsibilities, are major factors in the selection of personnel for assignment to acquisition positions in the Department of Defense.''.

(b) PERFORMANCE REQUIREMENTS FOR ASSIGNMENT.—(1) Section 1723(a) of title 10, United States Code, is amended by inserting '', including requirements relating to demonstrated past performance of acquisition duties,'' in the first sentence after ''experience requirements''.

(2) Section 1724(a)(2) of such title is amended by inserting before the semicolon at the end the following: ''and have demonstrated proficiency in the performance of acquisition duties in the contracting position or positions previously held''.

(3) Section 1735 of such title is amended—

(A) in subsection (b)—

(i) by striking out ''and'' at the end of paragraph (2);

(ii) by striking out the period at the end of paragraph (3) and inserting in lieu thereof ''; and''; and

(iii) by adding at the end the following:

''(4) must have demonstrated proficiency in the performance of acquisition duties.'';

(B) in subsection (c)—

(i) by striking out ''and'' at the end of paragraph (2);

(ii) by striking out the period at the end of paragraph (3) and inserting in lieu thereof ''; and''; and

(iii) by adding at the end the following:

''(4) must have demonstrated proficiency in the performance of acquisition duties.'';

(C) in subsection (d), by inserting before the period at the end the following: '', and have demonstrated proficiency in the performance of acquisition duties''; and

(D) in subsection (e), by inserting before the period at the end the following: '', and have demonstrated proficiency in the performance of acquisition duties''.

SEC. 152. TERMINATION OF DEFENSE ACQUISITION SCHOOLS.

(a) CONTRACTING FOR DEFENSE ACQUISITION EDUCATION AND TRAINING.—Chapter 87 of title 10, United States Code, is amended by adding at the end of subchapter IV the following:

''§ 1747 Professional educational development and training programs

''The Secretary of Defense shall provide for the acquisition of professional educational development and training services for the acquisition workforce from commercial sources and through programs provided by Federal Government sources for all acquisition personnel of all departments and agencies of the Federal Government.''.

(b) TERMINATION OF DEFENSE ACQUISITION UNIVERSITY STRUCTURE.—Section 1746 of title 10, United States Code, is repealed.

(c) EDUCATION AND TRAINING OF PROGRAM MANAGERS AND PROGRAM EXECUTIVE OFFICERS.—Section 1735 of such title is amended—

(1) by striking out paragraph (1) of subsection (b) and inserting in lieu thereof the following:

''(1) must have completed a course of program management provided for under section 1747 of this title or determined by the Secretary of Defense as appropriate training for program managers of the Department of Defense;''; and

(2) by striking out paragraph (1) of subsection (c) and inserting in lieu thereof the following:

''(1) must have completed a course of program management provided for under section 1747 of this title or determined by the Secretary of Defense as appropriate training for program executive officers of the Department of Defense;''.

(d) ALTERNATIVE PROPOSAL.—The Secretary may submit to Congress a proposed system of professional educational development and training for the Department of Defense acquisition workforce as an alternative to the system provided for in the amendments made by this section. Any such proposal shall be submitted not later than June 30, 1996.

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 1996.

Subtitle G—Revision of Procurement Integrity Requirements

SEC. 161. AMENDMENTS TO OFFICE OF FEDERAL PROCUREMENT POLICY ACT.

(a) RECUSAL.—Subsection (c) of section 27 of the Office of Procurement Policy Act (41 U.S.C. 423) is amended—

(1) in paragraph (1)—

(A) in the matter above subparagraph (A), by inserting ''only'' after ''subsection (b)(1)''; and

(B) in subparagraph (A), by inserting ''(including the modification or extension of a contract)'' after ''any procurement'';

(2) by striking out paragraphs (2) and (3) and inserting in lieu thereof:

''(2) Whenever the head of a procuring activity approves a recusal under paragraph (1), a copy of the recusal request and the approval of the request shall be retained by such official for a period (not less than five years) specified in regulations prescribed in accordance with subsection (o).

''(3)(A) Except as provided in subparagraph (B), all recusal requests and approvals of recusal requests pursuant to this subsection shall be made available to the public on request.

''(B) Any part of a recusal request or an approval of a recusal request that is exempt from the disclosure requirements of section 552 of title 5, United States Code, under subsection (b)(1) of such section may be withheld from disclosure to the public otherwise required under subparagraph (A).''; and

(3) in paragraph (4), by striking out ''competing contractor'' and inserting in lieu thereof ''person''.

(b) APPLICABILITY OF CERTIFICATION REQUIREMENT.—Subsection (e)(7)(A) of such section is amended by adding at the end the following: ''However, paragraph (1)(B) does not apply with respect to a contract for less than $500,000.''.

(c) RESTRICTIONS RESULTING FROM PROCUREMENT ACTIVITIES OF PROCUREMENT OFFICIALS.—Subsection (f) of such section is amended—

(1) by redesignating paragraph (3) as paragraph (4); and

(2) by striking out paragraphs (1) and (2) and inserting in lieu thereof the following:

''(1) No individual who, in the year prior to separation from service as an officer or employee of the Government or an officer of the uniformed services in a covered position, participated personally and substantially in

acquisition functions related to a contract, subcontract, or claim of $500,000 or more and—

''(A) engaged in repeated direct contact with the contractor or subcontractor on matters relating to such contract, subcontract, or claim; or

''(B) exercised significant ongoing decisionmaking responsibility with respect to the contractor or subcontractor on matters relating to such contract, subcontract, or claim,

shall knowingly accept or continue employment with such contractor or subcontractor for a period of one year following the individual's separation from service, except that such individual may accept or continue employment with any division or affiliate of such contractor or subcontractor that does not produce the same or similar products as the entity involved in the negotiation or performance of the contract or subcontract or the adjustment of the claim.

''(2) No contractor or subcontractor, or any officer, employee, agent, or consultant of such contractor or subcontractor shall knowingly offer, provide, or continue any employment for another person, if such contractor, subcontractor, officer, employee, agent, or consultant knows or should know that the acceptance of such employment is or would be in violation of paragraph (1).

''(3) The head of each Federal agency shall designate in writing as a 'covered position' under this section each of the following positions in that agency:

''(A) The position of source selection authority, member of a source selection evaluation board, or chief of a financial or technical evaluation team, or any other position, if the officer or employee in that position is likely personally to exercise substantial responsibility for ongoing discretionary functions in the evaluation of proposals or the selection of a source for a contract in excess of $500,000.

''(B) The position of procuring contracting officer, or any other position, if the officer or employee in that position is likely personally to exercise substantial responsibility for ongoing discretionary functions in the negotiation of a contract in excess of $500,000 or the negotiation or settlement of a claim in excess of $500,000.

''(C) The position of program executive officer, program manager, or deputy program manager, or any other position, if the officer or employee in that position is likely personally to exercise similar substantial responsibility for ongoing discretionary functions in the management or administration of a contract in excess of $500,000.

''(D) The position of administrative contracting officer, the position of an officer or employee assigned on a permanent basis to a Government Plant Representative's Office, the position of auditor, a quality assurance position, or any other position, if the officer or employee in that position is likely personally to exercise substantial responsibility for ongoing discretionary functions in the onsite oversight of a contractor's operations with respect to a contract in excess of $500,000.

''(E) A position in which the incumbent is likely personally to exercise substantial responsibility for ongoing discretionary functions in operational or developmental testing activities involving repeated direct contact with a contractor regarding a contract in excess of $500,000.''.

(d) DISCLOSURE OF PROPRIETARY OR SOURCE SELECTION INFORMATION TO UNAUTHORIZED PERSONS.—Subsection (l) of such section is amended—

(1) by inserting ''who are likely to be involved in contracts, modifications, or extensions in excess of $25,000'' in the first sentence after ''its procurement officials''; and

(2) by striking out ''(e)'' each place it appears and inserting in each such place ''(f)''.

(e) RULES OF CONSTRUCTION.—Subsection (n) of such section is amended to read as follows:

''(n) RULES OF CONSTRUCTION.—Nothing in this section shall be construed to—

''(1) authorize the withholding of any information from the Congress, any committee or subcommittee thereof, a Federal agency, any board of contract appeals of a Federal agency, the Comptroller General, or an inspector general of a Federal agency;

''(2) restrict the disclosure of information to, or receipt of information by, any person or class of persons authorized, in accordance with applicable agency regulations or procedures, to receive that information;

''(3) restrict a contractor from disclosing its own proprietary information or the recipient of information so disclosed by a contractor from receiving such information; or

''(4) restrict the disclosure or receipt of information relating to a Federal agency procurement that has been canceled by the agency and that the contracting officer concerned determines in writing is not likely to be resumed.''.

(f) TERM TO BE DEFINED IN REGULATIONS.—Subsection (o)(2)(A) of such section is amended—

(1) by inserting ''money, gratuity, or other'' before ''thing of value''''; and

(2) by inserting before the semicolon ''and such other exceptions as may be adopted on a Governmentwide basis under section 7353 of title 5, United States Code''.

(g) TERMS DEFINED IN LAW.—Subsection (p) of such section is amended—

(1) in paragraph (1) by striking out ''clauses (i)–(viii)'' and inserting in lieu thereof ''clauses (i) through (vii)'';

(2) in paragraph (3)—

(A) in subparagraph (A)—

(i) by striking out clause (i);

(ii) by redesignating clauses (ii), (iii), (iv), (v), (vi), (vii), and (viii) as clauses (i), (ii), (iii), (iv), (v), (vi), and (vii), respectively; and

(iii) in clause (i) (as redesignated by subclause (II) of this clause), by striking out ''review and approval of a specification'' and inserting in lieu thereof ''approval or issuance of a specification, acquisition plan, procurement request, or requisition''; and

(B) in subparagraph (B), by striking out all after ''includes'' and inserting in lieu thereof the following: ''any individual acting on behalf of, or providing advice to, the agency with respect to any phase of the agency procurement concerned, regardless of whether such individual is a consultant, expert, or adviser, or an officer or employee of a contractor or subcontractor (other than a competing contractor).''; and

(3) in paragraph (6)(A), by inserting ''nonpublic'' before ''information''.

SEC. 162. AMENDMENTS TO TITLE 18, UNITED STATES CODE.

Section 208(a) of title 18, United States Code, is amended—

(1) by inserting ''(1)'' before ''Except as permitted''; and

(2) by adding at the end the following new paragraph:

''(2) Whoever knowingly aids, abets, counsels, commands, induces, or procures conduct prohibited by this section shall be subject to the penalties set forth in section 216 of this title.''.

SEC. 163. REPEAL OF SUPERSEDED AND OBSOLETE LAWS.

(a) REPEAL.—The following provisions of law are repealed:

(1) Sections 2207, 2397, 2397a, 2397b, and 2397c of title 10, United States Code.

(2) Section 281 of title 18, United States Code.

(3) Part A of title VI of the Department of Energy Organization Act (42 U.S.C. 7211 through 7218).

(b) REPEAL OF SUPERSEDED LAW.—Section 6001(b) of the Federal Acquisition Streamlining Act of 1994 (Public Law 103–355; 108 Stat. 3362; (18 U.S.C. 281 note) is repealed.

SEC. 164. IMPLEMENTATION.

(a) REGULATIONS.—Not later than 180 days after the date of the enactment of this Act, regulations implementing the amendments made by section 161 to section 27 of the Office of Federal Procurement Policy Act (41 U.S.C. 423), including definitions of the terms used in subsection (f) of such section, shall be issued in accordance with sections 6 and 25 of such Act (41 U.S.C. 405 and 521) after coordination with the Director of the Office of Government Ethics.

(b) SAVINGS PROVISIONS.—(1) No officer, employee, agent, representative, or consultant of a contractor who has signed a certification under section 27(e)(1)(B) of the Office of Federal Procurement Policy Act (41 U.S.C. 423(e)(1)(B)) before the effective date of this Act shall be required to sign a new certification as a result of the enactment of this Act.

(2) No procurement official of a Federal agency who has signed a certification under section 27(l) of the Office of Federal Procurement Policy Act (41 U.S.C. 423(l)) before the date of enactment of this Act shall be required to sign a new certification as a result of the enactment of this Act.

(c) INSPECTOR GENERAL REPORTS.—Not later than May 31 of each of the years 1996 through 1999, the Inspector General of each Federal agency (or, in the case of a Federal agency that does not have an Inspector General, the head of such agency) shall submit to Congress a report on the compliance by the agency during the preceding year with the requirement for the head of the agency to designate covered procurement positions under section 27(f)(3) of the Office of Federal Procurement Policy Act (as added by section 161(c)).

Subtitle H—Clerical Amendments

SEC. 171. CLERICAL AMENDMENTS TO TITLE 10.

(a) CHAPTER 87.—The table of sections at the beginning of subchapter IV of chapter 87 of title 10, United States Code, is amended—

(1) by striking out the item relating to section 1746; and

(2) by adding at the end the following new item:

''1747. Professional educational development and training programs.''.

(b) CHAPTER 131.—The table of sections at the beginning of chapter 131 of title 10, United States Code, is amended—

(1) by striking out the item relating to section 2207; and

(2) by adding at the end the following new items:

''2221. Results oriented acquisition program cycle.

''2222. Funding for results oriented acquisition program cycle.

''2223. Maximized benefit funding.''.

(c) CHAPTER 137.—The table of sections at the beginning of chapter 137 of title 10, United States Code, is amended—

(1) by inserting after the item relating to section 2306b the following new item:

''2306c. Contractor share of gains and losses from cost, schedule, and performance experience.'';

(2) by inserting after the item relating to section 2316 the following new item:

''2317. Equipment leasing.'';

and

(3) by inserting after the item relating to section 2319 the following new item:

''2319a. Contractor performance certification system.''.

(d) CHAPTER 141.—The table of sections at the beginning of chapter 141 of title 10, United States Code, is amended—

(1) by striking out the items relating to sections 2397, 2397a, 2397b, and 2397c; and

(2) by striking out the item relating to section 2399 and inserting in lieu thereof the following new item:

''2399. Operational test and evaluation of major systems under defense acquisition programs.''.

SEC. 172. OTHER LAWS.

(a) TITLE 18.—The table of sections for chapter 15 of title 18, United States Code, is amended by striking out the item relating to section 281.

(b) DEPARTMENT OF ENERGY ORGANIZATION ACT.—The table of contents in the first section of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.) is amended by striking out the item relating to part A of title VI and the sections therein.

TITLE II—REORGANIZATION AND REFORM OF THE DEFENSE ACQUISITION SYSTEM

Subtitle A—Streamlining and Improvement of Acquisition Management

SEC. 201. REORGANIZATION OF ACQUISITION AUTHORITY.

(a) UNDER SECRETARY OF DEFENSE FOR ACQUISITION AND TECHNOLOGY.—Section 133(b) of title 10, United States Code, is amended—

(1) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively; and

(2) by striking out paragraphs (1) and (2) and inserting in lieu thereof the following:

''(1) prescribing policies for research, development, and acquisition activities of the Department of Defense;

''(2) planning, programming, and overseeing the research, development, and acquisition activities of the Department of Defense;

''(3) assisting in the preparation and integration of budgets for the research, development, and acquisition activities of the Department of Defense, including assisting in the planning, programming, and budgeting system with respect to such activities;''.

(b) DEFENSE RESEARCH, DEVELOPMENT, AND ACQUISITION AGENCY.—(1) Part I of subtitle A of title 10, United States Code, is amended by inserting after chapter 9 the following new chapter:

''CHAPTER 10—DEFENSE RESEARCH, DEVELOPMENT, AND ACQUISITION AGENCY

''Sec.
''231. Establishment.
''232. Use of agency for all research, development, and acquisition activities.
''233. Duties.
''234. Program executive officers.
''235. Program managers.
''236. Functional analytical capability.

''§ 231. Establishment

''(a) AGENCY.—There is established a Defense Research, Development, and Acquisition Agency in the Department of Defense.

''(b) DIRECTOR.—(1) The head of the agency is the Director of Defense Research, Development, and Acquisition who shall be appointed by the Under Secretary of Defense for Acquisition and Technology from among persons who are career professional employees in the acquisition workforce of the Department of Defense.

''(2) A member of the armed forces, while serving as the Director, holds the grade of general or, in the case of an officer of the Navy, admiral. A civilian, while serving as the Director, holds an equivalent civilian grade.

''(c) CHIEF OF ENGINEERING AND ANALYSIS.—(1) In the Defense Research, Development, and Acquisition Agency there is a Chief of Engineering and Analysis who shall be appointed by the Director from among the career professional employees in the acquisition workforce of the Department of Defense.

''(2) The Director shall evaluate the performance of the Chief of Engineering and Analysis. The Director may not delegate the performance of the evaluation responsibility.

''(3) The Chief of Engineering and Analysis shall be the senior technical adviser for the Defense Research, Development, and Acquisition Agency.

''§ 232. Use of agency for all research, development, and acquisition activities

''Subject to sections 3013(h), 5013(h), 8013(h) of this title, the Director shall conduct the research, development, and acquisition activities of the Department of Defense, including the activities of the research, development, and engineering centers of the Department of Defense.

''§ 233. Duties

''The responsibilities of the Under Secretary of Defense for Acquisition and Technology that are to be performed by the Defense Research, Development, and Acquisition Agency include the following:

''(1) Planning, programming, and carrying out the research, development, and acquisition activities of the Department of Defense.

''(2) Advising the Secretary of Defense and the Secretaries of the military departments regarding the preparation and integration of the budgets for the research, development, and acquisition activities of the Department of Defense.

''(3) Identifying and informing operational commanders regarding alternative technology solutions to fulfill emerging requirements.

''(4) Ensuring that the acquisition plan for each acquisition program realistically reflects the budget and related decisions made for that program.

''(5) Conducting research on management techniques as well as on individual systems.

''§ 234. Program executive officers

''(a) SELECTION AND EVALUATION.—The program executive officers of the Defense Research, Development, and Acquisition Agency shall be selected and evaluated by the Director.

''(b) DUTIES.—The duties of a program executive officer are as follows:

''(1) To manage acquisition programs assigned to the program executive officer.

''(2) To manage related technical support resources.

''(3) To establish and conduct integrated decision team meetings.

''(4) To provide technological advice (including advice regarding costs, schedule, and performance data relating to alternative technological approaches for fulfilling emerging requirements) to users of program products and to the officials within the Department of Defense who plan, program, and budget for the acquisition programs assigned to the program executive officer.

''(c) ORGANIZATION OF PERSONNEL.—The program executive officers shall be organized on the basis of unique mission areas or, in the case of programs for systems specifically relating to certain classes of targets, on the basis of target classes. No program executive officer may be organized with other program executive officers on both bases. The Secretary of Defense shall identify the mission areas or target classes on the basis of which program executive officers may be organized.

''(d) ACQUISITION LIFE-CYCLE MANAGEMENT.—The responsibilities of a program executive officer for a weapon acquisition program shall cover the entire life cycle of the program.

''(e) USER AND OPERATOR INTERACTION.—(1) The Chairman of the Joint Chiefs of Staff, in consultation with the Under Secretary of Defense for Acquisition and Technology, shall prescribe policies and procedures for the interaction of the commanders of the unified and specified combatant commands with program executive officers regarding the initiation and conduct of weapon acquisition programs. The policies and procedures shall include provisions for enabling such commands to perform operational and acceptance testing of weapons acquired pursuant to such programs.

''(2) The Under Secretary of Defense (Comptroller), in consultation with the Under Secretary of Defense for Acquisition and Technology and the Secretaries of the military departments, shall prescribe policies and procedures for the interaction between the commanders of the unified and specified combatant commands and the program executive officers regarding funding for weapon acquisition programs.

''(3) The policies and procedures prescribed pursuant to this subsection shall include a system for the commanders of the unified and specified combatant command to choose among alternatives developed by program executive officers for meeting acquisition requirements presented by the commanders.

''§ 235. Program managers

''(a) SELECTION AND EVALUATION.—Each program manager of the Defense Research, Development, and Acquisition Agency shall be selected and evaluated by the Director and a program executive officer and shall report directly to the program executive officer having primary responsibility for the system being acquired under the program.

''(b) DUTIES.—A program manager is responsible for the routine management of a research, development, and acquisition program, including the obtaining of necessary logistical support and support services for that program.

''(c) NONDUPLICATION OF FUNCTIONS.—The management functions of a program manager should not duplicate the management functions of a program executive officer.

''§ 236. Functional analytical capability

''(a) RESPONSIBILITY OF CHIEF OF ENGINEERING AND ANALYSIS.—The Chief of Engineering and Analysis shall be responsible for ensuring that each of the functional analytical capabilities provided to the Director, acquisition program executive officers, and acquisition program managers in connection with acquisition programs of the Department of Defense is the most advanced capability of its type.

''(b) FUNCTIONAL ANALYTICAL CAPABILITIES.—The functional analytical capabilities referred to in subsection (a) are as follows:

''(1) Cost and affordability analysis.

''(2) Logistics and support analysis.

''(3) Reliability and maintainability analysis.

''(4) Producibility analysis.

''(5) Environmental analysis.

''(6) Configuration management.

''(7) Warfighting and battlefield performance and utility analysis.

''(8) System engineering.

''(9) Any other analytical capability that may be necessary for ensuring the timeliness, performance, and affordability of acquisition programs.''.

(2) The tables of chapters at the beginning of subtitle A of title 10, United States Code, and at the beginning of part I of such subtitle, are amended by inserting after the item relating to chapter 9 the following new item:

''10. Defense Research, Development, and Acquisition Agency ..... 231''.

(c) LIMITATION OF PROCUREMENT AUTHORITY OF MILITARY DEPARTMENTS.—(1) Section 3013 of title 10, United States Code, is amended—

(A) in subsection (b)—

(i) by striking out ''and subject to the provisions of chapter 6 of this title,'' and inserting in lieu thereof '', subject to the provisions of chapter 6 of this title, and subject to subsection (h),''; and

(ii) in paragraph (4), by striking out ''(including research and development)''; and

(B) by adding at the end the following new subsection:

''(h)(1) The Secretary of the Army shall be responsible for procurements of property and services, and may exercise authority to conduct such procurements, only to the extent that the Secretary of Defense determines necessary for the sustainment of operations of the Army. The Secretary of Defense shall prescribe in regulations the extent of the responsibility and authority of the Secretary of the Army for procurements of property and services.

''(2) In conducting a procurement in accordance with paragraph (1), the Secretary of the Army shall be subject to the same laws as are applicable to acquisitions conducted by the Secretary of Defense.''.

(2) Section 5013 of title 10, United States Code, is amended—

(A) in subsection (b)—

(i) by striking out ''and subject to the provisions of chapter 6 of this title,'' and inserting in lieu thereof '', subject to the provisions of chapter 6 of this title, and subject to subsection (h),''; and

(ii) in paragraph (4), by striking out ''(including research and development)''; and

(B) by adding at the end the following new subsection:

''(h)(1) The Secretary of the Navy shall be responsible for procurements of property and services, and may exercise authority to conduct such procurements, only to the extent that the Secretary of Defense determines necessary for the sustainment of operations of the Navy. The Secretary of Defense shall prescribe in regulations the extent of the responsibility and authority of the Secretary of the Navy for procurements of property and services.

''(2) In conducting a procurement in accordance with paragraph (1), the Secretary of the Navy shall be subject to the same laws as are applicable to acquisitions conducted by the Secretary of Defense.''.

(3) Section 8013 of title 10, United States Code, is amended—

(A) in subsection (b)—

(i) by striking out ''and subject to the provisions of chapter 6 of this title,'' and inserting in lieu thereof '', subject to the provisions of chapter 6 of this title, and subject to subsection (h),''; and

(ii) in paragraph (4), by striking out ''(including research and development)''; and

(B) by adding at the end the following new subsection:

''(h)(1) The Secretary of the Air Force shall be responsible for procurements of property and services, and may exercise authority to conduct such procurements, only to the extent that the Secretary of Defense determines necessary for the sustainment of operations of the Air Force. The Secretary of Defense shall prescribe in regulations the extent of the responsibility and authority of the Secretary of the Air Force for procurements of property and services.

''(2) In conducting a procurement in accordance with paragraph (1), the Secretary of the Air Force shall be subject to the same laws as are applicable to acquisitions conducted by the Secretary of Defense.''.

(4) Section 2302(1) of title 10, United States Code, is amended by striking out ''the Secretary of the Army, the Secretary of the Navy, the Secretary of the Air Force,''.

(5) Section 2302c of such title is amended—

(A) in subsection (a)(1), by striking out the second sentence; and

(B) in subsection (b), by striking out ''paragraph (5) or (6)'' and inserting in lieu thereof ''paragraph (2) or (3)''.

(6) Section 2303(a) of such title is amended—

(A) by striking out paragraphs (2), (3), and (4); and

(B) by redesignating paragraphs (5) and (6) as paragraphs (2) and (3), respectively.

SEC. 202. JOINT FOREIGN PRODUCTS DEVELOPMENT.

Section 153 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(c) RECOMMENDATIONS FOR JOINT DEVELOPMENT OF FOREIGN PRODUCTS.—The Chairman of the Joint Chiefs of Staff, in consultation with the commanders of the unified and specified combatant commands, shall make recommendations to the Under Secretary of Defense for Acquisition and Technology regarding the desirability of joint development by the United States and one or more foreign countries of systems proposed to be developed, or under development, by such foreign country or foreign countries.''.

Subtitle B—Transfer of Functions

SEC. 211. TRANSFERS.

(a) MILITARY DEPARTMENTS.—Except as provided in subsection (c), all research, development, and acquisition functions of the Secretaries of the military departments are transferred to the Secretary of Defense.

(b) PROCUREMENT AGENCIES, COMMANDS, AND OFFICES.—Except as provided in subsection (c), there is transferred to the Defense Research, Development, and Acquisition Agency referred to in section 231(a) of title 10, United States Code (as added by section 201), all functions of the following organizations:

(1) The Defense Logistics Agency.

(2) The Advanced Research Projects Agency.

(3) The following procurement commands of the Army:

(A) The Army Materiel Command.

(B) The Army Information Systems Command.

(C) The Army Space and Strategic Defense Command.

(4) The following procurement commands of the Navy and Marine Corps:

(A) The Navy weapon systems commands.

(B) The Navy Strategic Systems Program Office.

(C) The Marine Corps Research, Development and Acquisition Command.

(5) The Air Force Materiel Command.

(6) Any successor organization to any agency, command, or office named in paragraphs (1) through (5).

(7) Each agency or command within the Department of Defense not referred to in paragraphs (1) through (6) that, on the day before the effective date of this title, has as a primary mission or function the performance of a research, development, or acquisition function of the Department of Defense.

(c) FUNCTIONS NOT TRANSFERRED.—(1) The following functions of the Secretaries of the military departments are not transferred to the Secretary of Defense:

(A) Functions that relate to planning, programming, and budgeting.

(B) Functions to be performed by the Secretary of a military department pursuant to section 3013(h), 5013(h), or 8013(h) of title 10, United States Code, as added by section 201(c).

(2) To the extent prescribed by the Secretary of Defense, functions referred to in paragraph (1)(B) that are performed by an organization referred to in subsection (b) need not be transferred in accordance with that subsection.

(d) TERMINATION OF ORGANIZATION.—The Secretary of Defense shall terminate each organization from which all of its functions are transferred under subsection (b).

SEC. 212. SAVINGS PROVISIONS.

(a) REGULATIONS, INSTRUMENTS, RIGHTS, AND PRIVILEGES.—All rules, regulations, contracts, orders, determinations, permits, certificates, licenses, grants, and privileges—

(1) which have been issued, made, granted, or allowed to become effective by the Secretary or other officer or employee of a military department, the head of a Defense Agency of the Department of Defense, or by a court of competent jurisdiction, in connection with any research, development, or acquisition activity of a military department or Defense Agency, and

(2) which are in effect on the effective date of this title,

shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with law by the Secretary of Defense, the Under Secretary of Defense for Acquisition and Technology, or another authorized official, by a court of competent jurisdiction, or by operation of law.

(b) PROCEEDINGS AND APPLICATIONS.—(1)(A) The provisions of this subtitle shall not affect any proceeding, including any proceeding involving a claim or application, in connection with any acquisition activity of a military department or a Defense Agency of the Department of Defense that is pending before that military department or Defense Agency on the effective date of this title.

(B) Orders may be issued in any such proceeding, appeals may be taken therefrom, and payments may be made pursuant to such orders, as if this Act had not been enacted. An order issued in any such proceeding shall continue in effect until modified, terminated, superseded, or revoked by the Secretary of Defense or the Under Secretary of Defense for Acquisition and Technology, by a court of competent jurisdiction, or by operation of law.

(C) Nothing in this paragraph prohibits the discontinuance or modification of any such proceeding under the same terms and conditions and to the same extent that such proceeding could have been discontinued or modified if this Act had not been enacted.

(2) The Secretary of Defense may prescribe regulations providing for the orderly transfer of proceedings continued under paragraph (1) to the Secretary of Defense or to the Under Secretary of Defense for Acquisition and Technology.

Subtitle C—Conforming Amendments

SEC. 221. MODIFICATION OF THE RESPONSIBILITY OF THE UNDER SECRETARY OF DEFENSE (COMPTROLLER) FOR DEFENSE ACQUISITION BUDGETS.

Section 135(c) of title 10, United States Code, is amended in each of paragraphs (2), (3), and (4), by inserting after the paragraph designation the following: ''subject to section 133(b) of this title,''.

SEC. 222. THE DEFENSE ACQUISITION WORK FORCE.

(a) GENERAL AUTHORITIES AND RESPONSIBILITIES.—(1)(A) Sections 1704, 1705, and 1707 of title 10, United States Code, are repealed.

(B) The table of sections at the beginning of subchapter I of chapter 87 of such title is amended by striking out the items relating to sections 1704 through 1707 and inserting in lieu thereof the following:

''1704. Acquisition career program boards.''.

(2) Section 1706 of title 10, United States Code, is amended—

(A) in subsection (a), by striking out ''an Acquisition Corps'' in the first sentence and inserting in lieu thereof ''the Acquisition Corps'';

(B) in the section heading by striking out ''**§ 1706**'' and inserting in lieu thereof ''**§ 1704**'';

(C) by striking out subsection (a) and inserting in lieu thereof the following:

''(a) ESTABLISHMENT.—The Under Secretary of Defense for Acquisition and Technology shall establish an acquisition career program board to advise the Under Secretary in managing the accession, training, education, and career development of military and civilian personnel in the acquisition workforce and in selecting individuals for the Acquisition Corps under section 1731 of this title.'';

(C) in subsection (b)—

(i) in the first sentence, by striking out ''Each'' and inserting in lieu thereof ''The''; and

(ii) in the second sentence, by striking out ''service acquisition executive'' and inserting in lieu thereof ''Under Secretary''; and

(D) in subsection (c)—

(i) by striking out ''Secretary of a military department'' and inserting in lieu thereof ''Under Secretary''; and

(ii) by striking out ''in the department''.

(b) DEFENSE ACQUISITION POSITIONS.—(1) Section 1722 of title 10, United States Code, is amended—

(A) in subsection (g), by striking out ''Secretary of each military department, acting through the service acquisition executive for that department,'' and inserting in lieu thereof ''Secretary of Defense''; and

(B) in subsection (h), by striking out ''or the Secretary of a military department (as applicable)''.

(2) Section 1724(d) of such title is amended in the first sentence—

(A) by striking out ''a military department'' and inserting in lieu thereof ''the Department of Defense''; and

(B) by striking out ''of that military department''.

(c) ACQUISITION CORPS.—(1) Section 1731 of title 10, United States Code, is amended—

(A) by striking out subsection (a) and inserting in lieu thereof the following:

''(a) ACQUISITION CORPS.—The Secretary of Defense shall establish a Department of Defense Acquisition Corps.''; and

(B) in subsection (b), by striking out ''an Acquisition Corps'' and inserting in lieu thereof ''the Acquisition Corps''.

(2) Section 1732 of such title is amended—

(A) in subsection (a), by striking out ''an Acquisition Corps'' in the first sentence and inserting in lieu thereof ''the Acquisition Corps'';

(B) in subsection (b)—

(i) in paragraph (2)(A)(ii), by striking out ''of the employing military department''; and

(ii) in paragraph (4), by striking out ''or the Secretary of the military department concerned''; and

(C) in subsection (d)—

(i) by striking out ''of a military department'' in the first sentence of paragraph (1) and in paragraph (2); and

(ii) by striking out ''of that military department'' in the first sentence of paragraph (1).

(3) Section 1733(a) of such title is amended by striking out ''an Acquisition Corps'' and inserting in lieu thereof ''the Acquisition Corps''.

(4) Section 1734 of such title is amended—

(A) in subsection (a)(1), by striking out ''Secretary of each military department, acting through the service acquisition executive for that department,'' in the first sentence and inserting in lieu thereof ''Secretary of Defense, acting through the Under Secretary of Defense for Acquisition and Technology,'';

(B) in subsection (b)(1), by striking out ''major milestone'' and inserting in lieu thereof ''phase of the program cycle'';

(C) by striking out subsection (c);

(D) in subsection (d), by striking out paragraphs (2) and (3) and inserting in lieu thereof the following:

''(2) The authority to grant waivers may be delegated by the Under Secretary only to the Director of Acquisition, Education, Training, and Career Development.

''(3) With respect to each waiver granted under this subsection, the Under Secretary shall set forth in a written document the rationale for the decision to grant the waiver. The Director of Acquisition, Education, Training, and Career Development shall maintain all such documents.'';

(E) in subsection (e)—

(i) in the first sentence of paragraph (1)—

(I) by striking out ''an Acquisition Corps'' in the first sentence and inserting in lieu thereof ''the Acquisition Corps''; and

(II) by striking out ''major program milestone'' and inserting in lieu thereof ''phase of the program cycle''; and

(ii) in paragraph (2), by striking out ''of the department concerned'' in the first sentence;

(F) by striking out subsections (g) and (h) and inserting in lieu thereof the following:

''(g) ASSIGNMENTS.—Subject to the authority, direction, and control of the Secretary, the Under Secretary shall make the assignments of civilian and military members of the Acquisition Corps to critical acquisition positions.'';

(G) by striking out ''concerned'' in—

(i) the second sentence of subsection (a)(1);

(ii) the second sentence of subsection (a)(2);

(iii) the sentence following subparagraph (B) in subsection (b)(1);

(iv) the second sentence of subsection (b)(2); and

(v) subsection (d)(1); and

(H) by redesignating subsections (d), (e), (f), (g), and (h) as subsections (c), (d), (e), (f), and (g), respectively.

(5) Section 1737 of title 10, United States Code, is amended—

(A) in subsection (a)—

(i) in paragraph (1), by striking out ''an Acquisition Corps'' and inserting in lieu thereof ''the Acquisition Corps''; and

(ii) in paragraph (5), by striking out '', or a principal deputy to a director of contracting'' and all that follows through ''Department of Defense'' and inserting in lieu thereof ''or a principal deputy to a director of contracting''; and

(B) by striking out subsection (c) and inserting in lieu thereof the following:

''(c) WAIVER.—(1) The Secretary of Defense may waive, on a case-by-case basis, the requirements established under this subchapter with respect to the assignment of an individual to a particular critical acquisition position. Such a waiver may be granted only if unusual circumstances justify the waiver or if the Secretary determines that the individual's qualifications obviate the need for meeting the education, training, and experience requirements established under this subchapter.

''(2) The Secretary shall act through the Under Secretary of Defense for Acquisition and Technology in exercising the authority provided in paragraph (1). The authority to grant waivers under this subsection may be delegated by the Under Secretary only to the Director of Acquisition Education, Training, and Career Development.''.

(d) EDUCATION AND TRAINING.—(1) Section 1741(c) of title 10, United States Code, is amended to read as follows:

''(c) PROGRAMS.—The Under Secretary shall establish and implement the education and training programs authorized by this subchapter.''.

(2) Section 1742 of such title is amended by striking out ''require that each military department''.

(3) Section 1743 of such title is amended in the first sentence by striking out ''require that the Secretary of each military department''.

(e) GENERAL MANAGEMENT.—(1) Section 1761(a) of title 10, United States Code, is amended by striking out ''prescribe regulations to ensure that the military departments and Defense Agencies''.

(2) Section 1762(c) of such title is amended—

(A) by striking out the parenthetical material in the matter above paragraph (1);

(B) in paragraph (4), by striking out ''an acquisition corps'' in subparagraphs (A) and (B) and inserting in lieu thereof ''the Acquisition Corps''; and

(C) in paragraph (14), by striking out ''and the performance of each military department''.

(3) Section 1763 of such title is amended by striking out the second sentence.

SEC. 223. PROCUREMENT PROCEDURES GENERALLY.

Chapter 137 of title 10, United States Code, is amended as follows:

(1) Section 2305(d) is amended—

(A) in the first sentence of paragraph (1)(A), by striking out ''shall ensure that,'' and all that follows through ''the head of an agency'' and inserting in lieu thereof '', in preparing a solicitation for the award of a development contract for a major system, shall'';

(B) in the first sentence of paragraph (2)(A), by striking out ''shall ensure that,'' and all that follows through ''the head of an agency'' and inserting in lieu thereof '', in preparing a solicitation for the award of a production contract for a major system, shall'';

(C) by striking out ''the head of the agency'' each place it appears and inserting in lieu thereof ''the Secretary''; and

(D) by striking out ''the head of an agency'' each place it appears and inserting in lieu thereof ''the Secretary of Defense''.

(2) Section 2306b is amended—

(A) in subsection (b)(1), by striking out ''for the agency or agencies under the jurisdiction of such official''; and

(B) in subsection (j), by striking out ''instruct the Secretary of the military department concerned to''.

(3) Section 2307 is amended—

(A) in subsection (g), by striking out ''Secretary of the Navy'' each place it appears and inserting in lieu thereof ''Secretary of Defense''; and

(B) in subsection (h)(7), by striking out the second sentence.

(4) Section 2311 is amended in subsection (a)—

(A) by inserting ''(1)'' after ''IN GENERAL.—''; and

(B) by adding at the end the following new paragraph:

''(2) The Secretary of Defense may delegate any authority of the Secretary under this chapter only to—

''(A) the Deputy Secretary of Defense, who may successively delegate such authority only to the Under Secretary of Defense for Acquisition and Technology;

''(B) the Under Secretary of Defense for Acquisition and Technology; or

''(C) any acquisition program executive officer or acquisition program manager of the

Defense Research, Development, and Acquisition Agency.''.

(5) Section 2318(a) is amended by striking out ''Defense Logistics Agency'' each place it appears and inserting in lieu thereof ''Defense Research, Development, and Acquisition Agency''.

(6) Section 2320(b) is amended—

(A) in the matter above paragraph (1), by striking out ''an agency named in section 2303 of this title'' and inserting in lieu thereof ''the Department of Defense''; and

(B) in paragraph (9), by striking out ''the head of the agency to withhold'' and inserting in lieu thereof ''the withholding of''.

(7) Section 2323(e)(1)(A)(iii) is amended by striking out ''military departments, Defense Agencies,'' and inserting in lieu thereof ''Department of Defense''.

(8) Section 2324 is amended—

(A) in subsection (e)(3)(A), by striking out the matter above clause (i) and inserting in lieu thereof the following:

''(A) Pursuant to regulations prescribed by the Secretary of Defense and subject to the availability of appropriations, the Secretary may waive the application of the provisions of subparagraphs (M) and (N) of paragraph (1) to a covered contract (other than a contract to which paragraph (2) applies) if the Secretary determines that—'';

(B) in subsection (h)(2), by striking out ''or the Secretary of the military department concerned'';

(C) in subsection (k)(4)—

(i) by striking out ''or Secretary of the military department concerned'';

(ii) by striking out ''or Secretary determines'' and inserting in lieu thereof ''determines''; and

(iii) by striking out ''or military department''; and

(D) by striking out subsection (l) and inserting in lieu thereof the following:

''(l) COVERED CONTRACT DEFINED.—(1) In this section, the term 'covered contract' means a contract for an amount in excess of $500,000 that is entered into by the head of an agency, except that such term does not include a fixed-price contract without cost incentives or any firm fixed-price contract for the purchase of commercial items.

(9) Section 2326 is amended—

''(2) Effective on October 1 of each year that is divisible by five, the amount set forth in paragraph (1) shall be adjusted to the equivalent amount in constant fiscal year 1994 dollars. An amount, as so adjusted, that is not evenly divisible by $50,000 shall be rounded to the nearest multiple of $50,000. In the case of an amount that is evenly divisible by $25,000 but is not evenly divisible by $50,000, the amount shall be rounded to the next higher multiple of $50,000.''.

(A) by striking out ''head of an agency'' each place it appears and inserting in lieu thereof ''Secretary of Defense'';

(B) by striking out ''head of the agency'' each place it appears and inserting in lieu thereof ''Secretary of Defense'';

(C) in subsection (a), by striking out ''military department concerned'' and inserting in lieu thereof ''Department of Defense''; and

(D) in subsection (b)(4), by striking out ''of that agency if such'' and inserting in lieu thereof ''of the Department of Defense if the''.

(10) Section 2327 is amended—

(A) in subsection (a), by striking out ''The head of an agency'' and inserting in lieu thereof ''The Secretary of Defense'';

(B) in subsection (b), by striking out ''the head of an agency'' and inserting in lieu thereof ''the Secretary of Defense'';

(C) in subsection (c)(1)—

(i) by striking out ''the head of an agency'' each place it appears and inserting in lieu thereof ''the Secretary''; and

(ii) by striking out ''such head of an agency'' each place it appears and inserting in lieu thereof ''the Secretary'';

(D) in subsection (c)(2), by striking out ''Upon the request of the head of an agency, the'' and inserting in lieu thereof ''The''; and

(E) in subsection (d)—

(i) by striking out ''(1)''; and

(ii) by striking out paragraph (2).

SEC. 224. RESEARCH AND DEVELOPMENT.

Chapter 139 of title 10, United States Code, is amended as follows:

(1) Section 2352(a) is amended in the matter above paragraph (1)—

(A) by striking out ''The Secretary of a military department'' and inserting in lieu thereof ''The Secretary of Defense''; and

(B) by striking out ''that military department'' and inserting in lieu thereof ''the Department of Defense''.

(2) Section 2353 is amended—

(A) in the first sentence of subsection (a)—

(i) by striking out ''contract of a military department'' and inserting in lieu thereof ''Department of Defense contract''; and

(ii) by striking out ''the Secretary of the military department concerned'' and inserting in lieu thereof ''the Secretary of Defense''; and

(B) in subsection (b)(3), by striking out ''the Secretary concerned'' and inserting in lieu thereof ''the Secretary of Defense''.

(3) Section 2354 is amended—

(A) in subsection (a), by striking out ''the Secretary of the military department concerned, any contract of a military department'' and inserting in lieu thereof ''the Secretary of Defense, any contract of the Department of Defense'';

(B) in subsection (c)—

(i) by striking out ''the Secretary of the department concerned'' and inserting in lieu thereof ''the Secretary of Defense''; and

(ii) by striking out ''of his department''; and

(C) in subsection (d), by striking out ''the Secretary concerned'' and inserting in lieu thereof ''the Secretary of Defense''.

(4) Section 2356(a) is amended to read as follows:

''(a)(1) Except as provided in paragraph (2), the Secretary of Defense may delegate any authority under section 1584, 2353, 2354, or 2358 of this title to—

''(A) the Deputy Secretary of Defense, who may successively delegate such authority only to the Under Secretary of Defense for Acquisition and Technology;

''(B) the Under Secretary of Defense for Acquisition and Technology; or

''(C) any employee of the Defense Research, Development, and Acquisition Agency.

''(2) The authority of the Secretary under section 2353(b)(3) of this title may not be delegated to a person described in paragraph (1)(C).''.

(5) Section 2358 is amended—

(A) by striking out ''or the Secretary of a military department'' in subsections (a) and (b);

(B) in subsection (a)(1), by striking out ''such Secretary's department'' and inserting in lieu thereof ''the Department of Defense''; and

(C) in subsection (c)—

(i) by striking out ''or the Secretary of that military department, respectively,''; and

(ii) by striking out ''or to such military department, respectively''.

(6) Section 2367(c) is amended to read as follows:

''(c) Funds appropriated to the Department of Defense may not be obligated or expended for purposes of operating a federally funded research center that was not in existence before June 2, 1986, until—

''(1) the Secretary of Defense submits to Congress a report with respect to such center that describes the purpose, mission, and general scope of effort of the center; and

''(2) 60 days elapse after the date on which such report is received by Congress.''.

(7) Section 2371 is amended—

(A) in subsection (a), by striking out ''and the Secretary of each military department;''; and

(B) by striking out subsection (b);

(C) in subsection (f), by striking out ''There is hereby established on the books of the Treasury separate accounts for each of the military departments and the Advanced Research Projects Agency'' and inserting in lieu thereof the following: ''The Secretary of the Treasury, after consultation with the Secretary of Defense, shall establish on the books of the Treasury one or more separate accounts for the Department of Defense''; and

(D) in subsection (i), by striking out ''in carrying out advanced research projects through the Advanced Research Projects Agency, and the Secretary of each military department,''.

(8) Section 2373(a) is amended—

(A) by striking out ''and the Secretaries of the military departments may each'' and inserting in lieu thereof ''may''; and

(B) by striking out ''or the Secretary concerned''.

SEC. 225. MISCELLANEOUS PROCUREMENT PROVISIONS.

(a) CHAPTER 141.—Chapter 141 of title 10, United States Code, is amended as follows:

(1) Section 2381(b) is amended—

(A) in the matter above paragraph (1), by striking out ''the Secretary concerned'' and inserting in lieu thereof ''the Secretary of Defense''; and

(B) in paragraph (2), by striking out ''military department concerned'' and inserting in lieu thereof ''Department of Defense''.

(2) Section 2385 is amended by striking out ''a military department'' and inserting in lieu thereof ''the Department of Defense''.

(3) Section 2386 is amended by striking out ''a military department'' and inserting in lieu thereof ''the Department of Defense''.

(4) Section 2388(a) is amended by striking out ''and the Secretary of a military department may each'' and inserting in lieu thereof ''may''.

(5) Section 2393 is amended—

(A) in subsection (a)—

(i) by striking out ''the Secretary of a military department'' in paragraph (1) and inserting in lieu thereof ''the Secretary of Defense''; and

(ii) by striking out ''the Secretary concerned'' in paragraph (2) and inserting in lieu thereof ''the Secretary of Defense''; and

(B) in subsection (b), by striking out ''the Secretary concerned'' and inserting in lieu thereof ''the Secretary of Defense''.

(6) Section 2394 is amended—

(A) in subsection (a), by striking out ''the Secretary of a military department'' and inserting in lieu thereof ''the Secretary of Defense'';

(B) by striking out subsection (b); and

(C) by redesignating subsection (c) as subsection (b).

(7) Section 2394a is amended—

(A) in subsection (a)—

(i) by striking out ''Secretary of a military department'' and inserting in lieu thereof ''Secretary of Defense''; and

(ii) by striking out ''military department under his jurisdiction'' and inserting in lieu thereof ''Department of Defense''; and

(B) in subsection (b), by striking out the second sentence.

(8) Section 2401(a) is amended by striking out ''The Secretary of a military department'' both places it appears and inserting in lieu thereof ''The Secretary of Defense''.

(9) Section 2104a is amended by striking out ''or the Secretary of a military department''.

(10) Section 2403 is amended—

(A) in subsection (a), by striking out paragraph (8);

(B) in subsection (b), by striking out ''the head of an agency'' in the matter above paragraph (1) and inserting in lieu thereof ''the Secretary of Defense'';

(C) in subsections (c), (f), and (g), by striking out ''head of the agency concerned'' each place it appears and inserting in lieu thereof ''Secretary of Defense'';

(D) in subsection (d)—

(i) by inserting ''(1)'' after the subsection designation;

(ii) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(iii) by striking out the second sentence; and

(iv) by adding at the end the following new paragraph:

''(2) The Secretary may delegate authority under this subsection only to the Under Secretary of Defense for Acquisition and Technology.''; and

(E) in subsection (h), by striking out paragraph (3).

(11) Section 2405(a) is amended by striking out ''The Secretary of a military department'' and inserting in lieu thereof ''The Secretary of Defense.''

(12) Section 2410c(a) of title 10, United States Code, is amended by striking out ''Secretary of a military department or the head of a Defense Agency, as the case may be,'' and inserting in lieu thereof ''Secretary of Defense''.

(13) Section 2410d(a) is amended by striking out ''a military department or a Defense Agency'' and inserting in lieu thereof ''the Department of Defense''.

(14) Section 2410g(b) is amended by striking out ''notification—'' and all that follows through ''any other Department of Defense contract, to'' and insert in lieu thereof ''notification to''.

(b) CHAPTER 142.—Chapter 142 of title 10, United States Code, is amended as follows:

(1) Section 2411(3) is amended by striking out ''Director of the Defense Logistics Agency'' and inserting in lieu thereof ''Under Secretary of Defense for Acquisition and Technology''.

(2) Section 2417 is amended by striking out ''Director of the Defense Logistics Agency'' and inserting in lieu thereof ''Under Secretary of Defense for Acquisition and Technology''.

SEC. 226. MAJOR DEFENSE ACQUISITION PROGRAMS.

Chapter 144 of title 10, United States Code, is amended as follows:

(1) Section 2432(c)(3)(A) is amended by striking out ''The Secretary of Defense'' and all that follows.

(2) Section 2433 is amended—

(A) by striking out ''service acquisition executive designated by the Secretary concerned'' each place it appears and inserting in lieu thereof ''Under Secretary of Defense for Acquisition and Technology'';

(B) in subsection (c), by striking out ''such service acquisition executive'' in the matter following paragraph (3) and inserting in lieu thereof ''the Under Secretary of Defense for Acquisition and Technology'';

(C) in subsection (d)—

(i) by striking out ''the service acquisition executive'' in paragraphs (1) and (2) and inserting in lieu thereof ''the Under Secretary''; and

(ii) in paragraph (3), by striking out ''If, based upon the service acquisition executive's determination, the Secretary concerned'' and inserting in lieu thereof ''If the Under Secretary of Defense for Acquisition and Technology''; and

(D) in subsection (e)—

(i) in paragraph (1)(A), by striking out ''Secretary concerned'' and inserting in lieu thereof ''Under Secretary of Defense for Acquisition and Technology'';

(ii) in paragraph (1)(B), by striking out ''Secretary'' both places it appears and inserting in lieu thereof ''Under Secretary'';

(iii) in paragraph (2), by striking out ''(as determined by the Secretary'' in the matter above subparagraph (A) and inserting in lieu thereof ''(as determined by the Under Secretary''; and

(iv) in paragraph (3), by striking out ''by the Secretary'' both places it appears in the first sentence and inserting in lieu thereof ''by the Under Secretary''.

(3) Section 2434(b)(1)(A) is amended by striking out ''under the supervision,'' and all that follows and inserting in lieu thereof ''in the Department of Defense.''.

(4) Section 2435 is amended—

(A) in subsection (a)(1), by striking out ''Secretary of a military department'' and inserting in lieu thereof ''Under Secretary of Defense for Acquisition and Technology''; and

(B) in subsection (d)(2), by striking out ''the Secretary of the military department concerned and''.

SEC. 227. SERVICE SPECIFIC ACQUISITION AUTHORITY.

(a) ARMY.—Part IV of subtitle B of title 10, United States Code, is amended by striking out ''Secretary of the Army'' in sections 4540(a) and 4542 (each place it appears) and inserting in lieu thereof ''Secretary of Defense''.

(b) NAVY.—Part IV of subtitle C of such title is amended as follows:

(1) The following sections are amended by striking out ''Secretary of the Navy'' and inserting in lieu thereof ''Secretary of Defense'': sections 7212(a), 7229, 7299a (each place it appears), 7309(c), 7310(b) (both places it appears), 7311(a) (in the matter before paragraph (1)), 7311(b) (in the matter before paragraph (1)), 7314, and 7361 (each place it appears) .

(2) Section 7314(1)(B) is amended by striking out ''Navy supply system'' each place it appears and inserting in lieu thereof ''Department of Defense supply system''.

(3) Section 7522 is amended by striking out ''Secretary of the Navy'' and all that follows through ''chiefs of bureaus'' and inserting in lieu thereof ''Secretary of Defense''.

(c) AIR FORCE.—Part IV of subtitle D of such title is amended as follows:

(1) Sections 9511(10) and 9540(a) are amended by striking out ''Secretary of the Air Force'' and inserting in lieu thereof ''Secretary of Defense''.

(2) Section 9513(a) is amended—

(A) in paragraph (1), by striking out ''Secretary of the Air Force—'' and all that follows and inserting in lieu thereof the following: ''Secretary, in consultation with the Secretary of the military department concerned, may, by contract entered into with a contractor, authorize such contractor to use one or more Department of Defense installations designated by the Secretary of Defense.''; and

(B) in paragraph (2), by striking out ''of the Air Force''.

SEC. 228. OTHER LAWS.

In any other provision of law providing authority for the Secretary of a military department or the head of a Defense Agency of the Department of Defense to perform a research, development, or acquisition function of the Department of Defense, the reference to that official shall be deemed to refer to the Secretary of Defense. That function shall be performed as provided in section 133(b) of title 10, United States Code (as amended by section 201(a)), and section 232 of such title (as added by section 201(b)).

Subtitle D—Effective Date

SEC. 231. EFFECTIVE DATE.

This title and the amendments made by this title shall take effect on the date that is one year after the date of the enactment of this Act.

TITLE III—DEPOT-LEVEL MAINTENANCE

SEC. 301. ELIMINATION OF 60/40 RULE FOR PUBLIC/PRIVATE DIVISION OF DEPOT-LEVEL MAINTENANCE WORKLOAD.

(a) ELIMINATION OF RULE.—Section 2466 of title 10, United States Code, is amended—

(1) by striking out subsections (a), (c), (d), and (e); and

(2) by striking out ''(b) PROHIBITION ON MANAGEMENT BY END STRENGTH.—''.

(b) CONFORMING AMENDMENTS.—(1) The heading of such section is amended to read as follows:

''§ 2466. Civilian employees involved in depot-level maintenance and repair of materiel: prohibition on management by end strength''.

(2) The item relating to such section in the table of sections at the beginning of chapter 146 of such title is amended to read as follows:

''2466. Civilian employees involved in depot-level maintenance and repair of materiel: prohibition on management by end strength.''.

SEC. 302. PRESERVATION OF CORE MAINTENANCE AND REPAIR CAPABILITY.

(a) IN GENERAL.—(1) Chapter 146 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 2472. Core maintenance and repair capability: preservation

''(a) NECESSITY FOR CORE MAINTENANCE AND REPAIR CAPABILITIES.—It is essential for the national defense that the Department of Defense preserve an organic maintenance and repair capability (including personnel, equipment, and facilities) to meet readiness and sustainability requirements established by the Chairman of the Joint Chiefs of Staff for the systems and equipment required for contingency plans approved by the Chairman of the Joint Chiefs of Staff under section 153(a)(3) of this title.

''(b) IDENTIFICATION OF CORE MAINTENANCE AND REPAIR CAPABILITIES.—The Secretary of Defense shall identify those maintenance and repair activities of the Department of Defense that are necessary to preserve the maintenance and repair capability described in subsection (a). The Secretary may identify for such purpose only those activities of the Department of Defense that are necessary to ensure a ready and controlled source of technical competence for that purpose. The Secretary may not identify for such purpose any intermediate-level or depot-level maintenance or repair activity.

''(c) LIMITATION ON CONTRACTING.—The Secretary may not contract for the performance by non-Government personnel of a maintenance activity identified by the Secretary under subsection (b) under the procedures and requirements of Office of Management and Budget Circular A–76 or any successor administrative regulation or policy unless the Secretary of Defense determines (under regulations prescribed by the Secretary) that Government performance of the activity is no longer required for national defense reasons.

''(d) CONTRACTING FOR PERFORMANCE OF NON-CORE FUNCTIONS.—In the case of any maintenance or repair activity (including the making of major modifications and upgrades) that is not identified by the Secretary under subsection (b), the Secretary concerned shall provide for the performance of that activity by an entity in the private sector, selected through the use of competitive procedures, unless the Secretary determines that the performance of that activity by a Government entity is necessary to maintain the defense industrial base.''.

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''2472. Core maintenance and repair capability: preservation.''.

(b) REVISION OF REGULATIONS.—The Secretary of Defense shall revise the existing Department of Defense regulations relating to depot level maintenance and repair activities in order to ensure the consistency of those regulations with the policy provided in section 2472(d) of title 10, United States Code, as added by subsection (a).

SEC. 303. PERFORMANCE OF DEPOT-LEVEL MAINTENANCE WORKLOAD BY PRIVATE SECTOR WHENEVER POSSIBLE.

(a) REQUIREMENT.—Section 2469 of title 10, United States Code, is amended to read as follows:

''§ 2469. Depot-level maintenance and repair activities: use of private sector

''(a) IN GENERAL.—The Secretary of Defense shall (except as provided in subsection (b)) provide for the performance by private sector entities of all depot-level maintenance and all depot-level repair work of the Department of Defense.

''(b) EXCEPTION.—The Secretary may provide for the performance of a particular depot-level maintenance workload, or a particular depot-level repair workload, by an entity of the Department of Defense if—

''(1) no responsive bids for performance of that workload are received from responsible offerors; or

''(2) the Secretary makes a determination that subsection (a) must be waived for that particular workload for reasons of national security.''.

(b) CLERICAL AMENDMENT.—The item relating to section 2469 in the table of sections at the beginning of chapter 146 of such title is amended to read as follows:

''2469. Depot-level maintenance and repair activities: use of private sector.''.

AEROSPACE INDUSTRIES ASSOCIATION, AMERICAN DEFENSE PREPAREDNESS ASSOCIATION, AMERICAN ELECTRONICS ASSOCIATION, CONTRACT SERVICES ASSOCIATION, ELECTRONIC INDUSTRIES ASSOCIATION, NATIONAL SECURITY INDUSTRIAL ASSOCIATION, SHIPBUILDERS COUNCIL OF AMERICA, U.S. CHAMBER OF COMMERCE,

March 29, 1995.

Senator WILLIAM V. ROTH, JR.,
U.S. Senate, Washington, DC.

DEAR SENATOR ROTH: As the associations representing the hundreds of thousands of American workers employed in the aerospace, electronics, shipbuilding and services industries, we offer our strong support for the depot maintenance provisions included in your procurement reform legislation. We urge prompt action on these provisions in order to achieve their enactment in this session of Congress.

The elements of your proposal that repeal the $3 million threshold for the shift of depot workload to the private sector and the repeal of the so-called 60/40 rule will eliminate management restrictions long opposed by the Department of Defense as well as the private sector. The elimination of these restrictions as called for by your bill will afford the government much greater flexibility to obtain the most cost effective use of every dollar spent on defense logistics support.

Similarly, we are greatly encouraged by the provisions of your legislation that address the issue of government ''core'' competencies. We support the language that calls for the performance of the preponderance of this workload by private sector entities selected on the basis of competitive procedures in accordance with your narrow definition of ''core'' government competency.

The depot maintenance policy articulated in your legislation will permit the development of a logistics support program for the 21st century. Your legislation in this regard is in the national interest and in the interest of the private sector industrial base. We applaud your depot policy initiative, and offer to work closely with you in the weeks ahead to achieve its timely enactment.

Sincerely,

The Presidents of AIA, ADPA, AEA, CSA, EIA, NSIA, SCA, and the U.S. Chamber of Commerce.

ADDITIONAL COSPONSORS

S. 216

At the request of Mr. HATCH, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of S. 216, a bill to repeal the reduction in the deductible portion of expenses for business meals and entertainment.

S. 327

At the request of Mr. HATCH, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of S. 327, a bill to amend the Internal Revenue Code of 1986 to provide clarification for the deductibility of expenses incurred by a taxpayer in connection with the business use of the home.

S. 351

At the request of Mr. HATCH, the name of the Senator from Iowa [Mr. GRASSLEY] was added as a cosponsor of S. 351, a bill to amend the Internal Revenue Code of 1986 to make permanent the credit for increasing research activities.

S. 360

At the request of Mr. SMITH, the name of the Senator from Maine [Ms. SNOWE] was added as a cosponsor of S. 360, a bill to amend title 23, United States Code, to eliminate the penalties imposed on States for noncompliance with motorcycle helmet and automobile safety belt requirements, and for other purposes.

S. 385

At the request of Mr. GREGG, the names of the Senator from Colorado [Mr. CAMPBELL] and the Senator from Maine [Ms. SNOWE] were added as cosponsors of S. 385, a bill to amend title 23, United States Code, to eliminate the penalties imposed on States for failure to require the use of safety belts in passenger vehicles, and for other purposes.

S. 400

At the request of Mrs. HUTCHISON, the name of the Senator from Alabama [Mr. SHELBY] was added as a cosponsor of S. 400, a bill to provide for appropriate remedies for prison conditions, and for other purposes.

S. 442

At the request of Ms. SNOWE, the names of the Senator from Alaska [Mr. MURKOWSKI] and the Senator from Pennsylvania [Mr. SANTORUM] were added as cosponsors of S. 442, a bill to improve and strengthen the child support collection system, and for other purposes.

S. 456

At the request of Mr. BRADLEY, the names of the Senator from Wyoming [Mr. SIMPSON] and the Senator from Louisiana [Mr. JOHNSTON] were added as cosponsors of S. 456, a bill to improve and strengthen the child support collection system, and for other purposes.

SENATE RESOLUTION 91

At the request of Mr. PELL, the names of the Senator from New York [Mr. D'AMATO], the Senator from Delaware [Mr. BIDEN], and the Senator from Maryland [Mr. SARBANES] were added as cosponsors of Senate Resolution 91, a resolution to condemn Turkey's illegal invasion of Northern Iraq.

SENATE RESOLUTION 96—RELATIVE TO A RETIREMENT

Mr. DOLE (for himself and Mr. DASCHLE) submitted the following resolution; which was considered and agreed to:

S. RES. 96

Whereas, Chick Reynolds will retire from service to the United States Senate after twenty years as a member of the staff of the Office Reporters of Debates;

Whereas, he has served the United States Senate with honor and distinction since joining the staff of the Office Reporters of Debates on July 1, 1974;

Whereas, his hard work and outstanding excellence as an official reporter resulted in his appointment to the position of Chief Reporter on May 1, 1988;

Whereas, Chick Reynolds, as Chief Reporter of the Congressional Record, has at all times executed the important duties and responsibilities of his office with great efficiency and diligence;

Whereas, Chick Reynolds has demonstrated loyal dedication to the United States Senate as an institution and leaves a legacy of superior and professional service: Now, therefore, be it

Resolved, That the United States Senate expresses its deep appreciation and gratitude to Chick Reynolds for his years of faithful and exemplary service to his country and the United States Senate.

SEC. 2. The Secretary shall transmit a copy of this resolution to Chick Reynolds.

AMENDMENTS SUBMITTED

EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT OF 1995

HATFIELD AMENDMENT NO. 420

Mr. HATFIELD proposed an amendment to the bill (H.R. 1158) making emergency supplemental appropriations for additional disaster assistance and making rescissions for the fiscal year ending September 30, 1995, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, to provide additional supplemental appropriations and rescissions for the fiscal year ending September 30, 1995, and for other purposes, namely:

TITLE I—SUPPLEMENTALS AND RESCISSIONS

CHAPTER I

DEPARTMENT OF AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES

DEPARTMENT OF AGRICULTURE

AGRICULTURAL RESEARCH SERVICE

(TRANSFER OF FUNDS)

For an additional amount for necessary expenses of the Agricultural Research Service, $2,218,000, to be derived by transfer from ''Nutrition Initiatives'', Food and Consumer Service.

FOOD SAFETY AND INSPECTION SERVICE

For an additional amount for salaries and expenses of the Food Safety and Inspection Service, $9,082,000.

COMMODITY CREDIT CORPORATION FUND

FOOD FOR PROGRESS

Notwithstanding any other provision of law, no funds of the Commodity Credit Corporation in excess of $50,000,000 for fiscal year 1995 (exclusive of the cost of commodities in the fiscal year) may be used to carry out the Food for Progress Act of 1985 (7 U.S.C. 1736o) with respect to commodities made available under section 416(b) of the Agricultural Act of 1949: *Provided*, That of this amount not more than $20,000,000 may be used without regard to section 110(g) of the Food for Progress Act of 1985 (7 U.S.C. 1736o(g)). The additional costs resulting from this provision shall be financed from funds credited to the Corporation pursuant to section 426 of Public Law 103–465.

RURAL ELECTRIFICATION ADMINISTRATION

RURAL ELECTRIFICATION AND TELEPHONE LOANS PROGRAM ACCOUNT

The second paragraph under this heading in Public Law 103–330 (108 Stat. 2441) is amended by inserting before the period at the end, the following: '': *Provided*, That notwithstanding section 305(d)(2) of the Rural Electrification Act of 1936, borrower interest rates may exceed 7 per centum per year''.

FOOD AND NUTRITION SERVICE

COMMODITY SUPPLEMENTAL FOOD PROGRAM

The paragraph under this heading in Public Law 103–330 (108 Stat. 2441) is amended by inserting before the period at the end, the following: '': *Provided further*, That twenty per centum of any Commodity Supplemental Food Program funds carried over from fiscal year 1994 shall be available for administrative costs of the program''.

GENERAL PROVISIONS

Section 715 of Public Law 103–330 is amended by deleting ''$85,500,000'' and by inserting ''$110,000,000''. The additional costs resulting from this provision shall be financed from funds credited to the Commodity Credit Corporation pursuant to section 426 of Public Law 103–465.

OFFICE OF THE SECRETARY

(RESCISSION)

Of the funds made available under this heading in Public Law 103–330, $31,000 are rescinded: *Provided*, That none of the funds made available to the Department of Agriculture may be used to carry out activities under 7 U.S.C. 2257 without prior notification to the Committees on Appropriations.

AGRICULTURAL RESEARCH SERVICE

BUILDINGS AND FACILITIES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–330 and other Acts, $1,500,000 are rescinded.

COOPERATIVE STATE RESEARCH SERVICE

(RESCISSION)

Of the funds made available under this heading in Public Law 103–330, $958,000 are rescinded, including $524,000 for contracts and grants for agricultural research under the Act of August 4, 1965, as amended (7 U.S.C. 450i(c)); and $434,000 for necessary expenses of Cooperative State Research Service activities: *Provided*, That the amount of ''$9,917,000'' available under this heading in Public Law 103–330 (108 Stat. 2441) for a program of capacity building grants to colleges eligible to receive funds under the Act of August 30, 1890, is amended to read ''$9,207,000''.

ANIMAL AND PLANT HEALTH INSPECTION SERVICE

BUILDINGS AND FACILITIES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–330, $6,000,000 are rescinded.

RURAL DEVELOPMENT ADMINISTRATION AND FARMERS HOME ADMINISTRATION

LOCAL TECHNICAL ASSISTANCE AND PLANNING GRANTS

(RESCISSION)

Of the funds made available under this heading in Public Law 103–330, $1,750,000 are rescinded.

ALCOHOL FUELS CREDIT GUARANTEE PROGRAM ACCOUNT

(RESCISSION)

Of the funds made available under this heading in Public Law 102–341, $9,000,000 are rescinded.

RURAL ELECTRIFICATION ADMINISTRATION

RURAL ELECTRIFICATION AND TELEPHONE LOANS PROGRAM ACCOUNT

(RESCISSION)

Of the funds made available under this heading in Public Law 103–330, $1,500,000 for the cost of 5 per centum rural telephone loans are rescinded.

FOOD AND NUTRITION SERVICE

SPECIAL SUPPLEMENTAL FOOD PROGRAM FOR WOMEN, INFANTS, AND CHILDREN (WIC)

(RESCISSION)

Of the funds made available under this heading in Public Law 103–111, $35,000,000 are rescinded.

FOREIGN AGRICULTURAL SERVICE

PUBLIC LAW 480 PROGRAM ACCOUNTS

Of the funds made available under this heading in Public Law 103–330, $142,500,000 are rescinded of which: $6,135,000 shall be from the amounts appropriated for ocean freight differential costs; $92,500,000 shall be from the amounts appropriated for commodities supplied in connection with dispositions abroad pursuant to title III; and $43,865,000 shall be from the amounts appropriated for the cost of direct credit agreements as authorized by the Agricultural Trade Development and Assistance Act of 1954, as amended, and the Food for Progress Act of 1985, as amended.

CHAPTER II

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES

RELATED AGENCIES

NATIONAL BANKRUPTCY REVIEW COMMISSION

(TRANSFER OF FUNDS)

For the National Bankruptcy Review Commission as authorized by Public Law 103–394, $1,500,000 shall be made available until expended, to be derived by transfer from unobligated balances of the Working Capital Fund in the Department of Justice.

UNITED STATES INFORMATION AGENCY

INTERNATIONAL BROADCASTING OPERATIONS

For an additional amount for ''International Broadcasting Operations'', $7,290,000, for the Board for International Broadcasting to remain available until expended.

DEPARTMENT OF JUSTICE

IMMIGRATION AND NATURALIZATION SERVICE

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–317, $1,000,000 are rescinded.

OFFICE OF JUSTICE PROGRAMS

DRUG COURTS

(RESCISSION)

Of the funds made available under this heading in title VIII of Public Law 103–317, $27,100,000 are rescinded.

OUNCE OF PREVENTION COUNCIL

(INCLUDING RESCISSION)

Of the funds made available under this heading in title VIII of Public Law 103–317, $1,000,000 are rescinded.

In addition, under this heading in Public Law 103–317, after the word ''grants'', insert the following: ''and administrative expenses''. After the word ''expended'', insert the following: '': *Provided*, That the Council is authorized to accept, hold, administer, and use gifts, both real and personal, for the purpose of aiding or facilitating the work of the Council''.

DEPARTMENT OF COMMERCE

NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–317, $19,500,000 are rescinded.

INDUSTRIAL TECHNOLOGY SERVICES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–317 for the Manufacturing Extension Partnership and the Quality Program, $27,100,000 are rescinded.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–317, $37,600,000 are rescinded.

CONSTRUCTION

(RESCISSION)

Of the funds made available under this heading in Public Law 103–317, $8,000,000 are rescinded.

TECHNOLOGY ADMINISTRATION

UNDER SECRETARY FOR TECHNOLOGY/OFFICE OF TECHNOLOGY POLICY

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–317, $1,500,000 are rescinded.

NATIONAL TECHNICAL INFORMATION SERVICE

NTIS REVOLVING FUND

(RESCISSION)

Of the funds made available under this heading in Public Law 103–317, $7,600,000 are rescinded.

ECONOMIC DEVELOPMENT ADMINISTRATION

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

(RESCISSIONS)

Of unobligated balances available under this heading pursuant to Public Law 103–75, Public Law 102–368, and Public Law 103–317, $47,384,000 are rescinded.

THE JUDICIARY

COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES

UNITED STATES COURT OF INTERNATIONAL TRADE

(RESCISSION)

Of the funds made available under this heading in Public Law 103–317, $1,000,000 are rescinded.

DEFENDER SERVICES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–317, $4,100,000 are rescinded.

RELATED AGENCY

SMALL BUSINESS ADMINISTRATION

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–317, $15,000,000 are rescinded: *Provided*, That no funds in that public law shall be available to implement section 24 of the Small Business Act, as amended.

BUSINESS LOANS PROGRAM ACCOUNT

(RESCISSION)

Of the funds made available under this heading in Public Law 103–317, $15,000,000 are rescinded.

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

DIPLOMATIC AND CONSULAR PROGRAMS

(RESCISSION)

Of the funds made available under this heading in Public Law 103–317, $2,000,000 are rescinded.

ACQUISITION AND MAINTENANCE OF BUILDINGS ABROAD

(RESCISSION)

Of the funds made available under this heading in Public Law 103–317, $30,000,000 are rescinded.

INTERNATIONAL ORGANIZATIONS AND CONFERENCES

CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–317, $14,617,000 are rescinded.

RELATED AGENCIES

ARMS CONTROL AND DISARMAMENT AGENCY

ARMS CONTROL AND DISARMAMENT ACTIVITIES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–317, $4,000,000 are rescinded, of which $2,000,000 are from funds made available for activities related to the implementation of the Chemical Weapons Convention.

BOARD FOR INTERNATIONAL BROADCASTING

ISRAEL RELAY STATION

(RESCISSION)

From unobligated balances available under this heading, $2,000,000 are rescinded.

UNITED STATES INFORMATION AGENCY

EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS

(RESCISSION)

Of the funds made available under this heading in Public Law 103–317, $5,000,000 are rescinded.

RADIO CONSTRUCTION

(RESCISSION)

Of the funds made available under this heading, $6,000,000 are rescinded.

RADIO FREE ASIA

(RESCISSION)

Of the funds made available under this heading, $6,000,000 are rescinded.

CHAPTER III

ENERGY AND WATER DEVELOPMENT

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

GENERAL INVESTIGATIONS

(RESCISSIONS)

Of the funds made available under this heading in Public Law 103–316 and prior years' Energy and Water Development Appropriations Acts, $10,000,000 are rescinded.

CONSTRUCTION, GENERAL

(RESCISSIONS)

Of the funds made available under this heading in Public Law 103–316 and prior years' Energy and Water Development Appropriations Acts, $50,000,000 are rescinded.

DEPARTMENT OF THE INTERIOR

BUREAU OF RECLAMATION

OPERATION AND MAINTENANCE

(RESCISSION)

Of the funds made available under this heading in Public Law 103–316, $10,000,000 are rescinded.

DEPARTMENT OF ENERGY

ENERGY SUPPLY, RESEARCH AND DEVELOPMENT ACTIVITIES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–316, $81,500,000 are rescinded.

ATOMIC ENERGY DEFENSE ACTIVITIES

DEFENSE ENVIRONMENTAL RESTORATION AND WASTE MANAGEMENT

(RESCISSIONS)

Of the amounts made available under this heading in Public Law 103–316 and prior years' Energy and Water Development Acts, $100,000,000 are rescinded.

MATERIALS SUPPORT AND OTHER DEFENSE PROGRAMS

(RESCISSIONS)

Of the amounts made available under this heading in Public Law 103–316, and prior years' Energy and Water Development Acts, $15,000,000 are rescinded.

DEPARTMENTAL ADMINISTRATION

(RESCISSION)

Of the funds made available under this heading in Public Law 103–316, $20,000,000 are rescinded.

POWER MARKETING ADMINISTRATIONS

CONSTRUCTION, REHABILITATION, OPERATION AND MAINTENANCE, WESTERN AREA POWER ADMINISTRATION

(RESCISSIONS)

Of the amounts made available under this heading in Public Law 103–316 and prior years' Energy and Water Development Acts, $30,000,000 are rescinded.

INDEPENDENT AGENCIES

APPALACHIAN REGIONAL COMMISSION

(RESCISSION)

Of the funds made available under this heading in Public Law 103–316, $10,000,000 are rescinded.

TENNESSEE VALLEY AUTHORITY

TENNESSEE VALLEY AUTHORITY FUND

(RESCISSION)

Of the funds made available under this heading in Public Law 103–316, $5,000,000 are rescinded.

CHAPTER IV

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS

(RESCISSION)

Of the unearmarked and unobligated balances of funds available in Public Law 103–87 and Public Law 103–306, $100,000,000 are rescinded: *Provided*, That not later than thirty days after the enactment of this Act the Director of the Office of Management and Budget shall submit a report to Congress setting forth the accounts and amounts which are reduced pursuant to this paragraph.

CHAPTER V

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES

DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

MANAGEMENT OF LANDS AND RESOURCES

(RESCISSION)

Of the funds available under this heading in Public Law 103–332, $70,000 are rescinded, to be derived from amounts available for developing and finalizing the Roswell Resource Management Plan/Environmental Impact Statement and the Carlsbad Resource Management Plan Amendment/Environmental Impact Statement: *Provided*, That none of the funds made available in such Act or any other appropriations Act may be used for finalizing or implementing either such plan.

CONSTRUCTION AND ACCESS

(RESCISSIONS)

Of the funds available under this heading in Public Law 103–332, Public Law 103–138, and Public Law 102–381, $2,100,000 are rescinded.

LAND ACQUISITION

(RESCISSIONS)

Of the funds available under this heading in Public Law 102–381, Public Law 101–121, and Public Law 100–446, $1,497,000 are rescinded.

UNITED STATES FISH AND WILDLIFE SERVICE

RESOURCE MANAGEMENT

(RESCISSION)

Of the funds available under this heading in Public Law 103–332, $3,000,000 are rescinded.

CONSTRUCTION

(RESCISSIONS)

Of the funds available under this heading or the heading Construction and Anadromous Fish in Public Law 103–332, Public

Law 103–138, Public Law 103–75, Public Law 102–381, Public Law 102–154, Public Law 102–368, Public Law 101–512, Public Law 101–121, Public Law 100–446, and Public Law 100–202, $13,215,000 are rescinded.

LAND ACQUISITION

(RESCISSIONS)

Of the funds available under this heading in Public Law 103–332, Public Law 103–138, Public Law 102–381, and Public Law 101–512, $3,893,000 are rescinded.

NATIONAL BIOLOGICAL SURVEY

RESEARCH, INVENTORIES, AND SURVEYS

(RESCISSIONS)

Of the funds available under this heading in Public Law 103–332 and Public Law 103–138, $12,544,000 are rescinded.

NATIONAL PARK SERVICE

CONSTRUCTION

(RESCISSION)

Of the funds available under this heading in Public Law 103–332, $25,970,000 are rescinded.

URBAN PARK AND RECREATION FUND

(RESCISSION)

Of the funds available under this heading in Public Law 103–332, $7,480,000 are rescinded.

LAND ACQUISITION AND STATE ASSISTANCE

(RESCISSIONS)

Of the funds available under this heading in Public Law 103–332, Public Law 103–138, Public Law 102–381, Public Law 102–154, Public Law 101–512, Public Law 101–121, Public Law 100–446, Public Law 100–202, Public Law 99–190, Public Law 98–473, and Public Law 98–146, $11,297,000 are rescinded.

MINERALS MANAGEMENT SERVICE

ROYALTY AND OFFSHORE MINERALS MANAGEMENT

(RESCISSION)

Of the funds made available under this heading in Public Law 103–332, $814,000 are rescinded.

BUREAU OF INDIAN AFFAIRS

OPERATION OF INDIAN PROGRAMS

(RESCISSION)

Of the funds available under this heading in Public Law 103–332, $11,350,000 are rescinded: *Provided,* That the first proviso under this head in Public Law 103–332 is amended by striking ''$330,111,000'' and inserting in lieu thereof ''$329,361,000''.

CONSTRUCTION

(RESCISSION)

Of the funds available under this heading in Public Law 103–332, $9,571,000 are rescinded.

INDIAN DIRECT LOAN PROGRAM ACCOUNT

(RESCISSION)

Of the funds provided under this heading in Public Law 103–332, $1,900,000 is rescinded.

TERRITORIAL AND INTERNATIONAL AFFAIRS

ADMINISTRATION OF TERRITORIES

(RESCISSION)

Of the funds available under this heading in Public Law 103–332, $1,900,000 are rescinded.

TRUST TERRITORY OF THE PACIFIC ISLANDS

(RESCISSION)

Of the funds available under this heading in Public Law 99–591, $32,139,000 are rescinded.

COMPACT OF FREE ASSOCIATION

(RESCISSION)

Of the funds made available under this heading in Public Law 103–332, $1,000,000 are rescinded.

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

FOREST RESEARCH

(RESCISSION)

Of the funds available under this heading in Public Law 103–332, $6,000,000 are rescinded.

STATE AND PRIVATE FORESTRY

(RESCISSIONS)

Of the funds available under this heading in Public Law 103–332 and Public Law 103–138, $6,250,000 are rescinded.

INTERNATIONAL FORESTRY

(RESCISSION)

Of the funds available under this heading in Public Law 103–332, $3,000,000 are rescinded.

CONSTRUCTION

(RESCISSIONS)

Of the funds available under this heading in Public Law 103–332, Public Law 103–138 and Public Law 102–381, $7,824,000 are rescinded: *Provided,* That the first proviso under this head in Public Law 103–332 is amended by striking ''1994'' and inserting in lieu thereof ''1995''.

LAND ACQUISITION

(RESCISSIONS)

Of the funds available under this heading in Public Law 103–332, Public Law 103–138 and Public Law 102–381, $3,020,000 are rescinded.

DEPARTMENT OF ENERGY

FOSSIL ENERGY RESEARCH AND DEVELOPMENT

(RESCISSION)

Of the funds available under this heading in Public Law 103–332, $20,750,000 are rescinded.

NAVAL PETROLEUM AND OIL SHALE RESERVES

(RESCISSION)

Of the funds available under this heading in Public Law 103–332, $11,000,000 are rescinded.

ENERGY CONSERVATION

(RESCISSIONS)

Of the funds available under this heading in Public Law 103–332, $34,928,000 are rescinded.

Of the funds available under this heading in Public Law 103–138, $13,700,000 are rescinded.

DEPARTMENT OF EDUCATION

OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

INDIAN EDUCATION

(RESCISSION)

Of the funds available under this heading in Public Law 103–332, $2,000,000 are rescinded.

OTHER RELATED AGENCIES

SMITHSONIAN INSTITUTION

CONSTRUCTION AND IMPROVEMENTS, NATIONAL ZOOLOGICAL PARK

(RESCISSIONS)

Of the funds available under this heading in Public Law 102–381, and Public Law 103–138, $1,000,000 are rescinded.

CONSTRUCTION

(RESCISSIONS)

Of the funds made available under this heading in Public Law 102–154, Public Law 102–381, Public Law 103–138, and Public Law 103–332, $11,237,000 are rescinded: *Provided,* That of the amounts proposed herein for rescission, $2,500,000 are from funds previously appropriated for the National Museum of the American Indian: *Provided further,* That notwithstanding any other provision of law, the provisions of the Davis-Bacon Act shall not apply to any contract associated with the construction of facilities for the National Museum of the American Indian.

NATIONAL GALLERY OF ART

REPAIR, RESTORATION AND RENOVATION OF BUILDINGS

(RESCISSION)

Of the funds available under this heading in Public Law 103–332, $407,000 are rescinded.

JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS

CONSTRUCTION

(RESCISSION)

Of the funds available under this heading in Public Law 103–332, $3,000,000 are rescinded.

WOODROW WILSON INTERNATIONAL CENTER FOR SCHOLARS

SALARIES AND EXPENSES

(RESCISSION)

Of the funds available under this heading in Public Law 103–332, $1,000,000 are rescinded.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

NATIONAL ENDOWMENT FOR THE ARTS

GRANTS AND ADMINISTRATION

(RESCISSION)

Of the funds available under this heading in Public Law 103–332, $5,000,000 are rescinded.

NATIONAL ENDOWMENT FOR THE HUMANITIES

GRANTS AND ADMINISTRATION

(RESCISSION)

Of the funds available under this heading in Public Law 103–332, $5,000,000 are rescinded.

GENERAL PROVISIONS

SEC. 501. No funds made available in any appropriations Act may be used by the Department of the Interior, including but not limited to the United States Fish and Wildlife Service and the National Biological Service, to search for the Alabama sturgeon in the Alabama River, the Cahaba River, the Tombigbee River or the Tennessee-Tombigbee Waterway in Alabama or Mississippi.

SEC. 502. (a) None of the funds made available in Public Law 103–332 may be used by the United States Fish and Wildlife Service to implement or enforce special use permit numbered 72030.

(b) The Secretary of the Interior shall immediately reinstate the travel guidelines specified in special use permit numbered 65715 for the visiting public and employees of the Virginia Department of Conservation and Recreation at Back Bay National Wildlife Refuge, Virginia. Such guidelines shall remain in effect until such time as an agreement described in subsection (c) becomes effective, but in no case shall remain in effect after September 30, 1995.

(c) It is the sense of Congress that the Secretary of the Interior and the Governor of Virginia should negotiate and enter into a long term agreement concerning resources management and public access with respect to Back Bay National Wildlife Refuge and False Cape State Park, Virginia, in order to improve the implementation of the missions of the Refuge and Park.

SEC. 503. (a) No funds available to the Forest Service may be used to implement Habitat Conservation Areas in the Tongass National Forest for species which have not been declared threatened or endangered pursuant to the Endangered Species Act, except that with respect to goshawks the Forest Service may impose interim Goshawk Habitat Conservation Areas not to exceed 300 acres per

active nest consistent with the guidelines utilized in national forests in the continental United States.

(b) The Secretary shall notify Congress within 30 days of any timber sales which may be delayed or canceled due to the Goshawk Habitat Conservation Areas described in subsection (a).

CHAPTER VI

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES

DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION

TRAINING AND EMPLOYMENT SERVICES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $1,521,220,000 are rescinded, including $46,404,000 for necessary expenses of construction, rehabilitation, and acquisition of new Job Corps centers, $15,000,000 for the School-to-Work Opportunities Act, $15,600,000 for title III, part A of the Job Training Partnership Act, $20,000,000 for the title III, part B of such Act, $3,861,000 for service delivery areas under section 101(a)(4)(A)(iii) of such Act, $33,000,000 for carrying out title II, part A of such Act, $472,010,000 for carrying out title II, part C of such Act, $750,000 for the National Commission for Employment Policy and $421,000 for the National Occupational Information Coordinating Committee: *Provided,* That service delivery areas may transfer up to 50 percent of the amounts allocated for program years 1994 and 1995 between the title II–B and title II–C programs authorized by the Job Training Partnership Act, if such transfers are approved by the Governor.

COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS

(RESCISSIONS)

Of the funds made available in the first paragraph under this heading in Public Law 103–333, $11,263,000 are rescinded.

Of the funds made available in the second paragraph under this heading in Public Law 103–333, $3,177,000 are rescinded.

STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICE OPERATIONS

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $20,000,000 are rescinded, and amounts which may be expended from the Employment Security Administration account in the Unemployment Trust Fund are reduced from $3,269,097,000 to $3,221,397,000.

BUREAU OF LABOR STATISTICS

SALARIES AND EXPENSES

Of the funds made available under this heading in Public Law 103–333, $1,100,000 are rescinded.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

HEALTH RESOURCES AND SERVICES ADMINISTRATION

HEALTH RESOURCES AND SERVICES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $42,071,000 are rescinded.

CENTERS FOR DISEASE CONTROL AND PREVENTION

DISEASE CONTROL, RESEARCH, AND TRAINING

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $1,300,000 are rescinded.

NATIONAL INSTITUTES OF HEALTH

BUILDINGS AND FACILITIES

(RESCISSION)

Of the available balances under this heading, $79,289,000 are rescinded.

SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION

SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $14,700,000 are rescinded.

ASSISTANT SECRETARY FOR HEALTH

OFFICE OF THE ASSISTANT SECRETARY FOR HEALTH

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $2,320,000 are rescinded.

AGENCY FOR HEALTH CARE POLICY AND RESEARCH

HEALTH CARE POLICY AND RESEARCH

(RESCISSION)

Of the Federal funds made available under this heading in Public Law 103–333, $3,132,000 are rescinded.

HEALTH CARE FINANCING ADMINISTRATION

PROGRAM MANAGEMENT

(RESCISSION)

Funds made available under this heading in Public Law 103–333 are reduced from $2,207,135,000 to $2,185,935,000, and funds transferred to this account as authorized by section 201(g) of the Social Security Act are reduced to the same amount.

SOCIAL SECURITY ADMINISTRATION

SUPPLEMENTAL SECURITY INCOME PROGRAM

(RESCISSION)

Of the amounts appropriated in the first paragraph under this heading in Public Law 103–333, $67,000,000 are rescinded.

LIMITATION ON ADMINISTRATIVE EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333 to invest in a state-of-the-art computing network, $88,283,000 are rescinded.

ADMINISTRATION FOR CHILDREN AND FAMILIES

JOB OPPORTUNITIES AND BASIC SKILLS

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, there are rescinded an amount equal to the total of the funds within each State's limitation for fiscal year 1995 that are not necessary to pay such State's allowable claims for such fiscal year.

Section 403(k)(3)(E) of the Social Security Act (as amended by Public Law 100–485) is amended by adding before the ''and'': ''reduced by an amount equal to the total of those funds that are within each State's limitation for fiscal year 1995 that are not necessary to pay such State's allowable claims for such fiscal year (except that such amount for such year shall be deemed to be $1,300,000,000 for the purpose of determining the amount of the payment under subsection (l) to which each State is entitled),''.

STATE LEGALIZATION IMPACT-ASSISTANCE GRANTS

(RESCISSION)

Of the funds made available in the second paragraph under this heading in Public Law 103–333, $6,000,000 are rescinded.

COMMUNITY SERVICES BLOCK GRANT

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $26,988,000 are rescinded.

CHILD CARE AND DEVELOPMENT BLOCK GRANT

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $8,400,000 are rescinded.

CHILDREN AND FAMILIES SERVICES PROGRAMS

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $42,000,000 are rescinded from section 639(A) of the Head Start Act, as amended.

ADMINISTRATION ON AGING

(AGING SERVICES PROGRAMS)

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $899,000 are rescinded.

OFFICE OF THE SECRETARY

POLICY RESEARCH

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $2,918,000 are rescinded.

DEPARTMENT OF EDUCATION

EDUCATION REFORM

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $82,600,000 are rescinded, including $55,800,000 from funds made available for State and local education systemic improvement, and $11,800,000 from funds made available for Federal activities under the Goals 2000: Educate America Act; and $15,000,000 are rescinded from funds made available under the School to Work Opportunities Act, including $4,375,000 for National programs and $10,625,000 for State grants and local partnerships.

EDUCATION FOR THE DISADVANTAGED

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $80,400,000 are rescinded as follows: $72,500,000 from the Elementary and Secondary Education Act, title I, part A, $2,000,000 from part B, and $5,900,000 from part E, section 1501.

IMPACT AID

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $16,293,000 for section 8002 are rescinded.

SCHOOL IMPROVEMENT PROGRAMS

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $236,417,000 are rescinded as follows: from the Elementary and Secondary Education Act, title II–B, $69,000,000, title IV, $100,000,000, title V–C, $2,000,000, title IX–B, $1,000,000, title X–D, $1,500,000, section 10602, $1,630,000, title XII, $20,000,000, and title XIII–A, $8,900,000; from the Higher Education Act, section 596, $13,875,000; from funds derived from the Violent Crime Reduction Trust Fund, $11,100,000; and from funds for the Civil Rights Act of 1964, title IV, $7,412,000.

BILINGUAL AND IMMIGRANT EDUCATION

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $32,380,000 are rescinded from funding for title VII–A and $11,000,000 from part C of the Elementary and Secondary Education Act.

VOCATIONAL AND ADULT EDUCATION

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $60,566,000 are rescinded as follows: from the Carl D. Perkins Vocational and Applied Technology Education Act, title III–A, and –B, $43,888,000

and from title IV–A and –C, $8,891,000; from the Adult Education Act, part B–7, $7,787,000.

STUDENT FINANCIAL ASSISTANCE

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $10,000,000 are rescinded from funding for the Higher Education Act, title IV, part H–1.

HIGHER EDUCATION

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $57,783,000 are rescinded as follows: from amounts available for the Higher Education Act, title IV–A, chapter 5, $496,000, title IV–A–2, chapter 1, $11,200,000, title IV–A–2, chapter 2, $600,000, title IV–A–6, $2,000,000, title V–C, subparts 1 and 3, $16,175,000, title IX–B, $10,100,000, title IX–E, $3,500,000, title IX–G, $2,888,000, title X–D, $2,900,000, and title XI–A, $500,000; Public Law 102–325, $1,000,000; and the Excellence in Mathematics, Science, and Engineering Education Act of 1990, $6,424,000.

HOWARD UNIVERSITY

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $3,300,000 are rescinded, including $1,500,000 for construction.

COLLEGE HOUSING AND ACADEMIC FACILITIES LOANS PROGRAM

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333 for the costs of direct loans, as authorized under part C of title VII of the Higher Education Act, as amended, $168,000 are rescinded, and the authority to subsidize gross loan obligations is repealed. In addition, $322,000 appropriated for administrative expenses are rescinded.

EDUCATION RESEARCH, STATISTICS, AND IMPROVEMENT

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $15,200,000 are rescinded as follows: from the Elementary and Secondary Education Act, title III–A, $5,000,000, title III–B, $5,000,000, and title X–B, $4,600,000; from the Goals 2000: Educate America Act, title VI, $600,000.

LIBRARIES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $2,916,000 are rescinded from title II, part B, section 222 of the Higher Education Act.

RELATED AGENCIES

CORPORATION FOR PUBLIC BROADCASTING

(RESCISSION)

Of the funds made available under this heading in Public Law 103–112, $26,360,000 are rescinded. Of the funds made available under this heading in Public Law 103–333, $29,360,000 are rescinded.

RAILROAD RETIREMENT BOARD

DUAL BENEFITS PAYMENTS ACCOUNT

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $7,000,000 are rescinded.

GENERAL PROVISIONS

FEDERAL DIRECT STUDENT LOAN PROGRAM

SEC. 601. Section 458(a) of the Higher Education Act of 1965 (20 U.S.C. 1087h(a)) is amended—

(1) by striking ''$345,000,000'' and inserting ''$250,000,000''; and

(2) by striking ''$2,500,000,000'' and inserting ''$2,405,000,000''.

SEC. 602. Of the funds made available in fiscal year 1995 to the Department of Labor in Public Law 103–333 for compliance assistance and enforcement activities, $8,975,000 are rescinded.

CHAPTER VII

LEGISLATIVE BRANCH

HOUSE OF REPRESENTATIVES

PAYMENTS TO WIDOWS AND HEIRS OF DECEASED MEMBERS OF CONGRESS

For payment to the family trust of Dean A. Gallo, late a Representative from the State of New Jersey, $133,600.

JOINT ITEMS

JOINT ECONOMIC COMMITTEE

(RESCISSION)

Of the funds made available under this heading in Public Law 103–283, $460,000 are rescinded.

JOINT COMMITTEE ON PRINTING

(RESCISSION)

Of the funds made available under this heading in Public Law 103–283, $238,137 are rescinded.

OFFICE OF TECHNOLOGY ASSESSMENT

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–283, $650,000 are rescinded.

CONGRESSIONAL BUDGET OFFICE

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–283, $187,000 are rescinded.

ARCHITECT OF THE CAPITOL

CAPITOL BUILDINGS AND GROUNDS

SENATE OFFICE BUILDINGS

(RESCISSION)

Of the funds made available under this heading in Public Law 103–283, $850,000 are rescinded.

CAPITAL POWER PLANT

(RESCISSION)

Of the funds made available under this heading in Public Law 103–283, $1,650,000 are rescinded.

GOVERNMENT PRINTING OFFICE

CONGRESSIONAL PRINTING AND BINDING

(RESCISSION)

Of the funds made available under this heading in Public Law 103–283, $5,000,000 are rescinded.

BOTANIC GARDEN

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available until expended by transfer under this heading in Public Law 103–283, $7,000,000 are rescinded.

GOVERNMENT PRINTING OFFICE

OFFICE OF SUPERINTENDENT OF DOCUMENTS

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–283, $600,000 are rescinded.

LIBRARY OF CONGRESS

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–283, $150,000 are rescinded.

BOOKS FOR THE BLIND AND PHYSICALLY HANDICAPPED

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–283, $100,000 are rescinded.

GENERAL ACCOUNTING OFFICE

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–283, $8,867,000 are rescinded.

CHAPTER VIII

DEPARTMENT OF DEFENSE—MILITARY CONSTRUCTION

MILITARY CONSTRUCTION, ARMY

(RESCISSION)

Of the funds made available under this heading in Public Law 103–307, $10,000,000 are rescinded.

MILITARY CONSTRUCTION, NAVY

(RESCISSION)

Of the funds made available under this heading in Public Law 103–307, $13,050,000 are rescinded.

MILITARY CONSTRUCTION, AIR FORCE

(RESCISSION)

Of the funds made available under this heading in Public Law 103–307, $33,250,000 are rescinded.

MILITARY CONSTRUCTION, AIR NATIONAL GUARD

(RESCISSION)

Of the funds made available under this heading in Public Law 103–307, $1,340,000 are rescinded.

NORTH ATLANTIC TREATY ORGANIZATION INFRASTRUCTURE

(RESCISSION)

Of the funds made available under this heading in Public Law 103–307, $69,000,000 are rescinded.

BASE REALIGNMENT AND CLOSURE ACCOUNT, PART II

(RESCISSION)

Of the funds made available under this heading in Public Law 103–307, $10,628,000 are rescinded.

BASE REALIGNMENT AND CLOSURE ACCOUNT, PART III

(RESCISSION)

Of the funds made available under this heading in Public Law 103–307, $93,566,000 are rescinded.

CHAPTER IX

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES

OFFICE OF THE SECRETARY

WORKING CAPITAL FUND

(RESCISSION)

The obligation authority under this heading in Public Law 103–331 is hereby reduced by $4,000,000.

PAYMENTS TO AIR CARRIERS

(AIRPORT AND AIRWAY TRUST FUND)

(RESCISSION)

Of the funds made available under this heading, $5,300,000 are rescinded: *Provided,* That the Secretary shall not enter into any contracts for ''Small Community Air Service'' beyond September 30, 1995, which require compensation fixed and determined under subchapter II of chapter 417 of Title 49, United States Code (49 U.S.C. 41731–42) payable by the Department of Transportation: *Provided further,* That no funds under this head shall be available for payments to air carriers under subchapter II.

COAST GUARD

OPERATING EXPENSES

(RESCISSION)

Of the amounts provided under this heading in Public Law 103–331, $3,700,000 are rescinded.

ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

(RESCISSION)

Of the available balances under this heading, $34,298,000 are rescinded.

ENVIRONMENTAL COMPLIANCE AND RESTORATION

(RESCISSION)

Of the amounts provided under this heading in Public Law 103–331, $400,000 are rescinded.

FEDERAL AVIATION ADMINISTRATION

OPERATIONS

(RESCISSION)

Of the available balances under this heading, $1,000,000 are rescinded: *Provided,* That the following proviso in Public Law 103–331 under this heading is repealed, ''*Provided further,* That of the funds available under this head, $17,500,000 is available only for permanent change of station moves for members of the air traffic work force''.

FACILITIES AND EQUIPMENT

(AIRPORT AND AIRWAY TRUST FUND)

(RESCISSION)

Of the available balances under this heading, $31,850,000 are rescinded.

RESEARCH, ENGINEERING, AND DEVELOPMENT

(AIRPORT AND AIRWAY TRUST FUND)

(RESCISSION)

Of the available balances under this heading, $7,500,000 are rescinded.

GRANTS-IN-AID FOR AIRPORTS

(AIRPORT AND AIRWAY TRUST FUND)

(RESCISSION)

Of the available contract authority balances under this account, $1,300,000,000 are rescinded.

FEDERAL HIGHWAY ADMINISTRATION

LIMITATION ON GENERAL OPERATING EXPENSES

(RESCISSION)

The obligation limitation under this heading in Public Law 103–331 is hereby reduced by $45,950,000.

FEDERAL-AID HIGHWAYS

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

(RESCISSION)

The obligation limitation under this heading in Public Law 103–331 is hereby reduced by $123,590,000, of which $27,640,000 shall be deducted from amounts made available for the Applied Research and Technology Program authorized under section 307(e) of title 23, United States Code, and $50,000,000 shall be deducted from the amounts available for the Congestion Pricing Pilot Program authorized under section 1002(b) of Public Law 102–240, and $45,950,000 shall be deducted from the limitation on General Operating Expenses: *Provided,* That the amounts deducted from the aforementioned programs are rescinded.

FEDERAL-AID HIGHWAYS

EMERGENCY RELIEF PROGRAM

(HIGHWAY TRUST FUND)

(RESCISSION)

Of the amounts provided under this heading in Public Law 103–211, $50,000,000 are rescinded.

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

HIGHWAY TRAFFIC SAFETY GRANTS

(HIGHWAY TRUST FUND)

(RESCISSION)

Of the available balances of contract authority under this heading, $20,000,000 are rescinded.

FEDERAL RAILROAD ADMINISTRATION

OFFICE OF THE ADMINISTRATOR

(TRANSFER OF FUNDS)

Section 341 of Public Law 103–331 is amended by deleting ''and received from the Delaware and Hudson Railroad,'' after ''amended,''.

NORTHEAST CORRIDOR IMPROVEMENT PROGRAM

(RESCISSION)

Of the amounts provided under this heading in Public Law 103–331, $7,768,000 are rescinded.

NATIONAL MAGNETIC LEVITATION PROTOTYPE DEVELOPMENT PROGRAM

(HIGHWAY TRUST FUND)

(RESCISSION)

Of the available balances of contract authority under this heading, $250,000,000 are rescinded.

FEDERAL TRANSIT ADMINISTRATION

DISCRETIONARY GRANTS

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

(RESCISSION)

The obligation limitation under this heading in Public Law 103–331 is hereby reduced by $17,650,000: *Provided,* That such reduction shall be made from obligational authority available to the Secretary for the replacement, rehabilitation, and purchase of buses and related equipment and the construction of bus-related facilities.

Notwithstanding Section 313 of Public Law 103–331, the obligation limitations under this heading in the following Department of Transportation and Related Agencies Appropriations Acts are reduced by the following amounts:

Public Law 102–143, $62,833,000, to be distributed as follows:

(a) $2,563,000, for the replacement, rehabilitation, and purchase of buses and related equipment and the construction of bus-related facilities: *Provided,* That the foregoing reduction shall be distributed according to the reductions identified in Senate Report 104–17, for which the obligation limitation in Public Law 102–143 was applied; and

(b) $60,270,000, for new fixed guideway systems, to be distributed as follows:

$2,000,000, for the Cleveland Dual Hub Corridor Project;

$930,000, for the Kansas City-South LRT Project;

$1,900,000, for the San Diego Mid-Coast Extension Project;

$34,200,000, for the Hawthorne-Warwick Commuter Rail Project;

$8,000,000, for the San Jose-Gilroy Commuter Rail Project;

$3,240,000, for the Seattle-Tacoma Commuter Rail Project; and

$10,000,000, for the Detroit LRT Project.

Public Law 101–516, $4,460,000, for new fixed guideway systems, to be distributed as follows:

$4,460,000 for the Cleveland Dual Hub Corridor Project.

GENERAL PROVISIONS

(INCLUDING RESCISSIONS)

SEC. 901. Of the funds provided in Public Law 103–331 for the Department of Transportation working capital fund (WCF), $4,000,000 are rescinded, which limits fiscal year 1995 WCF obligational authority for elements of the Department of Transportation funded in Public Law 103–331 to no more than $89,000,000.

SEC. 902. Of the total budgetary resources available to the Department of Transportation (excluding the Maritime Administration) during fiscal year 1995 for civilian and military compensation and benefits and other administrative expenses, $10,000,000 are permanently canceled.

SEC. 903. Section 326 of Public Law 103–122 is hereby amended to delete the words ''or previous Acts'' each time they appear in that section.

CHAPTER X

TREASURY, POSTAL SERVICE, AND GENERAL GOVERNMENT

INDEPENDENT AGENCIES

GENERAL SERVICES ADMINISTRATION

FEDERAL BUILDINGS FUND

(TRANSFER OF FUNDS)

Of the funds made available for the Federal Buildings Fund in Public Law 103–329, $5,000,000 shall be made available by the General Services Administration to implement an agreement between the Food and Drug Administration and another entity for space, equipment and facilities related to seafood research.

OFFICE OF PERSONNEL MANAGEMENT

GOVERNMENT PAYMENT FOR ANNUITANTS, EMPLOYEE LIFE INSURANCE BENEFITS

For an additional amount for ''Government payment for annuitants, employee life insurance'', $9,000,000 to remain available until expended.

DEPARTMENT OF THE TREASURY

DEPARTMENTAL OFFICES

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–329, $100,000 are rescinded.

FINANCIAL MANAGEMENT SERVICE

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–329, $160,000 are rescinded.

UNITED STATES MINT

SALARIES AND EXPENSES

(TRANSFER OF FUNDS)

In the paragraph under this heading in Public Law 103–329, insert ''not to exceed'' after ''of which''.

BUREAU OF THE PUBLIC DEBT

ADMINISTERING THE PUBLIC DEBT

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–123, $1,500,000 are rescinded.

INTERNAL REVENUE SERVICE

INFORMATION SYSTEMS

(RESCISSION)

Of the funds made available under this heading in Public Law 103–329, $1,490,000 are rescinded.

ADMINISTRATIVE PROVISION—INTERNAL REVENUE SERVICE

In the paragraph under this heading in Public Law 103–329, in section 3, after ''$119,000,000'', insert ''annually''.

EXECUTIVE OFFICE OF THE PRESIDENT AND FUNDS APPROPRIATED TO THE PRESIDENT

THE WHITE HOUSE OFFICE

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–329, $171,000 are rescinded.

FEDERAL DRUG CONTROL PROGRAMS

SPECIAL FORFEITURE FUND

(INCLUDING TRANSFER AND RESCISSION OF FUNDS)

For activities authorized by Public Law 100–690, an additional amount of $13,200,000,

to remain available until expended for transfer to the United States Customs Service, ''Salaries and expenses'' for carrying out border enforcement activities: *Provided,* That of the funds made available under this heading in Public Law 103–329, $13,200,000 are rescinded.

INDEPENDENT AGENCIES

GENERAL SERVICES ADMINISTRATION

FEDERAL BUILDINGS FUND

LIMITATIONS ON THE AVAILABILITY OF REVENUE

(RESCISSIONS)

Of the funds made available under this heading in Public Laws 101–136, 101–509, 102–27, 102–141, 103–123, 102–393, 103–329, $241,011,000 are rescinded from the following projects in the following amounts:

Arizona:

Lukeville, commercial lot expansion, $1,219,000

San Luis, primary lane expansion and administrative office space, $3,496,000

Sierra Vista, U.S. Magistrates office, $1,000,000

California:

Menlo Park, United States Geological Survey, office laboratory buildings, $980,000

San Francisco, U.S. Court of Appeals annex, $9,003,000

District of Columbia:

Central and West heating plants, $5,000,000

Corps of Engineers, headquarters, $25,000,000

General Service Administration, Southeast Federal Center, headquarters, $25,000,000

U.S. Secret Service, headquarters, $8,900,000

Georgia:

Atlanta, Centers for Disease Control, site acquisition and improvement, $25,890,000

Atlanta, Centers for Disease Control, $14,110,000

Florida:

Tampa, U.S. Courthouse, $5,994,000

Illinois:

Chicago, Federal Center, $7,000,000

Indiana:

Hammond, U.S. Courthouse, $26,000,000

Maryland:

Avondale, DeLaSalle building, $16,671,000

Massachusetts:

Boston, U.S. Courthouse, $4,076,000

Nevada:

Reno, Federal building—U.S. Courthouse, $1,465,000

New Hampshire:

Concord, Federal building—U.S. Courthouse, $3,519,000

North Dakota:

Fargo, U.S. Courthouse, $1,371,000

Ohio:

Youngstown, Federal building and U.S. Courthouse, site acquisition and design, $4,574,000

Steubenville, U.S. Courthouse, $2,280,000

Oregon:

Portland, U.S. Courthouse, $5,000,000

Pennsylvania:

Philadelphia, Veterans Administration, $1,276,000

Rhode Island:

Providence, Kennedy Plaza Federal Courthouse, $7,740,000

Tennessee:

Greeneville, U.S. Courthouse, $2,936,000

Texas:

Ysleta, site acquisition and construction, $1,727,000

U.S. Virgin Islands:

Charlotte Amalie, St. Thomas, U.S. Courthouse Annex, $2,184,000

Nationwide chlorofluorocarbons program, $12,300,000

Nationwide energy program, $15,300,000.

OFFICE OF PERSONNEL MANAGEMENT

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–329, $3,140,000 are rescinded.

CHAPTER XI

DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES

FEDERAL EMERGENCY MANAGEMENT AGENCY

DISASTER RELIEF

For an additional amount for ''Disaster Relief'' for necessary expenses in carrying out the functions of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), $1,900,000,000, to remain available until expended: *Provided,* That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

DISASTER RELIEF EMERGENCY CONTINGENCY FUND

For necessary expenses in carrying out the functions of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), $4,800,000,000, to become available on October 1, 1995, and remain available until expended: *Provided,* That such amount shall be available only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to Congress: *Provided further,* That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

NATIONAL FLOOD INSURANCE FUND

(TRANSFER OF FUNDS)

Of the funds available from the National Flood Insurance Fund for activities under the National Flood Insurance Reform Act of 1994, an additional amount not to exceed $331,000 shall be transferred as needed to the ''Salaries and expenses'' appropriation for flood mitigation and flood insurance operations, and an additional amount not to exceed $5,000,000 shall be transferred as needed to the ''Emergency management planning and assistance'' appropriation for flood mitigation expenses pursuant to the National Flood Insurance Reform Act of 1994.

DEPARTMENT OF VETERANS AFFAIRS

VETERANS HEALTH ADMINISTRATION

MEDICAL CARE

(RESCISSION)

Of the funds made available under this heading in Public Law 103–327, $50,000,000 are rescinded: *Provided,* That $20,000,000 of this amount is to be taken from the $771,000,000 earmarked for the equipment and land and structures object classifications, which amount does not become available until August 1, 1995: *Provided further,* That of the $16,214,684,000 made available under this heading in Public Law 103–327, the $9,920,819,000 restricted by section 509 of Public Law 103–327 for personnel compensation and benefits expenditures is reduced to $9,890,819,000.

DEPARTMENTAL ADMINISTRATION

CONSTRUCTION, MAJOR PROJECTS

(RESCISSION)

Of the funds made available under this heading in Public Law 103–327 and prior years, $50,000,000 are rescinded.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

HOUSING PROGRAMS

NATIONAL HOMEOWNERSHIP TRUST DEMONSTRATION PROGRAM

(RESCISSION)

Of the funds made available under this heading in Public Law 103–327, $50,000,000 are rescinded.

ANNUAL CONTRIBUTIONS FOR ASSISTED HOUSING

(RESCISSION)

Of the funds made available under this heading in Public Law 103–327 and any unobligated balances from funds appropriated under this heading in prior years, $451,000,000 of funds for development or acquisition costs of public housing (including public housing for Indian families) are rescinded, except that such rescission shall not apply to funds for replacement housing for units demolished, reconstructed, or otherwise disposed of (including units to be disposed of pursuant to a homeownership program under section 5(h) or title III of the United States Housing Act of 1937) from the existing public housing inventory, or to funds related to litigation settlements or court orders, and the Secretary shall not be required to make any remaining funds available pursuant to section 213(d)(1)(A) of the Housing and Community Development Act of 1994; $2,406,789,000 of funds for new incremental rental subsidy contracts under the section 8 existing housing certificate program (42 U.S.C. 1437f) and the housing voucher program under section 8(o) of the Act (42 U.S.C. 1437f(o)), including $100,000,000 from new programs and $350,000,000 from pension fund rental assistance as provided in Public Law 103–327, are rescinded, and the remaining authority for such purposes shall be only for units necessary to provide housing assistance for residents to be relocated from existing Federally subsidized or assisted housing, for replacement housing for units demolished, reconstructed, or otherwise disposed of (including units to be disposed of pursuant to a homeownership program under section 5(h) or title III of the United States Housing Act of 1937) from the public housing inventory, for funds related to litigation settlements or court orders, for amendments to contracts to permit continued assistance to participating families, or to enable public housing authorities to implement ''mixed population'' plans for developments housing primarily elderly residents; $500,000,000 of funds for expiring contracts for the tenant-based existing housing certificate program (42 U.S.C. 1437f) and the housing voucher program under section 8(o) of the Act (42 U.S.C. 1437f(o)), provided under the heading ''Assistance for the renewal of expiring section 8 subsidy contracts'' are rescinded, and the Secretary shall require that $500,000,000 of funds held as project reserves by the local administering housing authorities which are in excess of current needs shall be utilized for such renewals; $835,150,000 of amounts earmarked for the modernization of existing public housing projects pursuant to section 14 of the United States Housing Act of 1937 are rescinded and the Secretary may take actions necessary to assure that such rescission is distributed among public housing authorities, to the extent practicable, as if such rescission occurred prior to the commencement of the fiscal year; $106,000,000 of amounts earmarked for special purpose grants are rescinded; $152,500,000 of amounts earmarked for loan management set-asides are rescinded; and $90,000,000 of amounts earmarked for the lead-based paint hazard reduction program are rescinded.

(DEFERRAL)

Of funds made available under this heading in Public Law 103–327 and any unobligated balances from funds appropriated under this heading in prior years, $465,100,000 of amounts earmarked for the preservation of low-income housing programs (excluding $17,000,000 of previously earmarked, plus an additional $5,000,000, for preservation technical assistance grant funds pursuant to section 253 of the Housing and Community Development Act of 1987, as amended) shall not become available for obligation until September 30, 1995: *Provided*, That, notwithstanding any other provision of law, pending the availability of such funds, the Department of Housing and Urban Development may suspend further processing of applications with the exception of applications regarding properties for which an owner's appraisal was submitted on or before February 6, 1995, or for which a notice of intent to transfer the property was filed on or before February 6, 1995.

HOUSING COUNSELING ASSISTANCE

(RESCISSION)

Of the funds made available under this heading in Public Law 103–327, $38,000,000 are rescinded.

NEHEMIAH HOUSING OPPORTUNITIES FUND

(RESCISSION)

Of the funds transferred to this revolving fund in prior years, $17,700,000 are rescinded.

ADMINISTRATIVE PROVISIONS

Section 14 of the United States Housing Act of 1937 is amended by adding at the end the following new subsection:

''(q)(1) Notwithstanding any other provision of law, a public housing agency may use modernization assistance provided under section 14 for any eligible activity currently authorized by this Act or applicable appropriation Acts (including section 5 replacement housing) for a public housing agency, including the demolition of existing units, for replacement housing, for temporary relocation assistance, for drug elimination activities, and in conjunction with other programs; provided the public housing agency consults with the appropriate local government officials (or Indian tribal officials) and with tenants of the public housing development. The public housing agency shall establish procedures for consultation with local government officials and tenants.

''(2) The authorization provided under this subsection shall not extend to the use of public housing modernization assistance for public housing operating assistance.''.

The above amendment shall be effective for assistance appropriated on or before the effective date of this Act.

Section 18 of the United States Housing Act of 1937 is amended by—

(1) inserting ''and'' at the end of subsection (b)(1);

(2) striking all that follows after ''Act'' in subsection (b)(2) and inserting in lieu thereof the following: '', and the public housing agency provides for the payment of the relocation expenses of each tenant to be displaced, ensures that the rent paid by the tenant following relocation will not exceed the amount permitted under this Act and shall not commence demolition or disposition of any unit until the tenant of the unit is relocated;'';

(3) striking subsection (b)(3);

(4) striking ''(1)'' in subsection (c);

(5) striking subsection (c)(2);

(6) inserting before the period at the end of subsection (d) the following: '', provided that nothing in this section shall prevent a public housing agency from consolidating occupancy within or among buildings of a public housing project, or among projects, or with other housing for the purpose of improving the living conditions of or providing more efficient services to its tenants'';

(7) striking ''under section (b)(3)(A)'' in each place it occurs in subsection (e);

(8) redesignating existing subsection (f) as subsection (g); and

(9) inserting a new subsection (f) as follows:

''(f) Notwithstanding any other provision of law, replacement housing units for public housing units demolished may be built on the original public housing site or the same neighborhood if the number of such replacement units is significantly fewer than the number of units demolished.''.

Section 304(g) of the United States Housing Act of 1937 is hereby repealed.

The above two amendments shall be effective for plans for the demolition, disposition or conversion to homeownership of public housing approved by the Secretary on or before September 30, 1995.

Section 8 of the United States Housing Act of 1937 is amended by adding the following new subsection:

''(z) TERMINATION OF SECTION 8 CONTRACTS AND REUSE OF RECAPTURED BUDGET AUTHORITY.—

''(1) GENERAL AUTHORITY.—The Secretary may reuse any budget authority, in whole or part, that is recaptured on account of termination of a housing assistance payments contract (other than a contract for tenant-based assistance) only for one or more of the following:

''(A) TENANT-BASED ASSISTANCE.—Pursuant to a contract with a public housing agency, to provide tenant-based assistance under this section to families occupying units formerly assisted under the terminated contract.

''(B) PROJECT-BASED ASSISTANCE.—Pursuant to a contract with an owner, to attach assistance to one or more structures under this section.

''(2) FAMILIES OCCUPYING UNITS FORMERLY ASSISTED UNDER TERMINATED CONTRACT.—Pursuant to paragraph (1), the Secretary shall first make available tenant- or project-based assistance to families occupying units formerly assisted under the terminated contract. The Secretary shall provide project-based assistance in instances only where the use of tenant-based assistance is determined to be infeasible by the Secretary.

''(3) EFFECTIVE DATE.—This subsection shall be effective for actions initiated by the Secretary on or before September 30, 1995.''.

INDEPENDENT AGENCIES

CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–327, $500,000 are rescinded.

COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS

COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS FUND

PROGRAM ACCOUNT

(RESCISSION)

Of the funds made available under this heading in Public Law 103–327, $124,000,000 are rescinded.

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

NATIONAL AND COMMUNITY SERVICE PROGRAMS OPERATING EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–327, $210,000,000 are rescinded.

ENVIRONMENTAL PROTECTION AGENCY

RESEARCH AND DEVELOPMENT

(RESCISSION)

Of the funds made available under this heading in Public Law 103–327, $9,635,000 are rescinded.

ABATEMENT, CONTROL, AND COMPLIANCE

(RESCISSION)

Of the funds made available under this heading in Public Law 103–327, $9,806,805 are rescinded: *Provided*, That notwithstanding any other provision of law, the Environmental Protection Agency shall not be required to site a computer to support the regional acid deposition monitoring program in the Bay City, Michigan, vicinity.

BUILDINGS AND FACILITIES

(RESCISSIONS)

Of the funds made available under this heading in Public Law 102–389 and Public Law 102–139 for the Center for Ecology Research and Training, $83,000,000 are rescinded.

HAZARDOUS SUBSTANCE SUPERFUND

(RESCISSION)

Of the funds made available under this heading in Public Law 103–327, $100,000,000 are rescinded.

WATER INFRASTRUCTURE/STATE REVOLVING FUNDS

(RESCISSIONS)

Of the funds made available under this heading in Public Law 103–327 and Public Law 103–124, $1,242,095,000 are rescinded: *Provided*, That $799,000,000 of this amount is to be derived from amounts appropriated for state revolving funds and $443,095,000 is to be derived from amounts appropriated for making grants for the construction of wastewater treatment facilities specified in House Report 103–715.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

SCIENCE, AERONAUTICS AND TECHNOLOGY

(RESCISSION)

Of the funds made available under this heading in Public Law 103–327 and any unobligated balances from funds appropriated under ''Research and Development'' in prior years, $68,000,000 are rescinded.

CONSTRUCTION OF FACILITIES

(RESCISSION)

Of the funds made available under this heading in Public Law 102–389, for the Consortium for International Earth Science Information Network, $27,000,000 are rescinded; and any unobligated balances from funds appropriated under this heading in prior years, $49,000,000 are rescinded.

NATIONAL AERONAUTICAL FACILITIES

The first proviso under this heading in Public Law 103–127 is repealed, and the amounts made available under this heading are to remain available until September 30, 1997.

MISSION SUPPORT

(RESCISSION)

Of the funds made available under this heading in Public Law 103–327, $6,000,000 are rescinded.

NATIONAL SCIENCE FOUNDATION

ACADEMIC RESEARCH INFRASTRUCTURE

(RESCISSION)

Of the funds made available under this heading in Public Law 103–327, $131,867,000 are rescinded.

CORPORATIONS

FEDERAL DEPOSIT INSURANCE CORPORATION

FDIC AFFORDABLE HOUSING PROGRAM

(RESCISSION)

Of the funds made available under this heading in Public Law 103–327, $11,281,034 are rescinded.

TITLE II—GENERAL PROVISIONS

SEC. 2001. TIMBER SALES.

(a) SALVAGE TIMBER.—

(1) DEFINITION.—In this subsection, the term ''salvage timber sale''—

(A) means a timber sale for which an important reason for entry includes the removal of disease- or insect-infested trees, dead, damaged, or downed trees, or trees affected by fire or imminently susceptible to fire or insect attack; and

(B) includes the removal of associated trees or trees lacking the characteristics of a healthy and viable ecosystem for the purpose of ecosystem improvement or rehabilitation, except that any such sale must include an identifiable salvage component of trees described in the first sentence.

(2) DIRECTION TO COMPLETE SALVAGE TIMBER SALES.—Notwithstanding any other law (including a law under the authority of which any judicial order may be outstanding on or after the date of enactment of this Act), the Secretary of Agriculture, acting through the Chief of the Forest Service, and the Secretary of the Interior, acting through the Director of the Bureau of Land Management, shall—

(A) expeditiously prepare, offer, and award salvage timber sale contracts on Federal lands (except land designated as a Federal wilderness area); and

(B) perform the appropriate revegetation and tree planting operations in the area in which the salvage operations occurred.

(3) SALE DOCUMENTATION.—

(A) IN GENERAL.—For each salvage timber sale conducted under paragraph (2), the Secretary concerned shall prepare a document that combines an environmental assessment under section 102(2) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(E)) (including regulations implementing that section) and a biological evaluation under section 7(a)(2) of the Endangered Species Act of 1973 (16 U.S.C. 1536(a)(2)) and other applicable Federal law and implementing regulations.

(B) MATTERS TO BE CONSIDERED.—The environmental assessment and biological evaluation under subparagraph (A) shall, at the sole discretion of the Secretary concerned and to the extent that the Secretary concerned considers appropriate and feasible, consider the environmental effects of the salvage timber sale and consider the effect, if any, on threatened or endangered species.

(C) USE OF PREVIOUSLY PREPARED DOCUMENT.— In lieu of preparing a new document under this paragraph, the Secretary concerned may use a document prepared pursuant to the National Environmental Policy Act of 1969 before the date of the enactment of this Act, a biological evaluation written before that date, or information collected for such a document or evaluation if the document, evaluation, or information applies to the Federal lands covered by the proposed sale. Any salvage sale in preparation on the date of enactment of this Act shall be subject to the provisions of this section.

(D) SCOPE AND CONTENT.—The scope and content of the documentation and information prepared, considered, and relied on under this paragraph is at the sole discretion of the Secretary concerned.

(4) VOLUME.—In each of fiscal years 1995 and 1996—

(A) the Secretary of Agriculture, acting through the Chief of the Forest Service, shall—

(i) prepare, offer, and award salvage timber sale contracts under paragraph (1) on Forest Service lands to the maximum extent feasible to reduce the backlogged volume of salvage timber as described in paragraph (i); and

(B) the Secretary of the Interior, acting through the Director of the Bureau of Land Management, shall—

(i) prepare, offer, and award salvage timber sale contracts under paragraph (1) on Bureau of Land Management lands to the maximum extent feasible to reduce the backlogged volume of salvage timber as described in paragraph (i).

(5) EFFECT ON OTHER LAWS.—Any timber sale prepared, advertised, offered, awarded, or operated in accordance with paragraph (1) shall be deemed to satisfy the requirements of all applicable Federal laws (including regulations), including—

(A) the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1600 et seq.);

(B) the Federal Land Policy Management Act of 1976 (43 U.S.C. 1701 et seq.);

(C) the National Environmental Policy Act of 1969 (42 U.S.C. 4331 et seq.);

(D) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

(E) the National Forest Management Act (16 U.S.C. 472a et seq.);

(F) the Multiple-Use Sustained Yield Act (16 U.S.C. 528 et seq.); and

(G) other Federal environmental laws.

(6) SALE PREPARATION.—The Secretary concerned shall make use of all available authority, including the employment of private contractors and the use of expedited fire contracting procedures, to prepare and advertise salvage timber sales under this subsection. The provisions of section 3(d)(1) of the Federal Workforce Restructuring Act of 1994 (Public Law 103–226) shall not apply to any former employee of the Department of the Secretary concerned who received a voluntary separation incentive payment authorized by such Act and accepts employment pursuant to this paragraph.

(7) REPORTING REQUIREMENTS.—Each Secretary shall report to the Committee on Appropriations and the Committee on Resources of the House of Representatives, and the Committee on Appropriations and the Committee on Energy and Natural Resources of the United States Senate, 90 days after the date of enactment of this Act and on the final day of each 90 day period thereafter throughout each of fiscal years 1995 and 1996, on the number of sales and volumes contained therein offered during such 90 day period and expected to be offered during the next 90 day period.

(b) OPTION 9.—

(1) DIRECTION TO COMPLETE TIMBER SALES.—Notwithstanding any other law (including a law under the authority of which any judicial order may be outstanding on or after the date of enactment of this Act), the Secretary of the Interior, acting through the Director of the Bureau of Land Management, and the Secretary of Agriculture, acting through the Chief of the Forest Service, shall expeditiously prepare, offer, and award timber sale contracts on Federal lands in the forests specified within Option 9, as selected by the Secretary of the Interior and the Secretary of Agriculture on April 13, 1994.

(2) EFFECT ON OTHER LAWS.—Any timber sale prepared, advertised, offered, awarded, or operated in accordance with paragraph (1) shall be deemed to satisfy the requirements of all applicable Federal laws (including regulations), including—

(A) the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1600 et seq.);

(B) the Federal Land Policy Management Act of 1976 (43 U.S.C. 1701 et seq.);

(C) the National Environmental Policy Act of 1969 (42 U.S.C. 4331 et seq.);

(D) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

(E) the National Forest Management Act (16 U.S.C. 472a et seq.);

(F) the Multiple-Use Sustained Yield Act (16 U.S.C. 528 et seq.); and

(G) other Federal environmental laws.

(c) JUDICIAL AND ADMINISTRATIVE REVIEW.—

(1) JUDICIAL AUTHORITY.—

(A) RESTRAINING ORDERS AND PRELIMINARY INJUNCTIONS.—No restraining order or preliminary injunction shall be issued by any court of the United States with respect to a decision to prepare, advertise, offer, award, or operate any timber sale offered under subsection (a) or (b).

(B) PERMANENT INJUNCTIONS.—The courts of the United States shall have authority to enjoin permanently, order modification of, or void an individual sale under subsection (a) or (b) if, at a trial on the merits, it has been determined that the decision to prepare, advertise, offer, award, or operate the sale was arbitrary, capricious, or otherwise not in accordance with law.

(2) TIME AND VENUE FOR CHALLENGE.—

(A) IN GENERAL.—Any challenge to a timber sale under subsection (a) or (b) shall be brought as a civil action in the United States district court for the district in which the affected Federal lands are located within 15 days after the date of the initial advertisement of the challenged timber sale.

(B) NO WAIVER.—The Secretary of the Interior and the Secretary of Agriculture may not agree to, and a court may not grant, a waiver the requirements of subparagraph (A).

(3) STAY OF ADMINISTRATIVE ACTION.—During the 45-day period after the date of filing of a civil action under paragraph (2), the affected agency shall take no action to award a challenged timber sale.

(4) TIME FOR DECISION.—A civil action filed under this section shall be assigned for hearing at the earliest possible date, and the court shall render its final decision relative to any challenge within 45 days after the date on the action is brought, unless the court determines that a longer period of time is required to satisfy the requirements of the United States Constitution.

(5) EXPEDITING RULES.—The court may establish rules governing the procedures for a civil action under paragraph (2) that set page limits on briefs and time limits on filing briefs, motions, and other papers that are shorter than the limits specified in the Federal Rules of Civil Procedure or Federal Rules of Appellate Procedure.

(6) SPECIAL MASTERS.—In order to reach a decision within 45 days, the court may assign all or part of any proceeding under this subsection to 1 or more special masters for prompt review and recommendations to the court.

(7) NO ADMINISTRATIVE REVIEW.—A timber sale conducted under subsection (a) or (b), and any decision of the Secretary of Agriculture or the Secretary of the Interior in connection with the sale, shall not be subject to administrative review.

(d) EXPIRATION DATE.—Subsection (a) and (b) shall expire effective as of September 30, 1996, but the terms and conditions of those subsections shall continue in effect with respect to timber sale contracts offered under this Act until the completion of performance of the contracts.

(e) AWARD AND RELEASE OF PREVIOUSLY OFFERED AND UNAWARDED TIMBER SALE CONTRACTS.—

(1) AWARD AND RELEASE REQUIRED.—Notwithstanding any other law, within 30 days after the date of the enactment of this Act, the Secretary concerned shall act to award, release, and permit to be completed in fiscal years 1995 and 1996, with no change in originally advertised terms and volumes, all timber sale contracts offered or awarded before that date in any unit of the National Forest System or district of the Bureau of Land Management subject to section 318 of Public Law 101–121 (103 Stat. 745).

(2) THREATENED OR ENDANGERED SPECIES.—No sale unit shall be released or completed under this subsection if any threatened or endangered species is known to be nesting within the acreage that is the subject of the sale unit.

(3) ALTERNATIVE OFFER IN CASE OF DELAY.—If for any reason a sale cannot be released and completed under the terms of this subsection within 45 days after the date of enactment of this Act, the Secretary of Agriculture or the Secretary of Interior, as the case may be, shall provide the purchaser an equal volume of timber, of like kind and value, which shall be subject to the terms of the original contract, and shall not count against current allowable sale quantities.

(f) EFFECT ON PLANS, POLICIES, AND ACTIVITIES.—Compliance with this section shall not require or permit any revisions, amendment, consultation, supplementation, or other administrative action in or for any land management plan, standard, guideline, policy, regional guide or multi-forest plan because of implementation or impacts, site-specific or cumulative, of activities authorized or required by this section. No project decision shall be required to be halted or changed by such documents or guidance, implementation, or impacts.

SEC. 2002. Section 633 of the Treasury, Postal Service and General Government Appropriations Act, 1995 (Public Law 103–329; 108 Stat. 2428) is amended by adding at the end of the section the following new subsection:

''(g) Notwithstanding the provisions of subsection (e)(1), any Office of Inspector General that employed less than four criminal investigators on the date of the enactment of this Act, and whose criminal investigators were not receiving administratively uncontrollable overtime before such date of enactment, may provide availability pay to those criminal investigators at any time after September 30, 1995.''.

SEC. 2003. Section 5542 of title 5, United States Code, is amended by striking subsection (d).

SEC. 2004. Section 5545a(c) of title 5, United States Code, is amended by adding after the last sentence, ''An agency may direct a criminal investigator to work unscheduled duty hours on days when regularly scheduled overtime is provided under section 5542, and that duty may be related to the duties for which the investigator was scheduled or other duties based on the needs of the agency.

SEC. 2005. Notwithstanding any other provision of law, beginning 30 days from the date of enactment of this Act and continuing thereafter, United States Customs Service Pilots compensated for administratively uncontrollable overtime under the provisions of section 5545(c) of title 5, United States Code, shall be provided availability pay authorized under the provisions of section 5545(a) of title 5, United States Code, and all other provisions of such title shall apply to such Customs Service pilots.

GENERAL PROVISIONS

SEC. 2006. None of the funds made available in any appropriations Act for fiscal year 1995 may be used by the Environmental Protection Agency to require any state to comply with the requirement of section 182 of the Clean Air Act by adopting or implementing a test-only or IM240 enhanced vehicle inspection and maintenance program, except that EPA may approve such a program if a state chooses to submit one to meet that requirement.

SEC. 2007. None of the funds made available in any appropriations Act for fiscal year 1995 may be used by the Environmental Protection Agency to impose or enforce any requirement that a state implement trip reduction measures to reduce vehicular emissions.

SEC. 2008. None of the funds made available in any appropriations Act for fiscal year 1995 may be used by the Environmental Protection Agency for listing or to list any additional facilities on the National Priorities List established by section 105 of the Comprehensive Environmental Response Compensation and Liability Act (CERCLA), 42 U.S.C. 9605, unless the Administrator receives a written request to propose for listing or to list a facility from the governor of the state in which the facility is located, or unless legislation to reauthorize CERCLA is enacted.

SEC. 2009. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

This Act may be cited as the ''Second Supplemental Appropriations and Rescissions Act, 1995''.

MIKULSKI AMENDMENT NO. 421

Ms. MIKULSKI proposed an amendment to amendment No. 420 proposed by Mr. HATFIELD to the bill H.R. 1158, supra; as follows:

In the pending amendment, strike title I and insert the following:

TITLE I—SUPPLEMENTALS AND RESCISSIONS

CHAPTER I

DEPARTMENT OF AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES

DEPARTMENT OF AGRICULTURE

AGRICULTURAL RESEARCH SERVICE

(TRANSFER OF FUNDS)

For an additional amount for necessary expenses of the Agricultural Research Service, $2,218,000, to be derived by transfer from ''Nutrition Initiatives'', Food and Consumer Services.

FOOD SAFETY AND INSPECTION SERVICE

For an additional amount for salaries and expenses of the Food Safety and Inspection Service, $9,082,000.

COMMODITY CREDIT CORPORATION FUND

FOOD FOR PROGRESS

Notwithstanding any other provision of law, no funds of the Commodity Credit Corporation in excess of $50,000,000 for fiscal year 1995 (exclusive of the cost of commodities in the fiscal year) may be used to carry out the Food for Progress Act of 1985 (7 U.S.C. 1736o) with respect to commodities made available under section 416(b) of the Agricultural Act of 1949: *Provided*, That of this amount not more than $20,000,000 may be used without regard to section 110(g) of the Food for Progress Act of 1985 (7 U.S.C. 1736o(g)). The additional costs resulting from this provision shall be financed from funds credited to the Corporation pursuant to section 426 of Public Law 103–465.

RURAL ELECTRIFICATION ADMINISTRATION

RURAL ELECTRIFICATION AND TELEPHONE LOANS PROGRAM ACCOUNT

The second paragraph under this heading in Public Law 103–330 (108 Stat. 2441) is amended by inserting before the period at the end, the following: ''*: Provided*, That notwithstanding section 305(d)(2) of the Rural Electrification Act of 1936, borrower interest rates may exceed 7 per centum per year''.

FOOD AND NUTRITION SERVICE

COMMODITY SUPPLEMENTAL FOOD PROGRAM

The paragraph under this heading in Public Law 103–330 (108 Stat. 2441) is amended by inserting before the period at the end, the following: ''*: Provided further*, That twenty per centum of any Commodity Supplemental Food Program funds carried over from fiscal year 1994 shall be available for administrative costs of the program''.

GENERAL PROVISIONS

(INCLUDING RESCISSION OF FUNDS)

Section 715 of Public Law 103–330 is amended by deleting ''$85,000,000'' and by inserting ''$110,000,000''. The additional cost resulting from this provision shall be financed from funds credited to the Commodity Credit Corporation pursuant to section 426 of Public Law 103–465.

With the exception of ''Special Supplemental Program for Women, Infants, and Children (WIC)'', ''Commodity Supplemental Food Program'', ''Donations Programs for Selected Groups'', and ''The Emergency Food Assistance Program'', Food and Nutrition Service, Department of Agriculture, each amount of budget authority for the fiscal year ending September 30, 1995, provided in Public Law 103–330, for payments not required by law, is hereby reduced by 1.72 per centum and each amount rescinded: *Provided*, That such reductions shall be applied ratably to each account, program, activity, and project provided in that Act.

CHAPTER II

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES

DEPARTMENT OF STATE

RELATED AGENCIES

NATIONAL BANKRUPTCY REVIEW COMMISSION

(TRANSFER OF FUNDS)

For the National Bankruptcy Review Commission as authorized by Public Law 103–394, $1,500,000 shall be made available until expended, to be derived by transfer from unobligated balances of the Working Capital Fund in the Department of Justice.

UNITED STATES INFORMATION AGENCY

INTERNATIONAL BROADCASTING OPERATIONS

For an additional amount for ''International Broadcasting Operations'', $7,290,000, for the Board for International Broadcasting to remain available until expended.

GENERAL PROVISIONS

(RESCISSION)

Each amount of budget authority for the fiscal year ending September 30, 1995, provided in Public Law 103–317, for payments not required by law, is hereby reduced by 1.72 per centum and each amount rescinded: *Provided*, That such reductions shall be applied ratably to each account, program, activity, and project provided in that Act.

CHAPTER III

DEPARTMENT OF DEFENSE

GENERAL PROVISIONS

(RESCISSION)

With the exception of budget authority for ''Operation and Maintenance, Army''; ''Operation and Maintenance, Navy''; ''Operation and Maintenance, Marine Corps''; ''Operation and Maintenance, Air Force''; ''Operation and Maintenance, Defense-wide''; ''Operation and Maintenance, Army Reserve''; ''Operation and Maintenance, Navy Reserve''; ''Operations and Maintenance, Marine Corps Reserve''; ''Operation and Maintenance, Air Force Reserve''; ''Operation and Maintenance, Army National Guard''; and ''Operation and Maintenance, Air National Guard'', each amount of budget authority for the fiscal year ending September 30, 1995, provided in Public Law 103–335, for payments not required by law, is hereby reduced by 1.72 per centum and each amount rescinded: *Provided,* That such reductions shall be applied ratably to each account, program, activity, and project provided in that Act.

CHAPTER IV

DISTRICT OF COLUMBIA

GENERAL PROVISIONS

(RESCISSION)

Each amount of budget authority for the fiscal year ending September 30, 1995, provided in Public Law 103–334, for payments not required by law, is hereby reduced by 1.72 per centum and each amount rescinded: *Provided,* That such reductions shall be applied ratably to each account, program, activity, and project provided in that Act.

CHAPTER V

ENERGY AND WATER DEVELOPMENT

GENERAL PROVISIONS

(RESCISSION)

Each amount of budget authority for the fiscal year ending September 30, 1995, provided in Public Law 103–316, for payments not required by law, is hereby reduced by 1.72 per centum and each amount rescinded: *Provided,* That such reductions shall be applied ratably to each account, program, activity, and project provided in that Act.

CHAPTER VI

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS

GENERAL PROVISIONS

(RESCISSION)

Each amount of budget authority for the fiscal year ending September 30, 1995, provided in Public Law 103–306, for payments not required by law, is hereby reduced by 1.72 per centum and each amount rescinded: *Provided,* That such reductions shall be applied ratably to each account, program, activity, and project provided in that Act.

CHAPTER VII

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES

DEPARTMENT OF THE INTERIOR

GENERAL PROVISIONS

(INCLUDING RESCISSION OF FUNDS)

SEC. 701. No funds made available in any appropriations Act may be used by the Department of the Interior, including but not limited to the United States Fish and Wildlife Service and the National Biological Service, to search for the Alabama sturgeon in the Alabama River, the Cahaba River, the Tombigbee River or the Tennessee-Tombigbee Waterway in Alabama or Mississippi.

SEC. 702. (a) None of the funds made available in Public Law 103–332 may be used by the United States Fish and Wildlife Service to implement or enforce special use permit numbered 72030.

(b) The Secretary of the Interior shall immediately reinstate the travel guidelines specified in special use permit numbered 65715 for the visiting public and employees of the Virginia Department of Conservation and Recreation at Back Bay National Wildlife Refuge, Virginia. Such guidelines shall remain in effect until such time as an agreement described in subsection (c) becomes effective, but in no case shall remain in effect after September 30, 1995.

(c) It is the sense of Congress that the Secretary of the Interior and the Governor of Virginia should negotiate and enter into a long term agreement concerning resources management and public access with respect to Back Bay National Wildlife Refuge and False Cape State Park, Virginia, in order to improve the implementation of the missions of the Refuge and Park.

SEC. 703. (a) No funds available to the Forest Service may be used to implement Habitat Conservation Areas in the Tongass National Forest for species which have not been declared threatened or endangered pursuant to the Endangered Species Act, except that with respect to goshawks the Forest Service may impose interim Goshawk Habitat Conservation Areas not to exceed 300 acres per active nest consistent with the guidelines utilized in national forests in the continental United States.

(b) The Secretary shall notify Congress within 30 days of any timber sales which may be delayed or canceled due to the Goshawk Habitat Conservation Areas described in subsection (a).

SEC. 704. Each amount of budget authority for the fiscal year ending September 30, 1995, provided in Public Law 103–332, for payments not required by law, is hereby reduced by 1.72 per centum and each amount rescinded: *Provided,* That such reductions shall be applied ratably to each account, program, activity, and project provided in that Act.

CHAPTER VIII

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES

GENERAL PROVISION

(RECSISSION)

With the exception of ''Program management'', Health Care Financing Administration, Department of Health and Human Services; and ''Limitation on Administrative expenses'', Social Security Administration, Department of Health and Human Services, each amount of budget authority for the fiscal year ending September 30, 1995, provided in Public Law 103–333, for payments not required by law, is hereby reduced by 1.72 per centum and each amount rescinded: *Provided,* That such reductions shall be applied ratably to each account, program, activity, and project provided in that Act.

CHAPTER IX

LEGISLATIVE BRANCH

HOUSE OF REPRESENTATIVES

PAYMENTS TO WIDOWS AND HEIRS OF DECEASED MEMBERS OF CONGRESS

For payment to the family trust of Dean A. Gallo, late a Representative from the State of New Jersey, $133,600.

GENERAL PROVISION

(RESCISSION)

Each amount of budget authority for the fiscal year ending September 30, 1995, provided in Public Law 103–283, for payments not required by law, is hereby reduced by 1.72 per centum and each amount rescinded: *Provided,* That such reductions shall be applied ratably to each account, program, activity, and project provided in that Act.

CHAPTER X

DEPARTMENT OF DEFENSE—MILITARY CONSTRUCTION

GENERAL PROVISION

(RESCISSION)

Each amount of budget authority for the fiscal year ending September 30, 1995, provided in Public Law 103–307, for payments not required by law, is hereby reduced by 1.72 per centum and each amount rescinded: *Provided,* That such reductions shall be applied ratably to each account, program, activity, and project provided in that Act.

CHAPTER XI

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES

FEDERAL RAILROAD ADMINISTRATION

OFFICE OF THE ADMINISTRATOR

(TRANSFER OF FUNDS)

Section 341 of Public Law 103–331 is amended by deleting ''and received from the Delaware and Hudson Railroad,'' after ''amended,''.

GENERAL PROVISION

(RESCISSION)

Each amount of budget authority for the fiscal year ending September 30, 1995, provided in Public Law 103–331, for payments not required by law, is hereby reduced by 1.72 per centum and each amount rescinded: *Provided,* That such reductions shall be applied ratably to each account, program, activity, and project provided in that Act.

CHAPTER XII

TREASURY, POSTAL SERVICE, AND GENERAL GOVERNMENT

DEPARTMENT OF THE TREASURY

UNITED STATES CUSTOMS SERVICE

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for salaries and expenses for the costs associated with ''Operation Hardline'', $13,200,000, to remain available until expended, of which $13,200,000 shall be derived by transfer from Executive Office of the President and Funds Appropriated to the President, ''Special Forfeiture Fund.''

INDEPENDENT AGENCIES

GENERAL SERVICES ADMINISTRATION

FEDERAL BUILDINGS FUND

(TRANSFER OF FUNDS)

Of the funds made available for the Federal Buildings Fund in Public Law 103–329, $5,000,000 shall be made available by the General Services Administration to implement an agreement between the Food and Drug Administration and another entity for space, equipment and facilities related to seafood research.

OFFICE OF PERSONNEL MANAGEMENT

GOVERNMENT PAYMENT FOR ANNUITANTS, EMPLOYEE LIFE INSURANCE BENEFITS

For an additional amount for ''Government payment for annuitants, employee life insurance'', $9,000,000 to remain available until expended.

DEPARTMENT OF THE TREASURY

UNITED STATES MINT

SALARIES AND EXPENSES

(TRANSFER OF FUNDS)

In the paragraph under this heading in Public Law 103–329, insert ''not to exceed'' after ''of which''.

ADMINISTRATIVE PROVISION—INTERNAL REVENUE SERVICE

In the paragraph under this heading in Public Law 103–329, in section 3, after ''$119,000,000'', insert ''annually''.

EXECUTIVE OFFICE OF THE PRESIDENT AND FUNDS APPROPRIATED TO THE PRESIDENT

FEDERAL DRUG CONTROL PROGRAMS

SPECIAL FORFEITURE FUND

(INCLUDING TRANSFER OF FUNDS)

For activities authorized by Public Law 100–690, an additional amount of $13,200,000, to remain available until expended for transfer to the United States Customs Service, ''Salaries and expenses'' for carrying out border enforcement activities: *Provided,* That of the funds made available under this heading in Public Law 103–329, $13,200,000 are rescinded.

GENERAL PROVISION

(RESCISSION)

Each amount of budget authority for the fiscal year ending September 30, 1995, provided in Public Law 103–329, for payments not required by law, is hereby reduced by 1.72 per centum and each amount rescinded: *Provided,* That such reductions shall be applied ratably to each account, program, activity, and project provided in that Act.

CHAPTER XIII

DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES

FEDERAL EMERGENCY MANAGEMENT AGENCY

DISASTER RELIEF

For an additional amount for ''Disaster Relief'' for necessary expenses in carrying out the functions of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), $6,700,000,000, to remain available until expended: *Provided,* That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended. *Provided further,* That the appropriate congressional committees with jurisdiction over the Robert T. Stafford Disaster Relief and Emergency Assistance Act shall complete action on authorization legislation to create a Disaster Assistance Rainy Day Fund that would be subject to the appropriations process and take effect on October 1, 1995: *Provided further,* That the plan required by the immediately preceding proviso shall insure that this Fund has sufficient contingency to cover all anticipated costs remaining from the Northridge Earthquake, and any other previous disasters for which additional FEMA disaster assistance is required: *Provided further,* That the plan required by the second proviso in this paragraph shall insure that the Fund retains a reserve equal to the annual 10-year historical average for FEMA disaster relief: *Provided further,* That the legislation specified in the second proviso in this paragraph shall identify a framework for the administration and financing of disaster relief assistance to minimize the need for supplemental appropriations to replenish the FEMA Disaster Relief Fund.

NATIONAL FLOOD INSURANCE FUND

(TRANSFER OF FUNDS)

Of the funds available from the National Flood Insurance Fund for activities under the National Flood Insurance Reform Act of 1994, an additional amount not to exceed $331,000 shall be transferred as needed to the ''Salaries and expenses'' appropriation for flood mitigation and flood insurance operations, and an additional amount not to exceed $5,000,000 shall be transferred as needed to the ''Emergency management planning and assistance'' appropriation for flood mitigation expenses pursuant to the National Flood Insurance Reform Act of 1994.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

ADMINISTRATIVE PROVISIONS

Section 14 of the United States Housing Act of 1937 is amended by adding at the end the following new subsection:

''(q)(1) Notwithstanding any other provision of law, a public housing agency may use modernization assistance provided under section 14 for any eligible activity currently permissible for a public housing agency, including the demolition of existing units, for replacement housing, for temporary relocation assistance, for drug elimination activities, and in conjunction with other programs; provided the public housing agency consults with the appropriate local government officials (or Indian tribal officials) and with tenants of the public housing development. The public housing agency shall establish procedures for consultation with local government officials and tenants.

''(2) The authorization provided under this subsection shall not extend to the use of public housing modernization assistance for public housing operating assistance.''.

The above amendment shall be effective for assistance appropriated on or before the effective date of this Act.

Section 18 of the United States Housing Act of 1937 is amended by—

(1) inserting ''and'' at the end of subsection (b)(1);

(2) striking all that follows after ''Act'' in subsection (b)(2) and inserting in lieu thereof the following: '', and the public housing agency provides for the payment of the relocation expenses of each tenant to be displaced, ensures that the rent paid by the tenant following relocation will not exceed the amount permitted under this Act and shall not commence demolition or disposition of any unit until the tenant of the unit is relocated;'';

(3) striking subsection (b)(3);

(4) striking ''(1)'' in subsection (c);

(5) striking subsection (c)(2);

(6) inserting before the period at the end of subsection (d) the following: '', provided that nothing in this section shall prevent a public housing agency from consolidating the occupancy of a public housing project or projects with other projects for the purpose of improving the living conditions of or providing more efficient services to its tenants'';

(7) striking ''under section (b)(3)(A)'' in each place it occurs in subsection (e);

(8) redesignating existing subsection (f) as subsection (g); and

(9) inserting a new subsection (f) as follows:

''(f) Notwithstanding any other provision of law, replacement housing units for public housing units demolished may be built on the original public housing site or the same neighborhood if the number of such replacement units is significantly fewer than the number of units demolished.''.

Section 304(g) of the United States Housing Act of 1937 is hereby repealed.

The above two amendments shall be effective for plans for the demolition, disposition or conversion to homeownership of public housing approved by the Secretary on or before September 30, 1995.

Section 8 of the United States Housing Act of 1937 is amended by adding the following new subsection:

''(z) TERMINATION OF SECTION 8 CONTRACTS AND REUSE OF RECAPTURED BUDGET AUTHORITY.—

''(1) GENERAL AUTHORITY.—The Secretary may reuse any budget authority, in whole or part, that is recaptured on account of termination of a housing assistance payments contract (other than a contract for tenant-based assistance) only for one or more of the following:

''(A) TENANT-BASED ASSISTANCE.—Pursuant to a contract with a public housing agency, to provide tenant-based assistance under this section to families occupying units formerly assisted under the terminated contract.

''(B) PROJECT-BASED ASSISTANCE.—Pursuant to a contract with a public housing agency, or directly with an owner, to attach assistance to one or more structures, in accordance with subsection (d)(2), except that this assistance shall not be taken into consideration in determining compliance with any percentage limitation for project-based assistance under subsection (d)(2).

''(2) FAMILIES OCCUPYING UNITS FORMERLY ASSISTED UNDER TERMINATED CONTRACT.—Pursuant to paragraph (1), the Secretary shall first make available tenant- or project-based assistance to families occupying units formerly assisted under the terminated contract. The Secretary shall provide project-based assistance in instances only where the use of tenant-based assistance is determined to be infeasible by the Secretary.

''(3) EFFECTIVE DATE.—This subsection shall be effective for actions initiated by the Secretary on or before September 30, 1995.''.

INDEPENDENT AGENCY

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

NATIONAL AERONAUTICAL FACILITIES

The first proviso under this heading in Public Law 103–127 is repealed, and the amounts made available under this heading are to remain available until September 30, 1997.

GENERAL PROVISION

(RESCISSION)

With the exception of ''Medical Care'', Veterans Health Administration, Department of Veterans Affairs, each amount of budget authority for the fiscal year ending September 30, 1995, provided in Public Law 103–327, for payments not required by law, is hereby reduced by 1.72 per centum and each amount rescinded: *Provided,* That such reductions shall be applied ratably to each account, program, activity, and project provided in that Act.

WELLSTONE AMENDMENT NO. 422

Mr. WELLSTONE proposed an amendment to amendment No. 420 proposed by Mr. HATFIELD to the bill H.R. 1158, supra; as follows:

At the appropriate place, add the following new title:

TITLE —IMPACT OF LEGISLATION ON CHILDREN

SEC. . SENSE OF CONGRESS.

It is the sense of Congress that Congress should not enact or adopt any legislation that will increase the number of children who are hungry or homeless.

BYRD (AND OTHERS) AMENDMENT NO. 423

Mr. BYRD (for himself, Mr. HATFIELD, Mr. EXON, Mr. DOMENICI, Mr. KOHL, Mr. FEINGOLD, Mr. BUMPERS, Mr. DASCHLE, Mr. DORGAN, Mr. BRADLEY, Mr. MOYNIHAN, and Mr. HARKIN) proposed an amendment to amendment No. 420 proposed by Mr. HATFIELD to the bill H.R. 1158, supra; as follows:

At the end of the pending amendment add the following:

TITLE —DEFICIT REDUCTION

DOWNWARD ADJUSTMENTS IN DISCRETIONARY SPENDING LIMITS

SEC. 01. Upon the enactment of this Act, the Director of the Office of Management and Budget shall make downward adjustments in the discretionary spending limits (new budget authority and outlays) specified in section 601(a)(2) of the Congressional Budget Act of 1974 for each of the fiscal years 1995 through 1998 by the aggregate amount of estimated reductions in new budget authority and outlays for discretionary programs resulting from the provisions this Act (other than emergency appropriations) for such fiscal year, as calculated by the Director.

PROHIBITION ON USE OF SAVINGS TO OFFSET DEFICIT INCREASES RESULTING FROM DIRECT SPENDING OR RECEIPTS LEGISLATION

SEC. 02. Reductions in outlays, and reductions in the discretionary spending limits specified in section 601(a)(2) of the Congressional Budget Act of 1974, resulting from the enactment of this Act shall not be taken into account for purposes of section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985.

MCCAIN AMENDMENT NO. 424

Mr. MCCAIN proposed an amendment to amendment No. 420 proposed by Mr. HATFIELD to the bill H.R. 1158, supra; as follows:

On page 4, line 20, strike ''$1,500,000'' and insert ''$14,178,000''.

On page 5, between lines 8 and 9, insert the following:

BUILDING AND FACILITIES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–330 and other Acts, $2,994,000 are rescinded.

On page 19, line 12, strike ''$11,350,000'' and insert ''$8,250,000''.

On page 19, strike lines 20 through 23.

PRESSLER (AND OTHERS) AMENDMENT NO. 425

Mr. PRESSLER (for himself, Mr. THOMAS, and Mr. SIMPSON) proposed an amendment to amendment No. 420 proposed by Mr. HATFIELD, to the bill H.R. 1158, supra; as follows:

At the appropriate place insert the following:

SEC. . RENEWAL OF PERMITS FOR GRAZING ON NATIONAL FOREST LANDS.

Notwithstanding any other law, at the request of an applicant for renewal of a permit that expires on or after the date of enactment of this Act for grazing on land located in a unit of the National Forest System, the Secretary of Agriculture shall reinstate, if necessary, and extend the term of the permit until the date on which the Secretary of Agriculture completes action on the application, including action required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. HATFIELD. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet at 10 a.m. on Wednesday, March 29, 1995, in executive session, to consider certain pending military nominations.

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. HATFIELD. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Wednesday, March 29, 1995, for purposes of conducting a full committee business meeting which is scheduled to begin at 9:30 a.m. The purpose of this meeting is to consider pending calendar business.

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

COMMITTEE ON FINANCE

Mr. HATFIELD. Mr. President, I ask unanimous consent that the Finance Committee be permitted to meet Wednesday, March 29, 1995, beginning at 9:30 a.m. in room SD–215, to conduct a hearing on welfare reform.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. HATFIELD. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, March 29, 1995, at 10:30 a.m. to hold a hearing on consideration of ratification of the START II Treaty.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. HATFIELD. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, March 29, 1995, at 2 p.m. to hold a hearing on market reform in New Zealand.

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

COMMITTEE ON INDIAN AFFAIRS

Mr. HATFIELD. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Wednesday, March 29, 1995, beginning at 10:30 a.m., in room 485 of the Russell Senate Office Building on S. 325, a bill to make certain technical corrections in laws relative to native Americans, and for other purposes; S. 441, a bill to reauthorize Public Law 101–630, the Indian Child Protection and Family Violence Prevention Act; S. 349, a bill to reauthorize appropriations for the Navajo-Hopi Relocation Housing Program; S. 510, a bill to extend the reauthorization for certain programs under the Native American Programs Act of 1974, and for other purposes; and to approve the Committee's Budget Views and Estimates.

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

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. HATFIELD. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet for an executive session, during the session of the Senate on Wednesday, March 29, 1995 at 9:30 a.m.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. HATFIELD. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Wednesday, March 29, 1995 at 2 p.m. to hold a closed hearing on Intelligence matters.

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

SUBCOMMITTEE ON AIRLAND FORCES

Mr. HATFIELD. Mr. President, I ask unanimous consent that the Subcommittee on Airland Forces of the Committee on Armed Services be authorized to meet at 2 p.m. on Wednesday, March 29, 1995, in open session, to receive testimony on tactical aviation issues in review of the defense authorization request for fiscal year 1996 and the future years defense program.

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

SUBCOMMITTEES ON HOUSING OPPORTUNITY AND COMMUNITY DEVELOPMENT AND HUD OVERSIGHT AND STRUCTURE

Mr. HATFIELD. Mr. President, I ask unanimous consent that Subcommittees on Housing Opportunity and Community Development and HUD Oversight and Structure, of the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Wednesday, March 29, 1995, to conduct a hearing on HUD reorganization.

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

SUBCOMMITTEE ON SUPERFUND, WASTE CONTROL AND RISK ASSESSMENT

Mr. HATFIELD. Mr. President, I ask unanimous consent that the Subcommittee on Superfund, Waste Control, and Risk Assessment be granted permission to meet Wednesday, March 29, at 9 a.m. to conduct an oversight hearing on the Comprehensive Environmental Response, Compensation, and Liability Act [CERCLA].

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

ADDITIONAL STATEMENTS

DR. JOHN BRADEMAS ON THE FUTURE OF THE NEW YORK STATE ECONOMY

● Mr. MOYNIHAN. Mr. President, during the past year, NYNEX, a major telecommunications company headquartered in New York State, has sponsored a series of ''Agenda For Growth'' conferences on the future of the economy of the State.

Keynoting the last of this series was Dr. John Brademas, president emeritus of New York University, who before joining the university in 1981, served for 22 years in the U.S. House of Representatives.

Cosponsors with NYNEX of the February 15, 1995, meeting were the Business Council of New York State, Inc.,

and the New York City Partnership/New York Chamber of Commerce and Industry, Inc.

I believe many of my colleagues in both Houses of Congress will find Dr. Brademas' analysis of interest, and I ask that the text of his remarks be printed in the RECORD.

The remarks follow:

AGENDA FOR GROWTH: NYNEX CONFERENCE ON THE FUTURE OF THE NEW YORK STATE ECONOMY

I am honored to have been asked to open this conference on ''The Future of the New York Economy,'' and I congratulate Dick Jalkut, President and Group Executive of NYNEX Telecommunications, on the contribution the ''Agenda for Growth'' series represents to understanding important issues facing our city and region.

At the outset, let me note that I have served on the Board of Directors of NYNEX since 1991 and have greatly enjoyed the opportunity to work with Dick and the other outstanding leaders of NYNEX.

Today, I'll speak to you from the perspective of someone who served twenty-two years as a Member of Congress, from Indiana; for eleven years, as President of the nation's largest private university, New York University; and as a former chairman of the Board of the Federal Reserve Bank of New York. Among other current responsibilities, I'm serving as chairman, by appointment of President Clinton, of the President's Committee on the Arts and the Humanities and also chair the National Endowment for Democracy.

So from this general background, I want to join you in considering prospects for the future of New York City and the surrounding area and ways of strengthening our economy in the years ahead.

As we all know, the economic recovery of the metropolitan region has lagged that of the entire nation. We know, too, that recent changes in political leadership at the city, state, and national levels have added a new dimension of uncertainty to the economic outlook for New York.

How, in this context, do we nurture the unique strengths of the metropolitan region and nourish its preeminent role in the international marketplace?

How, as it were, do we develop an agenda for prosperity?

To respond to these questions, we must first understand the dynamic that drives the New York economy and then consider the challenges that require our efforts. The participants in this conference will offer many insights. Let me offer some initial observations.

Point number one. New York's economic future lies in fundamental changes in the international economy. Technological advances propelling us into the 21st century are redefining the competitive landscape of the entire world. National borders and political ideologies no longer determine patterns of global trade and the movement of capital. We have entered an era characterized by a combination of intense competition and interdependence.

Two of President Clinton's actions this month dramatically underscore what Secretary of the Treasury Robert Rubin has described as the ''interconnectedness'' of the world economy: the Mexican rescue package and sanctions on China.

This changing structure of the international economy profoundly affects the life of major cities like New York. Why? The dispersal of economic activity around the globe has created a corresponding need for organizational coordination in a few key sites. So cities are increasingly taking on a strategic role as highly concentrated command centers for operations that are worldwide. Not surprisingly, cities have concomitantly become critical locations for finance and specialized services.

All these functions have influenced immeasurably both international economic activity and urban development. One result is the emergence of ''the global city,'' with New York a primary example. The scope and character of the New York area economy are more and more defined by its role in the world marketplace.

Beyond understanding New York's place on the international stage, we must appreciate a second fundamental factor. The principal reason for the strength of the New York region in the world economy is that it is the center for the creation and sophisticated application of intellectual capital.

For during the past century, the New York economy has evolved from one dependent on manufacturing to one based on a concentration of Fortune 500 headquarters, corporate R&D facilities, advanced business services in finance, law, advertising and management and the world's leading cultural institutions and media firms.

Indispensable to all these activities is what I'm calling ''intellectual capital''—the individuals and industries that develop new products and services, apply technology in innovative ways, generate new marketing concepts and techniques, design new fashions, create new forms of music and art and produce the information and entertainment that are distributed across the nation and the world.

Indeed, as several recent news accounts have noted, the richness of its intellectual capital sector makes New York an incubator for a host of new multimedia start-ups which thrive on the vibrance of the arts—painters, musicians, writers, filmmakers—and provides innovative content for communications, advertising and publishing conglomerates headquartered in the region—Time Warner, Sony, Hearst, Viacom, Bertelsman, ABC, CBS and NBC. As the New York area also offers comprehensive venture capital and financial services, the remaining resources essential to creative development are right here.

And New York's intellectual capital sector is more and more the primary pulse of the region's strength. The performance of individual facets of the sector may fluctuate over time but taken as a whole, the intellectual capital sector will be the lead generator of income and employment for the future of this region. We must, therefore, nurture this unique resource so that the New York metropolitan area can respond to change with state-of-the-art capabilities. We cannot afford to cede fields of specialization over time to our national and international rival cities.

As we meet today in a hotel close to Times Square, I observe that tourism—New York style—also depends on intellectual capital. Business travelers come to New York in search of the ideas and specializes information most easily obtained through face-to-face contact. Other visitors come for the city's cultural life, its restaurants and retail stores.

Walk just a few blocks from here and you can see how New York City blends culture, entertainment and tourism in new and creative ways. Leading entertainment companies, like Disney, Viacom and Virgin Records, are revitalizing historic theaters on 42nd Street. This development has been made possible, in part, through the impressive work of the Times Square Business Improvement District which has made the entire theater district attractive to visitors from around the world.

As a former university president, I cannot fail to add that New York City's intellectual capital is in large measure the product of the presence of a rich mixture of colleges, universities and research institutes. More than 100 institutions of higher education are located here, situated in all parts of the city. Unlike so many cities where one or two colleges and universities dominate, New York is home to nearly every type of educational institution: theological seminaries, two- and four-year colleges and health care centers and research universities of international distinction.

Indeed, what helps make New York so special is that the students who attend college and professional schools in New York City often settle here and replenish our intellectual capital. Our colleges and universities are magnets that draw people to New York who then launch their careers here, providing a new stream of talent for both the private and non-profit sectors.

I must make another point. The intellectual capital sector encompasses not only the world's largest corporations and financial institutions but also the small companies and manufacturing firms that pioneer customized products and services. Recent studies have underscored the importance of nimble, skilled small businesses as a significant part of the job creation process in the New York area.

How then can we strengthen our base for the years ahead, to assure that we retain both our role as a global city and our investment in intellectual capital?

Here are a few suggestions.

First, we must recognize that we're fashioning an agenda for growth at a time of major political change, and as you and I know, decisions at every level of government have an impact on the economy.

New leadership in both the United States Senate and House of Representatives, a substantial number of members wholly new to the legislative process, shifting committee jurisdictions and, above all, a President and Congress sharply divided by party mean a set of forces that may take Federal policy in directions that depart radically from the past. Similarly, this year, we have had a change of party in the Governor's office in New York State, and last year, in the Mayor's office in City Hall.

The Congressional Budget Office estimates that reductions in Federal grants to New York State in the Republican ''Contract With America'' would total $26.4 billion a year. Such cuts would affect every aspect of life in the city, from transportation to education, and particularly health care, which accounts for over 12% of employment and wages in the metropolitan region.

From Albany, Governor Pataki wants to reduce state aid to the city by $158 million for the City University of New York, $128 million for the MTA and nearly $2 billion from Medicaid and welfare.

From City Hall, Mayor Giuliani announced yesterday $600 million in cuts in city agencies.

Clearly a concern that underlies all discussion of spending cuts—Federal, state or local—is the impact on the poor in the city. Although the widening gap between rich and poor in New York City is not the subject of this conference, I believe that effectively addressing this complex issue is essential to the long-term social stability and economic health of our city and region.

A second item on our agenda for growth: We must not only sustain but substantially improve the infrastructure that supports New York's economy and its reservoir of intellectual capital. By infrastructure, I mean

the capacity to move goods, people and information.

The Port Authority of New York and New Jersey, under the sagacious leadership of Stanley Brezenoff, undertook major improvements in the region's airports. We must continue these efforts while dramatically enhancing ground access to our airports. Indeed the regional public authorities should start planning the transportation systems necessary for the next century. While making better use of the existing transportation infrastructure, we must also link inner-city residents to jobs in outlying areas and find ways of connecting suburban communities directly to downtown Manhattan.

The other element of infrastructure indispensable to intellectual capital is telecommunications. Put simply, the metropolitan area can function as a global city only with a telecommunications capability second to none. For there is a synergistic relationship between unending demands for ever more sophisticated services and the push for breakthrough technology and systems to meet those demands.

Driven by data and communication requirements for managing international operations from corporate headquarters and conducting complex financial transactions around the world, New York has emerged as the central nervous system for the global network of the most advanced information technology anywhere.

New York City resembles a giant switchboard: Electronic messages are constantly flowing in, through and out of the city's office towers and stock exchanges. Modern telecommunications systems have enhanced the city's capacity to put information to work, converting ideas and data into new products and services that are distributed electronically around the world.

Indeed, New York is the leading source of content for books, magazines, newspapers, radio, television and eventually for the Internet. Within just one mile of this motel are the headquarters of the nation's largest television and radio networks, leading publishing companies and major sources of cable television programs.

As the global market for information and entertainment expands, New York's communications industry will become even more important. Only last week, MTV, a division of Viacom, headquartered just four blocks from here, announced the launch of a music television channel in South Africa, the first American broadcaster to establish a network in South Africa since the new, post-apartheid government opened the state-controlled airwaves to private enterprise.

New York is—literally—spanning the world!

Let me turn from physical infrastructure to the foundation of New York's intellectual capital sector—people. New York City has a larger number and wider diversity of brilliant, talented, motivated men and women than any other urban area in the world. It is this intellectual firepower that in large part makes New York New York and is so attractive to international business.

Two forces are critical to invigorating the environment necessary for constant renewal of our creativity and expertise: education and the arts. Let me elaborate.

The employment requirements of the New York metropolitan region are increasingly characterized by the sophisticated, cosmopolitan nature of the intellectual capital sector.

I have earlier spoken of the crucial role our post-secondary educational institutions play in luring people here for their studies and careers. Yet no challenge is greater for New York City than to reaffirm the priority of good elementary and secondary schools. The public school system is nevertheless being asked to do much more with substantially less. As Robert Berne, Dean of NYU's Robert F. Wagner Graduate School of Public Service, has warned, the proposed freeze in state aid to New York City schools represents a substantial cut in funding because our school population is increasing by approximately 20,000 students every year. And Mayor Giuliani's announcement yesterday that the deepest reductions in his budget will fall on the City's public schools only intensifies the problem.

Without a strong school system, we will not be able to produce a skilled workforce, one able to compete in today's job market. As entry-level jobs demand higher technical skills, we must design our high school programs to meet the requirements for employment in the 21st century.

In addition to education, other components crucial to the creative milieu that defines New York are arts and other cultural institutions. The arts are a $9 billion industry in this region, an essential asset to tourism which in turns generates $20 billion of regional economic activity. The Metropolitan Museum of Art, for example, is the city's single largest tourist attraction, with 4.6 million visitors annually, nearly one million of whom are from outside the country.

As a recent report, The Arts As An Industry, issued by the Port Authority of New York and New Jersey, stated:

''The arts and the people who create, present, and market them are a critical competitive advantage that New York and its suburbs have over our national and international competitors for survival in the next century . . . But . . . the most important role the arts play in the life of the region is not related to its economy but to its very sense of itself.''

I speak to this matter with particular interest as Chairman of the President's Committee on the Arts and the Humanities, and I express serious concern about the uncertain future of Federal support for the arts, the humanities and museums. Proposed budget cuts would have a deeply damaging impact nationwide, for the arts, humanities and museums are vital to the economy of every state and every local community. Nonprofit arts institutions alone generate $36 billion in economic activity annually. They support 1.3 million jobs and generate $3.4 billion in Federal tax revenues. Investment in the arts and the humanities is good business.

Support for the National Endowments for the Arts and the Humanities is so small—only $.64 per person a year for each Endowment—yet it is indispensable seed money. Every Federal dollar leverages an average of $11 more from private, state and local sources, and without Federal support, there is no serious prospect that private funds will fill the resulting gap or that state and local governments will be able to do so.

And what would be the impact of threatened cuts on New York City where culture is an integral part of our tourist industry?

Now in defining the context for ''an agenda of growth'' for the New York Area, I have made two assertions:

(1) New York's future is linked to the international economy; and

(2) Our unique source of strength is intellectual capital.

I must add a third factor: (3) We must more aggressively encourage communication and cooperation between and among the business sector; our educational institutions, especially higher education; and government at every level.

The prevailing political winds can set a new course for the relationship between government and business. The profit-making sector and our colleges and universities can find new ways of working with one another.

Indeed, it is awareness of the importance of such cross-cutting relationships that caused the Carnegie Corporation of New York to make a grant to New York University to organize this year a series of three colloquia on science, technology and government. Scientists and engineers, business executives and government leaders will join scholars from New York University, other area universities and the New York Academy of Sciences to take part in sessions on three major topics—biotechnology, telecommunications and science and environmental journalism. Experts from New York, New Jersey and Connecticut as well as city, state and Federal officials will discuss the implications for the tri-state economy of advances in science and technology and of decisions by public policy-makers.

Let me conclude this analysis by suggesting some questions for this distinguished panel to consider. It is, in my view, imperative that the business community, along with civic and community groups, be involved in shaping the agenda for the economic growth of the city. In doing so, there will be difficult choices among competing priorities. Let me illustrate.

First, sustaining the infrastructure of the New York City region will require large-scale public investments. Which ones? Here's an example: Should we renovate Yankee Stadium, improve access to the airports or expand the Jacob Javits Convention Center?

A still broader question here: How to link our economic development strategy for job creation to our investments in infrastructure?

Second, we must support the institutions that nourish our base of intellectual capital. How?

To meet the demands of a changing economy, we must modernize our public schools. What is the role of the business sector here? Of our colleges and universities?

Again, can our institutions of higher education forge connections with business and industry to the advantage of both? Can, for example, the city's medical schools collaborate more closely with the region's pharmaceutical firms to build a stronger biotech industry?

I have spoken of the arts, one of New York's greatest assets. How can we assure financial support, both public and private, of our cultural institutions in ways that reflect their importance to our economic future?

What initiatives, public and private, are necessary to attract and retain artists, writers and the entrepreneurs of New York's emerging multimedia industry?

Third, can we explore opportunities for more public-private partnerships? Their success in renewing Union Square, Bryant Park and downtown Brooklyn demonstrates that the quality of life in New York can be enhanced if business and government work together.

How can we stimulate jobs and economic development in low income communities and invent more effective approaches to the delivery of public services?

We all know that privatization is now in fashion but we must ask exactly what government functions should be privatized and the effect of privatization on the delivery of services.

We know, too, that government tax, spending and regulatory policies will continue to influence the agenda for the economic growth of New York. The entire range of issues that affect the economy—and society generally—is, of course, in a democracy, the stuff of politics.

Now I have not today attempted to be exhaustive in my comments, but instructive. I

would, however, insist that in a modern, complex society like ours, there are roles for both private and public sectors. And if I have said anything useful, it is to stimulate more communication and cooperation between the two.

The rapidity of scientific and technological change imposes new burdens on leaders of business to remain competitive and on government policy-makers to serve the pubic interest.

For all these reasons, I applaud NYNEX for bringing together these distinguished leaders from various fields to discuss the future of our region.

I conclude with the words of that great conservative, Edmund Burke:

''The public interest requires doing today those things that men [today, he would add, ''and women''!] of intelligence and goodwill would wish, five or ten years hence, had been done.''●

A MUSLIM VOICE AGAINST TERRORISM

● Mr. SIMON. Mr. President, recently, in Tikkun, a journal that comments on political and religious affairs from the Jewish perspective, I saw a comment under the title ''A Muslim Voice Against Terrorism'' by Iman Plemon T. El-Amin. He is an assistant to Iman Warith Deen Mohammed, and the journal comments: ''While Louis Farrakhan tends to be portrayed in the media as the dominant voice of Islam in the United States, Warith Deen Mohammed represents a significantly large following. This statement about Islam should be read by all those who claim that they never hear Islamic leaders speaking out against Hamas violence.'' There is a tendency, in the United States, and particularly in our media, to identify the word Moslem with the word radical or fundamentalist, so you constantly read about Moslem radicals or Moslem fundamentalists; and there is not an awareness that most Moslems practice their religion in a responsible way, just as most Christians and Jews and people of other beliefs do.

The United States is becoming more and more a pluralistic society with people of many religious beliefs contributing to enriching our society. Among those whose numbers have grown significantly in the last decade are Moslems and Buddhists.

The statement by Imam Plemon T. El-Amin is a good antidote for those who see Moslem voice only in forms of extremism.

I ask that the statement be printed in the RECORD.

The statement follows:

[From Tikkun, Vol. 10, No. 2]

A MUSLIM VOICE AGAINST TERRORISM

(By Plemon T. El-Amin)

Muslim voices against terrorism have not been silent, but it is the trend, perhaps even the policy of major media, to downplay the voice of reason, the voice of faith, and the voice of principle, in favor of the shouts of the extreme, the wails of the grief-stricken, and the threats of the treacherous. The voices of peace, justice, mercy, and tolerance are not difficult to find among Muslims and Islamic media, who consistently denounce acts of terrorism and reject them as illegitimate and unacceptable Islamic strategies or methods.

Imam W. Deen Mohammed, internationally and nationally recognized leader of the largest identifiable Muslim-American community, explained recently that: ''Islam insists that the best human behavior be demonstrated even when engaging an enemy in war, Our Prophet Muhammed (prayers and peace be on him) ordered that civilians not be made the victims of war. He (the Prophet) cautioned the Muslims to take care not to attack those who were not bearing arms against them. Islam and the Prophet's life require of us that we uphold justice and be a peace-seeking people.''

Muslims are guided and obligated by the Qur'an, which reveals to us that we must not wage war for self-interest, material gain, or mere retaliation. Muslims are to fight or wage war only when someone hinders them from the worship and work of God. And when we fight, we must reject barbaric methods of warfare and doing any harm to women, children, the elderly, the sick or wounded, and even to animals or vegetation.

Muslims are commanded by God to do justice to all, irrespective of whether they are friend or enemy, under all circumstances. God says in the Qur'an, ''O you who believe! Stand out firmly for justice even as against yourselves or your parents or your kin, and whether it be (against) rich or poor.'' (4:135) ''O you who believe! Stand out firmly for God as witnesses to fair-dealing, and let not the hatred of others to you make you swerve to wrong and depart from justice. Be just, that is next to piety. And be regardful of God, for God is well-acquainted with all that you do.'' (5:9)

The definition of jihad is not Holy War, nor can it be used to justify terrorism. Imam W. Deen Mohammed has stated that ''Jihad means struggle in everything that God has established for Muslims to do. The emphasis on jihad in the Qur'an and in the life of Prophet Muhammed was not for the purpose of conquering lands or overthrowing nations, it was for the purpose of liberating the higher instincts, the higher aspirations in man.''

Cowardly acts of terrorism upon innocent men, women, and children is not a doorway to Heaven, but a gateway to Hell. Blind aggression and retaliation are sins, and as Muslims we reject these practices by our selves, our kin, our foes, the rich, or the poor. Past and recent acts of terrorism that victimize innocent human beings, such as the World Trade Center bombing, the mosque assault by Baruch Goldstein, and the recent suicide bombing in Tel Aviv are deplored by our community and must be condemned by all God-conscious and civilized communities, both Muslim and others. We must all stand up for peace and toleration. Among both the Palestinians and the Israelis are those guilty and responsible for the many women and children left maimed and dead. Each side has produced both perpetrators of violence and victims of injustice.

In Islam, one injustice, or even many, does not justify another. Man's law and rule has failed both peoples. It is time to embrace the law and rule of God, especially since both people identify themselves as people who hold the rule of God above the law of man.

The voice of the Muslim is not mute. Our voice is that of the Qur'an, and the life of the Prophet Muhammed. Both ring with clarity that peace is to be loved and sought, and terrorism is to be hated and rejected.●

ORDERS FOR THURSDAY, MARCH 30, 1995

Mr. PRESSLER. I ask unanimous consent when the Senate completes its business today, it stand in recess until the hour of 9:20 a.m. on Thursday, March 30, 1995; that following the prayer the Journal of proceedings be deemed approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate then proceed to a period of morning business not to extend beyond the hour of 10:15 a.m., with Members recognized to speak for up to 5 minutes each, with the following exceptions: Mr. COVERDELL, 10 minutes; Mr. CAMPBELL, 10 minutes; Mr. THOMAS, 5 minutes; Mr. COHEN, 10 minutes; Mr. KERREY, 15 minutes.

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

ORDER OF PROCEDURE

Mr. PRESSLER. I ask unanimous consent that following the confirmation of Mr. Glickman and resuming legislative session, the Senate then resume consideration of H.R. 1158, and the democratic leader be recognized to offer an amendment.

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

PROGRAM

Mr. PRESSLER. Under a previous order, at 10:15 a.m. the Senate will resume executive session for 10 minutes of debate on the nomination of Daniel Glickman to be Secretary of Agriculture. Therefore, a rollcall vote will occur on the confirmation of Mr. Glickman at 10:25 a.m.

For the information of all Senators, a vote will occur at 10:15 a.m. on the nomination of Mr. Glickman, and the Senate will then resume the supplemental disaster assistance bill. Therefore, votes can be expected to occur throughout Thursday's session of the Senate. The Senate will also be asked to remain is session into the evening on Thursday in order to complete action on the appropriations bill.

RECESS UNTIL 9:20 A.M. TOMORROW

Mr. PRESSLER. Mr. President, if there be no further business to come before the Senate, I now ask that the Senate stand in recess under the previous order.

There being no objection, the Senate, at 7:06 p.m., recessed until Thursday, March 30, 1995, at 9:20 p.m..

NOMINATION

Executive nomination received by the Secretary of the Senate after the recess of the Senate on March 28, 1995, under authority of the order of the Senate of January 4, 1995:

CENTRAL INTELLIGENCE

JOHN M. DEUTCH, OF MASSACHUSETTS, TO BE DIRECTOR OF CENTRAL INTELLIGENCE, VICE R. JAMES WOOLSEY, RESIGNED.

EXTENSIONS OF REMARKS

TRIBUTE TO ATKINSON HIGH SCHOOL REBELS

HON. SAXBY CHAMBLISS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 28, 1995

Mr. CHAMBLISS. Mr. Speaker, the Atkinson High School Rebels, of Pearson, GA, captured their first Georgia State Basketball Championship in school history, 71 to 64, over Decatur in the 1995 Class A boys title game on Sunday, March 11. The Rebels played inspired basketball despite the loss of someone very dear to the team and community. Ralph Foster, former pastor of Pearson Methodist Church, was a tremendous influence on a team destined to win the State title. The Rebels rallied around the loss of Foster as they dedicated the season and State championship to the late pastor and presented Mrs. Velma Foster with the trophy following the championship game. Coach Mike Putman has helped to build the character and work ethic necessary for these young athletes to succeed in life as well as the basketball court. Tough defense along with a balanced scoring attack were key ingredients as this group exemplified commitment to the team effort. The good people of the Eighth District are proud of these young athletes and their ability to set and stay focused on their goals during a time of great adversity. We salute their efforts and congratulate their accomplishments.

TRIBUTE TO MARY CREWS KORNEGAY

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 28, 1995

Mr. PAYNE of New Jersey. Mr. Speaker, I am pleased to ask my colleagues to join me in recognizing the accomplishments of a talented and dedicated professional, Mary Crews Kornegay, who is retiring after many years of outstanding public service to the city of Newark, NJ.

Ms. Kornegay, embarked on her career with the city on November 22, 1960, during the administration of Mayor Leo P. Carlin, when she assumed the position of clerk stenographer. Her ability was quickly recognized, resulting in a series of promotions to other positions: Principal stenographer, deputy municipal court clerk; private secretary to the corporation counsel, chief clerk, office supervisor; and her present position, executive assistant, law department. In addition, she serves as the secretary to the city of Newark Insurance Fund Commission. Ms. Kornegay has served as chairwoman on the City's Employees Recognition Awards Committee since its inception. In addition, she serves on the Safety Committee, the Americans with Disabilities Act Committee and the Fleet Safety Board.

In addition, Ms. Kornegay continues her appointment to the New Jersey Supreme Court's Attorney Ethics Committee, as well as her elected position as secretary to the New Jersey Risk Management Association and serves on its executive board. She is also a member of the board of trustees of the Ensemble Theatre Company.

A graduate of Rutgers University, she received a Bachelor of Arts Degree with high honors in political science and urban studies. A member of the alumni association of Rutgers University College and Alpha Sigma Lamba-Beta Zeta Chapter Honor Society, she remains actively involved with Rutgers Alumni projects. She has the distinction of being the first student at Rutgers to receive a certificate in public Administration.

She received her certification from the certified manager's program through the New Jersey Department of Personnel and Rutgers University. She also completed the associate in risk management courses at Seton Hall University.

A lifetime resident of Newark, Ms. Kornegay has two children, Janine and Michael.

I know that my colleagues here in the U.S. House of Representatives join me in congratulating Ms. Kornegay and wishing her all the best as she moves on to the next phase of her life. May she enjoy new pursuits in the many fulfilling and happy years ahead.

INTRODUCTION OF THE UNITED STATES-MEXICO BORDER WATER POLLUTION CONTROL ACT AND A BILL TO PROVIDE ASSISTANCE FOR U.S. COLONIAS

HON. ED PASTOR

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 28, 1995

Mr. PASTOR. Mr. Speaker, today I am introducing legislation to amend the Clean Water Act to provide a basic level of protection to human health and the environment for millions of United States citizens who live along our border with Mexico.

Specifically, the bill authorizes the Environmental Protection Agency [EPA] to provide financial and other assistance to the Border Environmental Cooperation Commission [BECC], the International Boundary and Water Commission [IBWC], and other appropriate State, Federal, or local governmental agencies for the construction of waste water treatment facilities in the vicinity of the United States-Mexico border.

Simply put, Mr. Speaker, this legislation will save lives.

More than 9 million people live within 65 miles of the 2,000-mile-long United States-Mexico border. Rapid population growth on both sides of the border in conjunction with relatively unplanned development in Mexico, have overwhelmed the existing wastewater infrastructure in the region. The net result is raw sewage flowing into the United States and contaminating our surface and ground water. It is an environmental and human health debacle of Third World proportions that threatens the health of millions of people.

In Nogales, AZ, as well as in many of the border regions of Texas, California, and New Mexico, the geography is such that the rivers and streams flow north. Many times, these ''rivers'' are nothing more than dry washes that run with water only during storms or when effluent is discharged. The Nogales Wash, which runs through the center of the town, is typical of these bodies of water. Nogales, AZ is a small town of approximately 25,000 people. It's sister city in Mexico, Nogales, Sonora, contains between 250,000 to 300,000 persons. The two cities are linked by family ties, a common heritage and language, and a shared environment. Unfortunately, a lack of infrastructure in Nogales, Sonora has turned the Nogales Wash into what the Arizona Republic described in a February 1994 article as ''an open drainage ditch that carries industrial runoff and sewage right through the downtown'' of Nogales, AZ.

While an international waste water treatment plant, operated through a binational agreement between the Mexico and United States sections of the International Boundary and Water Commission [IBWC], treats sewage from both Nogales, Sonora and Nogales, Mexico, the plant is near capacity and often exceeds capacity during storms. Since 1990, for 24 hours a day, 7 days a week, chlorine has been added to the wastewater in the Nogales Wash to kill the fecal bacteria. Yet, petroleum products and other industrial chemicals continue to pollute the wash. In 1991, the wash, which runs by homes, businesses, and school bus stops, actually caught fire. Once again, Mr. Speaker, I am not describing some impoverished developing nation, but a thriving city in the United States.

Recent studies by the University of Arizona and the Arizona Department of Health Services found that rates of lupus in Nogales, AZ are 4.5 times the national average. The rates of leukemia and multiple myeloma cancer were also found to be several times higher than the national average. While no evidence directly linking these abnormally high rates of disease to the pollution problems of Nogales has been found, there is a strong suspicion that such is the case. The report by the University of Arizona found that the incidence of lupus increased among residents living near the Nogales Wash, and the Department of Health Services stated that there is ''strong evidence'' that the high rate of lupus is a result ''complex environmental exposures.''

The problems of Nogales, AZ are, unfortunately, not unique to that city. Towns and municipalities along the border, from San Diego, CA to Brownsville, TX are experiencing similar environmental nightmares that demand attention from the Federal Government. Clearly, it is the Federal Government's responsibility to ensure that a U.S. city is not adversely impacted by waste products emanating from a

foreign national. Let me be clear, Mr. Speaker, in stating that the purpose of this legislation is to solve environmental crises that, while binational in nature, are adversely impacting communities in the United States. This is not public works legislation for Mexico, but a public health bill for the United States.

With the creation of the North American Development Bank [NADBANK] and the Border Environmental Cooperation Commission, we have begun the process of solving transboundary environmental problems in a binational manner. As the Federal agency with the primary responsibility for protecting human health and the environment, it is only proper that the EPA be able to commit its funds and resources to improving one of the most environmentally damaged areas of our country.

This bill is a Federal solution to a Federal problem, and I urge my colleagues to support its inclusion in the reauthorization of the Clean Water Act.

Mr. Speaker, I am also introducing, at the request of the administration, a bill to protect the environment and human health of those persons living in colonias along the border in the United States. These unincorporated communities lack basic waste water infrastructure and are being severely polluted by raw or partially treated sewage. Surface and groundwater contamination is rampant and these areas are fast becoming human health disasters.

The bill would authorize the EPA to make grants for the construction of wastewater treatment works to service these colonias. Under the provisions of the legislation, the States are required to provide 50 percent of the funding for these projects. There is desperate need for this assistance along our border with Mexico, especially in the State of Texas. Once again, Mr. Speaker, I want to make it clear that these monies are for waste water treatment works to benefit communities in the United States that are in desperate need of infrastructure most of us would consider rudimentary.

I want to acknowledge the leadership of Congressmen RON COLEMAN and KIKA DE LA GARZA in providing for colonias. Both members have introduced legislation to meet the needs of these communities, and I look forward to working with them to ensure that colonias all along the border become safe and healthy places in which to live.

Finally, Mr. Speaker, I want to thank EPA Administrator Carol Browner for her leadership on these matters. Finally, after years of neglect under previous administrations, the United States-Mexico border is beginning to receive the attention it desperately needs. I commend Administrator Browner for her fine work and look forward to our continued efforts to improve the environment and health of our border communities.

TRIBUTE HONORING THE DELPHOS HERALD ON THE OCCASION OF ITS 125TH ANNIVERSARY

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 28, 1995

Mr. GILLMOR. Mr. Speaker, it gives me great pleasure to rise today and pay tribute to one of the great newspapers of Ohio. This year the Delphos Herald in Delphos, OH, celebrates its 125th year of publication. The city of Delphos is a community renowned for its civic pride and commitment to service. The paper has through the years epitomized this outstanding quality.

For the first quarter century, the Herald was a weekly paper. Its first editor in 1869 was David H. Tolan, and it was independent in its politics until 1877. After that, historical records indicate the Courant, a Herald rival, was considered the Republican newspaper while the Herald the Democrats'. Later both became nonpartisan and both served the community until 1961. In that year, the Herald was sold to its present owners and the Courant was discontinued.

Over the years, the Herald has been the chronicle of change. Marriage, births, and funeral announcements are dutifully reported to the area, as well as national news including the exploits of those of us in Congress. This hometown newspaper has consistently benefited from a high caliber personnel, including my chief of staff Mark Wellman, who in high school was a sports reporter for the Herald. In all this time, the Herald has distinguished itself as a quality newspaper. Under the leadership of its longtime editor, Esther Bielawski, I am confident it will continue to prosper.

Mr. Speaker, anniversaries are a time to reflect upon a steadfast tradition of service. They are also a time to look toward new horizons. It is obvious that the city of Delphos and the surrounding area have greatly benefited from the effort that was started in 1869. I ask my colleagues to join me today in recognizing the achievements of the Delphos Herald and encourage the staff to continue to uphold what has become the standard for excellence in Ohio.

LEON P. KLEMENTOWICZ HONORED AS 1995 PULASKIAN OF THE YEAR

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 28, 1995

Mrs. MALONEY. I rise today to bring to the attention of my colleagues an outstanding constituent of mine in Greenpoint, Brooklyn. Leon P. Klementowicz represents the best of what Brooklyn is all about: Community, public service, and love for family. In recognition of his accomplishments, the Pulaski Association has selected Leon P. Klementowicz as its 1995 Pulaskian of the Year.

In order to truly appreciate Leon's long list of achievements, it helps to know a little bit about his upbringing. Leon is the youngest of three children born to Joseph Klementowicz and Stophie Sokolowska who had emigrated from Poland to the Melrose section of the Bronx, New York. After Leon's graduation from high school, he was drafted into the U.S. Army and served proudly during World War II. Rising to the rank of Combat Sergeant in the Third Infantry Division, Leon served on the front lines in Italy at (Anzio), France, Germany and Austria. During that time his bravery earned him the Silver Star, the Bronze Star and the Combat Infantry Badge.

After returning home from the war, he entered the funeral profession and married Irene Nieminski. Together they raised four wonderful children: Joanne, Claudia Marie, Monica and Paul Leon. In 1958, they purchased the John Smolenski Funeral Home in Greenpoint, Brooklyn and became active members of the SS. Cyril and Methodius Parish.

Leon is also an active member of many other organizations, including the Veterans of Foreign Wars, the American Legion, the Polish legion of American Veterans, the Fidelity Council of the Nights of Columbus, the Kosciuszko Foundation, the Smolenski Democratic Club and the Green Oaks Citizen's Club. He is also a director of the Polish and Slavic Center, an organization of over 35,000 members located in his beloved Greenpoint.

His work with Polish immigrants newly arrived in Greenpoint is well known throughout the community. His work earned Leon recognition by the Polish Government, which presented him with a medal at their consulate in Manhattan.

One of the most important community activities Leon takes part in every year is the Pulaski Day Parade. He took part in the very first Pulaski Day Parade in 1987 and has been an active member of the parade committee for over 35 years. He currently serves as a vice president on the committee and has been involved for many years in the coordination of the Mass at St. Patrick's Cathedral on Parade Day. Leon has also helped to reorganize the Greenpoint Parade Committee which has become one of the largest and well prepared groups in the parade.

Mr. Speaker, it is my great honor to help Leon Klementowicz celebrate his selection as 1995's Pulaskian of the Year. He exemplifies what is best about America, and I ask that my colleagues join me in saluting Leon for his years of service to New York City and the Polish-America Community at-large.

174 YEARS OF GREEK NATIONAL INDEPENDENCE

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 28, 1995

Mr. FILNER. Mr. Speaker, I rise to day to commemorate the 174th anniversary of Greek national independence, and to call for support here in the U.S. Congress for the rights of Greek nationals worldwide.

As we celebrate Greece's successful struggle for independence from the Ottoman Empire in 1821, let us not forget the continuing struggles of Greek people today—for basic religious and linguistic rights in Albania and Turkey, for peaceful coexistence and freedom in Cyprus, and for greater recognition of Greek sovereignty by its neighbors in Macedonia. The Greek people deserve our strong support as they strive for the very same rights and values we Americans hold so dear.

In my district, California's 50th Congressional District, I have the privilege of working with the George Pollos San Diego Chapter No. 505 of the American Hellenic Educational Progressive Association [AHEPA]. These Greek-Americans promote educational opportunities in the community, and are actively involved in international humanitarian issues. I am honored to join with them today to pay tribute to the Republic of Greece on its 174th birthday, and to call for congressional attention

to the ongoing struggles of Greek nationals in various parts of the world.

DRUG LEGALIZATION FICTION

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 28, 1995

Mr. SOLOMON. Mr. Speaker, President Clinton, in his State of the Union Address, criticized Hollywood for the increased level of violence in film. Yet once again, the President was noticeably silent on the drug issue.

In the latest dangerous nonsense from Hollywood, the movie ''Pulp Fiction,'' the character played by John Travolta exclaims how wonderful his recent trip to the Netherlands was, primarily because of their drug legalization policies.

Mr. Speaker, I would like to submit into the RECORD some crime and drug statistics, provided by K.F. Gunning, M.D., the president of the Dutch National Committee on Drug Prevention, for the years since the Netherlands implemented their legalization programs in the early 1980's.

1988–1992 cannabis use among pupils increased 100 percent; 1984–1992 use increased by 250 percent; shootings up 40 percent; car thefts up 62 percent; hold-ups up 69 percent.

Addict Rate in the Netherlands: From 1919–1993, there was a 30-percent rise in registered cannabis addicts. The total number of addicts registered with the Consultation Bureau for Alcohol and Drug Problems has risen 22 percent since 1988 to 54,000 addicts in 1993, of which 25,300 were new addicts.

Organized crime groups: 1988(3), 1991(59), 1993(93).

Mr. Speaker, the test has been conducted and the results are in from the Netherlands. And despite all the misinformation about the consequences of dangerous drug use being put out by the Partnership for Responsible Drug Information, the Drug Policy Foundation, and our friends in Hollywood, the legalization of drugs should never become a serious policy option.

ROBERT A. DEMPSTER

HON. BILL EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 28, 1995

Mr. EMERSON. Mr. Speaker, Robert A. Dempster was buried yesterday in Sikeston, MO, where he had lived most of his wonderful life. He died last Friday at age 82 after a long illness. Not many in this Chamber knew Robert; but he was my friend, and I cannot let go his passing without sharing a thought or several thoughts about this remarkable citizen who sought no fame, but deserved it; who made a fortune that to him was relevant only in how much he could do with it, not for himself, but to give away, to the benefit of universities and students, churches, hospitals and patients, and to other good causes in his community, region of the State, the State, and the country.

I shall ask permission to include newspaper articles about Robert that will reveal the depth and breadth of his life, his career, his caring, his compassion, and his commitment. But I want to take this moment to note in the CONGRESSIONAL RECORD, the closest thing we have to an official national diary, that it is Robert and people like Robert who give this country the inherent strength it has. Somehow, out there among us, is Robert with vision—the understanding of one's duty, the perspective to dream, and the ability to bring those dreams to reality, not for his personal aggrandizement, but for the benefit of all to share and enjoy in the finest, most uplifting and enduring sense.

Robert Dempster made a phenomenal mark in his 82 years. He will be long remembered by those whose life he touched, but also by countless others who will never have had the privilege of meeting him, but will be touched by the generosity of his spirit and his works.

I include a news article from the Cape Girardeau Southeast Missourian, March 26, a news article from the Standard-Democrat, Sikeston, MO, March 26, and an editorial from the Standard-Democrat, March 27.

I also include a special tribute, offered by the Southeast Missouri University Foundation.

[From the Southeast Missourian, March 26, 1995]

SOUTHEAST BACKER ROBERT DEMPSTER DIES

(By Mark Bliss)

SIKESTON, Mo.—Retired lawyer and civic leader Robert A. Dempster, one of Southeast Missouri State University's major benefactors, died Friday, March 24, 1995, at his home at the age of 82 after an extended illness.

Dempster was a devoted friend of the Cape Girardeau school. His wife, Lynn Dempster, is a member of the school's Board of Regents.

Over the past 15 years, he contributed nearly $2 million to the institution.

Dempster's contributions include $1 million toward construction of a business building, which will be named in his honor. Construction of the $15.8 million building is expected to begin in May and be completed by August 1996.

Visitation will be held today from 4 to 8 p.m. in Sikeston at the First United Methodist Church Dempster Chapel. Dempster contributed financially to the construction of the chapel in memory of his parents. The funeral will be Monday at 2 p.m. at the church. The Rev. Charles Buck will officiate, with burial in the Sikeston City Cemetery.

Dempster helped establish the Southeast Missouri University Foundation in 1983 and served as its first president. Over the years, the foundation has raised millions for the university.

''He was a wonderful man to us,'' university President Kala Stroup said Saturday.

Robert Foster, executive director of the foundation, mourned Dempster's death. ''I lost a friend,'' he said.

Foster said Dempster was ''the guiding genius behind the foundation.''

Although not a graduate of the institution, Dempster devoted the last decade of his active life as an attorney and civic leader to promoting and supporting Southeast.

He was a good friend of Bill Stacy, the university's 12th president.

Dempster endowed scholarships for needy students, and funded the conversion of an apartment building into an academic building and construction of an auditorium for Crisp Hall of Nursing.

''We honor Robert A. Dempster for his vision, dedication and generosity, but first and foremost, we remember him as our friend,'' university officials said in a prepared statement.

Southeast wasn't the only school Dempster aided. He made numerous financial gifts to his alma mater, the University of Missouri, and particularly its law school. He served as a trustee for the law school.

He was appointed to the University of Missouri Board of Curators in 1978 by then-Gov. Joseph Teasdale and served a six-year term. He was chairman of the finance committee during his tenure on the board.

He was a member of the Board of Trustees of Scarritt College, a Methodist school in Nashville, Tenn.

He practiced law for more than 60 years, retiring in 1993 as managing partner of the Dempster, Barkett, McClellan and Edwards law firm. In 1994, he quit practicing law.

In 1993, he helped fund construction of the Missouri Delta Medical Center's rehabilitation complex, which bears his name.

Dempster was born April 8, 1912, in Ava, Ill., the son of George A. and Emma Dempster.

He moved to Sikeston with his parents in 1915. He attended Sikeston public schools, graduating in 1929.

He attended Central Methodist College in Fayette for two years and then transferred to the University of Missouri law school, graduating in 1934.

During his senior year in law school, he was elected city attorney for Sikeston.

In 1942, he became an officer in the Navy and spent 30 months on the island of Okinawa during World War II. He rose to the rank of lieutenant commander before leaving the Navy.

He resumed the practice of law in 1945 and served six years as Scott County's prosecuting attorney.

In 1960, he founded the Security National Bank of Sikeston. Mercantile Bank bought it in 1982, and he served as board chairman for the bank from 1960 to 1986.

He was a member of the First United Methodist Church, and served in a number of leadership positions. He also was involved in development of the Wesley United Methodist Church.

He was active in civic affairs. Over the years, he served on the chamber of commerce board and as president of the Sikeston Industrial Board.

Dempster served as an honorary colonel on the staff of two Missouri governors.

He and Beatrice Dobbins of Longmont, Colo., were married in 1943. She died in June 1973.

He and Lynn Matthews were married May 23, 1978.

Survivors include his wife, and three stepdaughters, Pam Waltrip of Sikeston, Paulette Mouchett of Jackson, Miss., and Vicki Burke of St. Louis.

Ponder Funeral Home is in charge of arrangements.

[From the Standard-Democrat, March 26, 1995]

LONGTIME SIKESTON ATTORNEY, ROBERT DEMPSTER, DIES

SIKESTON, MO.—Sikeston attorney and prominent citizen Robert A. Dempster died Friday, March 24, 1995, in his home following an extended illness. He was 82.

Born in Ava, Ill., on April 8, 1912, son of the late George A. and Emma Dempster, he moved to Sikeston with his parents in 1915, where he lived for the remainder of his life.

A 1929 graduate of Sikeston Public Schools, Dempster attended Central Methodist College at Fayette for two years. He then transferred to the University of Missouri School of Law, where he graduated in 1934. During his senior year in the law school, he was elected city attorney for Sikeston, and upon graduation he returned

to Sikeston and began his career as an attorney.

As an officer in the U.S. Navy, he spent 30 months on the island of Okinawa, Japan, in 1942. He retired as a lieutenant commander.

In 1943, he married Beatrice Dobbins of Longmont, Colo., and she preceded him in death in June 1973.

On May 23, 1978, he married Lynn Matthews Dempster and she survives.

He is also survived by three stepdaughters, Pam Waltrip of Sikeston, Paulette Mouchett of Jackson, Miss., and Vicki Burke of St. Louis.

Dempster resumed his law practice in 1945 and served as the Scott County prosecutor for six years. In early 1960, he founded, chartered and built the Security National Bank of Sikeston, for which he was chairman of the board until 1982, when the bank was purchased by Mercantile Bank of St. Louis. Following the purchase, he remained with Mercantile Bank for four years as chairman and president of the board.

In 1982, he assisted his friend Dr. Bill W. Stacy, then president of Southeast Missouri State University at Cape Girardeau, to organize the University Foundation and Copper Dome Society. He served as president of this foundation for two consecutive terms. He also endowed many scholarships at the university and donated the initial $1 million gift for the new Business Education Building, which will bear his name. Dempster was honored by the university by being named ''Friend of the University'' in recognition of his service to the university.

He was appointed to the University of Missouri Board of Curators in 1978 by Gov. Joseph P. Teasdale, where he served for six years. Dempster was the chairman of the Finance Committee during his tenure on the board. Numerous gifts were donated by Dempster to the University of Missouri, particularly the University of Missouri Law School, where he has served as a trustee. He also served on the executive committee of the University of Missouri Development Fund Board and was a trustee of the Jefferson Club. Dempster was selected as a charter member in the Law Society and received an honorary membership in the Order of the Coif for his contributions to the bar and the new Law School Building at the University of Missouri School of Law.

In April 1984, he was appointed a trustee with the U.S. Naval Academy in Annapolis, Md. ''His love for the Navy made this the most revered appointment in his long career,'' stated a family member.

Active in Sikeston's civic affairs, Dempster served on the board of directors of the Chamber of Commerce, was president of the Sikeston Industrial Board, Kiwanis Club and Sikeston Boy Scouts of America, the American Cancer Society. He was also very active with the Young Democrats of America and had been an honorary colonel on the staff of two Missouri governors. He was known for his contributions to veterans organizations and was judge advocate of the local American Legion post.

In 1993, he was instrumental in the construction of the Robert A. Dempster Restart Physical Medicine Complex of Missouri Delta Medical Center. He also possessed an avid interest in education and was a member of the board of trustees of Scarritt College, a Methodist school located in Nashville, Tenn.

In 1993, he retired as managing partner of the Dempster, Barkett, McClellan and Edwards law firm, after nearly 60 years of practicing law.

A lifelong member of the First United Methodist Church, he served as a trustee, board member and lay leader, where he made a major contribution toward the construction and furnishing of the Dempster Memorial Chapel, in memory of his parents. He was also instrumental in the organization of the Wesley United Methodist Church.

Friends may call from 4–8 p.m. today at the Dempster Chapel. Services will be conducted at 2 p.m. Monday in the sanctuary of the First United Methodist Church, with the Rev. Charles E. Buck, pastor, officiating.

Burial will follow in Sikeston City Cemetery.

Pallbearers will be: Phil Barkett Jr., Spencer Edwards, Kevin Edwards, Matt Sikes, Fred Scherer, Tom Burke, Greg Colwick and Bill Waltrip.

Honorary pallbearers will be: Robert L. ''Bob'' Meyer, David Blanton, Judge Marshall Craig, P.J. ''Pete'' Ponder, Maurice Stauffer, Dr. Leo A. Bruce, Dr. Bill Shell, Dr. Max Heeb, Dempsey Gardner, Dr. Wendell Weathers, Don Agnew, Cline Carter, C.P. Black Jr., James M. Baird, the Rev. Tom Geers, Weber Gilmore, Terry Fitzgerald, Rick Adams, Michael Jensen, Dr. Bill W. Terry, Pat Murback Dobson, Dr. Kala M. Stroup, John Mobley, Dr. Tony Poole and Joel Montgomery Jr.

Ponder Funeral Home of Sikeston is in charge of arrangements.

[From the Standard-Democrat, March 27, 1995]

OUR VIEW: COMMUNITY BENEFITED FROM ROBERT DEMPSTER

You could spend an entire day recounting stories of Robert A. Dempster and still not scratch the surface. His life was one of accomplishment in law and business but, in the end, it was his generosity that will endure. Bob Dempster died Friday. Yet the stamp of his success and his compassion and concern for others will live forever. Not every community can boast a Bob Dempster. And Sikeston along with all of Southeast Missouri will benefit for generations from the legacy that remains.

If Bob Dempster had a chance to write his own obituary, we suspect it would concentrate on his military career. It was his years in the Navy and his later involvement with the Naval Academy that brought him the most pride. Dempster would have down played his millions of dollars in donations to higher education, his generosity toward the local hospital or his countless other financial assistance that he provided routinely. But as a community we cannot and will not forget that generosity.

Bob Dempster was quite simply a powerful man. He was respected by those in positions of great power who filed to his door for advice and counsel. He tool under his seasoned wing far too many to count. He had time for all.

He was proud to champion underdogs. In many ways, he considered himself an underdog as well. Yet through determination, hard work and a keen insight, he reached a plateau that few ever imagine. He liked to help others who displayed similar grit. He sought them out and prodded them on. That part of his personality can never be measured.

And Bob Dempster could spin a yarn. He would relive, with a special gleam in his eyes, the baseball exploits of his youth. He would tell of Sikeston's early days when only two lawyers called Sikeston home. With his faithful dog Judge by his side, he would speak candidly of those days. You could tell in a sense that he missed them.

He once had a young client injured in a car accident. He arranged to have the youngster ''sworn in'' as an honorary deputy sheriff. The smile from that young boy—a snaggletoothed wide smile that went from ear to ear—was the reward Dempster wanted. I'm not sure how the case turned out but on that day, that young boy was a winner. And there were others. Thousands of others.

Robert A. Dempster will be remembered not so much for who he was but for what he did. He left a mark on so many that his legacy will remain for generations to come. And if our time on this earth is gauged by what we leave behind, Bob Dempster left his handprint far and wide. He will be remembered.

ROBERT A. DEMPSTER: FRIEND OF THE UNIVERSITY

A MEMORIAL TRIBUTE FROM SOUTHEAST MISSOURI STATE UNIVERSITY

The Southeast Missouri State University community mourns the passing of a great friend and benefactor, Robert A. Dempster. He is remembered with extraordinary affection and respect by those with whom he worked on behalf of the University and its students.

Although not a graduate of the institution, Robert A. Dempster devoted the last decade of his active life as an attorney and civic leader to promoting the welfare and building the excellence of Southeast Missouri State University, and to providing access to quality higher education for the young people of this region.

In 1983, Robert A. Dempster suggested the formation of a new organization, the Southeast Missouri University Foundation. His experience as a member of the Board of Curators of the University of Missouri, where he was active in the initiation of private fundraising efforts, proved invaluable to the Southeast Foundation at its inception.

As the first President of the Southeast Foundation, Robert A. Dempster issued a challenge which has been accepted by thousands of men and women during the past 12 years. ''I became a part of the Foundation,'' Mr. Dempster wrote in 1984, ''because of my deeply held feeling that substantial support from the private sector is necessary if Southeast Missouri State University is to continue to maintain the highest academic standards * * *. Our University must be given whatever support is necessary to continue its long tradition of excellence.''

Robert A. Dempster was tireless in his activities on behalf of the University, and his generosity was truly legendary—including the endowment of scholarships for needy students, the donation of an auditorium for the Crisp Hall of Nursing, and providing gifts for two buildings, the current Robert A. Dempster Hall, and a splendid new facility for the University's College of Business which will be named in his honor.

We honor Robert A. Dempster for his vision, dedication, and generosity, but first and foremost he was our friend. To his widow, family and other friends, we extend heartfelt condolences.

PERSONAL RESPONSIBILITY ACT OF 1995

SPEECH OF

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 23, 1995

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 4) to restore the American family, reduce illegitimacy, control welfare spending and reduce welfare dependence:

Ms. PELOSI. Mr. Chairman, I rise today to oppose amendments which restrict the rights of legal immigrants to collect Government benefits, such as Medicaid, food stamps, and disability aid.

Denying basic safety net services to noncitizens who, in many cases, have resided in the United States for much of their lives, discriminates among residents who have paid their taxes, contributed to the growth of the U.S. economy, served in the Armed Forces, and, like millions of their native-born counterparts, have played by the rules in the hope of realizing their own American dream.

This legislation would erode basic American values by denying equal treatment under law to law-abiding taxpayers who have done nothing but choose to make the United States their home. This bill punishes legal immigrants for making that decision.

This legislation also robs communities all over the country of the taxes paid by legal immigrant residents—taxes that would be taken by the Federal Government, but not returned to those same communities in the form of health care and other needed benefits. Recent studies show that immigrants pay $25 to $30 billion more in taxes each year than they use in services. Such funds will no longer flow back to our local communities under this bill.

This bill would also deny basic survival assistance to children who are legal permanent residents. Most of these children will go to school, and some day work, and pay taxes, and contribute to American society together with our own children. Denying them benefits is a failure to invest in our own future.

Mr. Chairman, the anti-immigrant provisions contained in this extreme Republican measure are ill-conceived and mean-spirited. They will result in increased costs to our cities and States and will worsen the discrimination already felt by many in our Nation's immigrant communities.

I urge my colleagues to vote against H.R. 4 and vote for the Mink substitute.

TRIBUTE TO DR. DENNIS BERGE

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 28, 1995

Mr. FILNER. Mr. Speaker and colleagues, I rise today to honor a friend and fellow educator from San Diego State University who passed away this month—Dr. Dennis Berge.

Dr. Berge dedicated his life to our community and our country. He taught at Crawford and Hoover High Schools in San Diego and, in 1963, joined the faculty at San Diego State, where he taught until his retirement in 1992.

I was privileged to be a History Department colleague of Dr. Berge's for more than two decades. Dr. Berge authored many articles and reviews on western U.S. history and the city of San Diego, but was best known as an expert on the history of the Mexican-American War, U.S. continental expansionism and the American West. He was an active member of the Western Historical Society and the Organization of American Historians. As a professor, he was known to his students for his thoughtful lectures, rigorous intellectual standards, and careful attention to the academic needs of his students.

Dr. Berge served in the Army during the Korean war and commanded an armored platoon. He was awarded the Bronze Star for heroic achievement in action near Soubyok, Korea, on July 11, 1953.

After being discharged from the Army as a first lieutenant in November 1953, he resumed his studies at San Diego State University, where he received his Bachelor and Master of Arts Degrees in History. He subsequently received a Ph.D. in History at the University of California, Berkeley.

As a faculty member at San Diego State University, he assumed numerous administrative duties such as Chair of the Department of History for 6 years and member of the Faculty Senate.

My thoughts and prayers go out to his wife, Priscilla Ann, and his family.

STEP-UP

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 28, 1995

Mr. HASTINGS of Florida. Mr. Speaker, I would like to bring to the attention of this body a program in my district of Florida which has shown great promise in moving people from welfare to work.

The program, created by the Fort Lauderdale Housing Authority, is called Step-Up. It is designed to provide people living in poverty with the skills they need to remove themselves from public assistance by allowing the housing authority to hire people who live in its units to do renovation work on its property.

Program participants are paid $4.30–4.50 an hour, work an average of 32 hours per week, and must join a high school equivalency program. Those who finish will have two options: A scholarship at the local Broward Community College, or continuing with work and training. Participants, young adults between the ages of 18 to 25, learn trades from outside contractors who are asked to donate training and materials to the project.

Mr. Speaker, everybody will benefit from this program. Unskilled young adults will be trained and educated, and sorely needed renovations will be made to public housing stock. The Step-Up Program provides meaningful options through opportunities for employment, job training, and educational achievement. It will enable people who have traditionally been socially and economically disenfranchised to move from government dependency to self-sufficiency and employability.

I salute the Fort Lauderdale Housing Authority and all of the people who have made this program possible. And I encourage housing authorities all over America to look to this program as a model for teaching our children viable and valuable skills, giving them hope, and helping them secure an education and a future.

LEGISLATION TO CHANGE BUDGET SCOREKEEPING RULES

HON. JAMES A. TRAFICANT, Jr.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 28, 1995

Mr. TRAFICANT. Mr. Speaker, last week I introduced legislation, H.R. 1325, to change the current budget scorekeeping rules as they relate to Federal real estate transactions. As chairman of the Public Works and Transportation Subcommittee on Public Buildings and Grounds in the last Congress, I held several hearings on the way in which the Office of Management and Budget scores Federal real estate transactions. The hearings underscored previous findings by the General Accounting Office that the Federal Government is wasting hundreds of millions dollars a year in unnecessary long-term leases. This waste is due primarily to the fact that current budget scorekeeping rules prevent the General Services Administration from pursuing a full range of financing options to meet the Federal Government's office space needs.

In response to these findings, I moved in a bip-partisan fashion and introduced legislation to solve the problem. the bill I introduced in the last Congress, H.R. 2680, was co-sponsored by leaders from both parties on the Committee, including NORMAN MINETA, BUD SHUSTER, JOHN DUNCAN and ELEANOR HOLMES NORTON.

In the summer of 1994, H.R. 2680 was approved by the Public Works and Transportation Committee and referred to the Government Operations Committee. Last August, the Government Operations Committee heard testimony from NORM MINETA and myself on behalf of the legislation as part of a series of hearings the committee held on the budget process. Unfortunately, the bill was never acted on by the House prior to adjournment. The bill I introduced last week, H.R. 1325, is identical to the bill I introduced in the last Congress.

H.R. 1325 would change Federal budget accounting rules to allow GSA to utilize a full range of financing mechanisms in meeting Federal office space needs. Under current Federal budget scorekeeping rules, which were established in the 1990 Budget Act, the entire cost of a Federal construction project or building purchase, must be scored in the first year of the project, rather than amortized over the actual construction period, or over the expected life of a purchased building. For leases, the rules require that only the annual rent costs be scored. The end result is that operating leases have become the most attractive vehicle for GSA, the Federal Government's real estate arm, to meet the housing needs of Federal agencies—even through in the long-term it is the most costly.

The bill amends the Public Buildings Act of 1959 to treat Federal real estate transactions in the same manner they were treated prior to the implementation of the 1990 Budget Act. The bill would allow GSA to utilize alternative financing mechanisms, such as lease-purchases or time financing.

In 1975 GSA's leasing budget was $388 million. In 1994 GSA is slated to spend more than $2.5 billion on Federal leases. A December 1989 report issued by GAO analyzed 43 projects that GSA might have undertaken if capital financing were available to replace space that GSA would otherwise lease. GAO estimated that, over a 30-year period, constructing the 43 projects instead of leasing, would have saved taxpayers $12 billion.

Financing by lease purchase is inappropriately being compared by OMB to direct Federal construction, when the correct comparison should be with the cost long-term leasing. My goal is to ensure that GSA has all the financing tools available to the private sector. Currently GSA does not have the ability to get the

best possible deal for the taxpayer—because of the scoring rules. GSA should be able to, on a project by project basis, determine the most cost effective and efficient way to finance a particular Federal real estate transaction. My bill will give GSA this ability. In the long term, H.R. 1325 will save the taxpayer hundreds of millions of dollars. I urge my colleagues to support the bill.

TRIBUTE TO RIVERDALE HIGH SCHOOL FOOTBALL TEAM

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 28, 1995

Mr. GORDON. Mr. Speaker, I rise today to acknowledge the accomplishments of a dedicated group of young men who worked together in the true spirit of sportsmanship to achieve a long-awaited goal.

The group is the Riverdale High School football team of Murfreesboro, TN, and the goal was winning the State 5–A football championship.

These men of Riverdale High trained vigorously, played tirelessly, and deserve recognition for a job well done.

I congratulate each member of the team, their head coach, Gary Rankin, and all the assistant coaches, managers, trainers, and team doctors. I know they won't soon forget their milestone.

The players are true champions: Emil Michell, Gerald Griffin, Corey Carney, Carlos Tigg, Marcus Smith, Eric Locke, Larry Floyd, Johnta Martin, Ryan Miller, Michael Knox, Craig Hill, Delaney Solomon, Joe Hill, Jerome Verge, Gabriel Nelson, Alvin Duke, Fernando Bryant, Howard Henderson, Elgene Porter, Ryan Maloney, Ron Smith, Jeremy Maurer, Kevin Litchford, Chris Long, Kelly Faulkner, Keith Jordon, Chris Barnett, Reggie Smith, William Henry, Andrew Smotherman, Brian Davis, Greg Smith, James Baxter, Doug Austin, Andy Risner, Joel Young, Shawn Bowers, Billy McKinley, Justin Tate, Brett Martin, Jerod Wade, Brian Barnett, Jeff Lee, Robb Soapes, Todd Harris, Michael Nobles, David Coppeans, Craig Underwood, Travis Brown, J.R. Crockett, Chuck Harris, Joe Oliver, Shavis Randell, Brian Austin, Antron Peebles, Jason Staples, David Merrill, David Hennessee, Matt Austin, John Simpkins, Phil Sisambath, Kevin David, and Ryan White

CROATIAN CIVIC CLUB OF MILWAUKEE NAMES VIOLET JELIC CROATIAN OF THE YEAR

HON. GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 28, 1995

Mr. KLECZKA. Mr. Speaker, I rise today to congratulate Ms. Violet Jelic on being named Croatian of the Year by the Croatian Civic Club of Milwaukee.

In selecting Violet as Croatian of the Year, the Croatian Civic Club has honored a woman who has done much to promote and preserve her proud Croatian-American heritage and who has made a direct impact on the lives of many people in our community.

As a member and past president of the Croatian Civic Club, Violet has played an instrumental role in keeping the traditions of the Croatian-American community alive and vibrant in the Milwaukee area. Through her involvement with the Croatian Radio Hour she shares the richness of her Croatian heritage with our entire community.

In addition to her involvement in cultural activities, Ms. Jelic has shown herself to be a person who is concerned about the less fortunate and who is committed to living out the principles of her Catholic faith. Whether she is leading prayers in her church, visiting the sick, or inviting hospitalized Croatian soldiers to stay in her home, Violet has demonstrated a willingness to transform her beliefs into effective action. Among those wounded soldiers who have benefited from her efforts are Srecko Filipovic, Dusko Bujak, and Darko Crnojevic, to name just a few.

Violet Jelic has clearly set an example for our entire community. I join the Croatian Civic Club in commending Violet Jelic on her outstanding efforts and I congratulate her on being named Croatian of the Year.

TRIBUTE TO DODGE COUNTY HIGH SCHOOL INDIANS

HON. SAXBY CHAMBLISS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 28, 1995

Mr. CHAMBLISS. Mr. Speaker, the Dodge County High Indians boys basketball team recently won the AA Georgia State Championship for the first time in the 37 year history of the school. The Indians tenacious defense and unselfishness on the offensive side of the ball is a tribute to their commitment to the team effort. These young athletes have demonstrated the desire and will to win that is a reflection of the support and direction of the Dodge County community. Dodge County is coached by second-year head coach Willis Jones who has helped in building a competitive attitude based on the unity and work ethic necessary for these athletes to excel as they venture into the ever competitive game of life. The development of these skills will prove vital as this group prepares for their future. Through hard work and dedication along with their commitment to the ''TEAM'', these athletes are an inspiration to the people of the Eighth District and we salute their efforts.

STATEMENT IN SUPPORT OF BROWDER-CASTLE AMENDMENT TO H.R. 1215

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 28, 1995

Mr. CASTLE. Mr. Speaker, today my colleagues GLEN BROWDER, FRED UPTON, BILL ORTON, BILL MARTINI, and I are filing an amendment to H.R. 1215, the Tax Relief Act of 1995. Our bipartisan amendment would condition the implementation of the tax cuts in the bill on enactment of legislation that will result in a balanced budget in 2002. Under our amendment, the tax cuts could take effect as soon as the Office of Management and Budget certifies that legislation has been enacted into law that puts us on a glide path toward a balanced budget. The tax cuts could be rescinded if we do not achieve specific deficit reduction targets in the subsequent fiscal years.

In short, if Congress and the President have the courage to pass a budget reconciliation bill this year that lowers the discretionary spending caps and makes the necessary program changes to end the runaway growth in entitlement programs like Medicare and Medicaid, then the tax cuts would begin on the same timetable as proposed in the tax bill.

We strongly support reducing the tax burden on the American people, but we believe our constituents have sent us an unmistakable message: cut spending first. It is not responsible public policy to enact tax cuts before Congress has fully faced up to the tough decisions that have to be made to bring government spending in line with its revenue. While most Americans would certainly like a tax cut, public opinion polls indicate that Americans place a higher priority on deficit reduction. These polls are reinforced by the actual comments of many individual Americans who appeared at the series of field hearings held by the House Budget Committee earlier this year. In Ohio, Arizona, South Carolina, New Jersey, and Montana Americans revealed a common sense skepticism about indulging ourselves today while promising to ease the future debt burden on our children. They want spending cut first. If Congress can actually perform that difficult task then they'd welcome a tax cut.

We believe it is imperative that we do not let them down. If Congress approves $190 billion in tax cut this year, but then finds itself unwilling or unable to make the tough choices to reduce spending, we will not only add hundreds of billions of dollars to the national debt but we will further damage the voters' faith in their representatives. We believe that tax cuts and spending cuts must go together. The benefit or reduced taxes on families and businesses should be our reward for tackling the difficult decisions necessary to reduce Federal spending to the point where we can actually achieve a balanced budget.

While our amendment requires a tough standard to be met, it does provide a real reward. If Congress is wiling to make all the tough choices to reduce spending this year and the President signs those changes into law, the tax cuts could begin without delay. The tax benefits would continue as long as the Government meets its annual deficit reduction milestones on the way to a balanced budget. These targets would force Congress to ensure that it is really saving money and not just playing budget games to delay real cuts.

Tieing tax cuts to deficit reduction brings the American people directly into the process. They will be reminding their representatives to reduce spending so they can see the results on their tax forms and in their pocketbooks. We would all have an interest in making sure the budget process succeeds.

This amendment is an insurance policy for deficit reduction. It is consistent with the Contract With America and our pledge to cut spending first. It is supported by a bipartisan coalition of Members and it just makes sense. We will ask the House Rules Committee to make this amendment in order when the House considers H.R. 1215 next week. I urge

my colleagues to support this reinforcement of our commitment to deficit reduction.

TRIBUTE TO GRACE INGLIS AND MATTHEW JAMES JAGO, JR.

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 28, 1995

Mr. MENENDEZ. Mr. Speaker I rise today to pay tribute to Grace Inglis and Matthew James Jago, Jr. of Woodbridge Township for their numerous years of service as teachers. The Woodbridge Metro Chamber of Commerce and the Woodbridge Education Foundation will be honoring these dedicated teachers for their excellence in education on March 29, 1995.

Ms. Inglis began her career in the Woodbridge Township school district in 1974 at school #28 [Matthew Jago School]. She worked there as a teacher assistant, but felt she could contribute more to the school system. She wanted to improve herself and take on greater responsibilities. Ms. Inglis began her course of study at Middlesex County College to receive her teacher-aide certification.

For several years Ms. Inglis has been the coordinator of the Special Teacher Center. The center provides all special education teachers with resources in training, and extra guidance for teachers dealing with students who have difficulty learning. She realizes the importance of helping our youth, because these children are our future leaders. Her investment in educating our children has been a great service to our Nation, the 13th Congressional District, and to the Woodbridge Township.

Mr. Jago has devoted 19 years to the Woodbridge Township school district. He received his masters in education from Trenton State College and specializes in teaching the disabled. Mr. Jago has been blessed with extraordinary skill, and patience. He has devoted his career to teaching children with special learning difficulties. His expertise is in working with the perceptually impaired, and the neurologically impaired. His efforts on their behalf has helped them reach their educational potential.

Not only has Mr. Jago excelled in his teaching career, but also in his responsibilities as a citizen. Mr. Jago has volunteered for Hand in Hand, Special Olympics, and as a Sunday school teacher. He has received numerous awards including the Governor's Recognition Award, and the Nominee-Excellence in Education Award. Mr. Jago has served as cub master of Cubscout Pack 31 in Port Reading, and as the playground counselor at the Woodbridge Park. His participation in these activities show his commitment to helping today's youth grow into successful adults.

Ms. Inglis and Mr. Jago have dedicated themselves to our youth. I ask that you please join me in honoring these excellent educators for their great works in the Woodbridge Township school district.

THE CENTENNIAL OF THE DE YOUNG MEMORIAL MUSEUM

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 28, 1995

Ms. PELOSI. Mr. Speaker, I rise today in celebration of the 100th Anniversary of the M.H. de Young Memorial Museum of San Francisco. This great museum, founded at the close of the 19th Century, remains one of San Francisco's landmarks and a leading institution for collections and exhibitions in the United States.

It was in 1894 that newspaper publisher M.H. de Young, organized a fair to showcase the strength and diversity of the California economy. In record time, the California Midwinter International Exposition of 1894 was a dramatic success, so much so that de Young, the Director General of the Exposition, convinced city leaders to retain the Fine Arts Building from the exposition in Golden Gate Park. This building became the centerpiece of de Young's drive to form a museum in memory of the fair, to create a collection of ''treasures and curios for the entertainment and instruction of the people of California.''

On March 21, 1895, the Memorial Museum was opened as, de Young put it, ''to create a nucleus of what someday would be a great museum.'' In a few short years, over half a million visitors a year passed through its turnstiles. It survived the earthquake of 1906, and in 1915, de Young had concluded that the growing collection and crowds at the museum required a new structure. De Young commissioned an architect to draw plans for a new building, and arranged the funding for the building from private donors and his own savings. On April 15, 1917, the cornerstone was laid for the new building, which, as the invitations stated, was to be the ''New Memorial Museum.'' By the mid-1920's, other sections, including the tower, were added to the museum, and attendance was then said to equal the New York Metropolitan Museum and surpassed that of the Smithsonian.

In 1924, the museum's board of trustees was incorporated into the San Francisco City Charter by a vote of the people. The same vote saw M.H. de Young recognized for his contributions to the museum by adding his name to the formal title which stands today: The M.H. de Young Memorial Museum.

Through the 1930's, the de Young developed its reputation as a museum of international significance. Major exhibitions from Europe now included San Francisco, and many began under the de Young's leadership. Beginning in the 1930's, major exhibitions on American art in 1935 and 1939 presaged the museum's later emphasis on the field, including an exhibition showcasing Bay Area photographers who became household names: Ansel Adams, Edward Weston, and Imogen Cunningham.

In the 1960's, the de Young secured the rights to Avery Brundage's magnificent collection of Asian Art, eventually helping to establish the Asian Art Museum. The de Young also continued its aggressive exhibition of young American artists, including some only just becoming known, such as Wayne Thiebaud, Richard Diebenkorn, and Robert Arneson.

In 1972, the de Young Memorial Museum and the California Palace of the Legion of Honor merged to operate as The Fine Arts Museum of San Francisco, an operating structure still in place. Nevertheless, the de Young Memorial Museum continues to hold its separate identity to the art world, bringing breathtaking exhibitions of Van Gogh, the treasures of King Tutankhamen, the murals of Teotihuacan, and the Impressionists to the people of the San Francisco Bay Area. The de Young's reputation for its American art continued with important retrospectives of American giants such as Andrew Wyeth and Grant Wood.

Mr. Speaker, the de Young Memorial Museum is 100 years young, still growing, but now a great museum which continues to be a nucleus of great exhibitions. It will celebrate its Centennial with a landmark showing of some of the last paintings of Claude Monet, entitled ''Monet: Late Paintings of Giverny from the Musee Marmottan.'' On behalf of the Congress, let us salute all those who, for 100 years, have contributed to the success—past, present, and future—of the de Young Memorial Museum.

KEY CHRONOLOGY OF DE YOUNG MEMORIAL MUSEUM

1894, San Francisco Civic Leaders organize 1894 California Midwinter International Exposition. Midwinter chosen to showcase the benign climate of the Bay Area. M.H. de Young is the driving force behind the Exposition.

1895: De Young, convinced that a Museum located in a Park was always popular (after touring Met in Central Park), leads drive to have a ''memorial museum'' to commemorate the 1894 Fair in Golden Gate Park.

1895, MARCH 21: Memorial Museum is dedicated.

1915: De Young commissions Louis Mullgardt, architect of the 1915 Panama-Pacific Fair, to design a new building to replace Midwinter Fair buildings. De Young arranges financing from donors and his own money.

1917: Cornerstone laid for what is now present day de Young Memorial Museum.

1924: Museum now part of City Charter. Name changed in Charter Amendment to ''M.H. de Young Memorial Museum.''

1932: Group f.64 show held at de Young, showcasing Ansel Adams, Edward Weston, and Imogen Cunningham.

1933: Dr. Walter Heil becomes director of de Young. Remains until 1960.

1935: First major exhibition of American painting at de Young.

1939: Major exhibition on American art entitled ''Frontiers of American Art.''

1949: Due to decay and danger, external ornaments of de Young Museum structure are removed. They include allegorical figures and symbols of California, including Spanish conquistadors, Franciscan padres, pioneer man and woman, science industry, and art.

ca late 1950's: negotiations begin for acquisition of Avery Brundage collection of Asian art, led by Gwin Follis.

1961: Heil retires. Jack McGregor takes over, begins construction of new wing for Asian art.

1969: Asian Art Museum ''splits off'' from de Young.

1969: Ian McKibbin White takes over as acting Director of de Young for Van Gogh exhibition.

1972: de Young and Legion of Honor merge as The Fine Arts Museums of San Francisco.

1973: Andrew Wyeth retrospective.

1976: Grant Wood retrospective.

1979: ''Treasures'' of Tutankhamen brings 1.8 million visitors.

1981: ''Art of Louis Comfort Tiffany: exhibition.

1986: ''The New Painting: Impressionism'' exhibition.

1987: Harry S. Parker III becomes Director of The Fine Arts Museums of San Francisco.

1995: Trustees decide on a $96 million plan to demolish present building housing de Young Memorial Museum, build new structure on site.

1995: Monet: Late Paintings at Giverny from the Musee Marmottan'' opens in San Francisco.

ONCE AGAIN, BILL CLINTON SIDES AGAINST OUR MILITARY

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 28, 1995

Mr. SOLOMON. Mr. Speaker, last week, in a meeting with college students, President Clinton told them that it would be justifiable to remove ROTC programs from campuses if the colleges objected to the policy of ''don't ask, don't tell''.

Mr. Speaker, as a consequence of the President's position, I intend to offer amendments to several of the appropriations bills to insure that no Federal financial assistance goes to any college or university which has a policy of denying ROTC on campus. A group of alternative lifestyle students and draft-dodging, socialist professors are simply not going to set defense policy in this country. And if they do deny ROTC programs on their campuses, they had better be prepared to go without Federal financial assistance of any kind.

The U.S. Congress, after months of difficult work, reached a workable compromise. It was not a compromise that either side was particularly pleased with, but it was approved by the Congress and signed into law by President Clinton.

If this President lacks the leadership to support this policy, I will reopen the issue and put it back on his desk several times this year and next, during the Presidential election. Once again, President Clinton is showing his true colors by supporting the alternative lifestyle crowd at the expense of our men and women in uniform.

GOP WELFARE PLAN WEAKENS FOSTER CARE POLICIES

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 28, 1995

Mr. MILLER of California. Mr. Speaker, in 1980 I was the principal House author of P.L. 96–272, the landmark law that reformed Federal foster care and adoption laws, and established both a priority for preventive service and legal protections for foster children to assure them access to services and an appropriate foster placement. In addition, this important law provided Federal supports for adoption of children who could not be returned to their natural families.

The Republican welfare reform bill passed narrowly by the House last week is unfair to many, but none more so than the foster children who have no one to turn to but government for essential care. By eviscerating P.L. 96–272, the Republican bill will return us to the sorry situation prior to its enactment when States and even the Federal Government were unable even to tell us the number of children in foster placement, let alone the appropriateness of those placements, what services were being offered to the child and the natural parents, and what the long-term plan was for that child.

Foster children today enjoy far better legal protection than prior to 1980, but many States still need to be pressured to comply with the law's safeguards for these most vulnerable of children. In fact, nearly half of the States are today under court order, or have been sued, for violating the law.

Yet despite the general sympathy for moving programs back to the local government, many of these entities recognize they cannot manage a foster care program on their own or without the support and guidance provided by P.L. 96–272. Indeed, organizations like the National Association of State Legislators and the National Association of Counties are on record as opposing the way the Republican welfare bill undermines the foster care policies of the last 15 years and places children at risk.

It took 5 years of hard effort, working with States, children's organizations, the courts, and many others to achieve the major reform of 96–272. Yet foster children were barely recognized in the debate over the welfare bill of 1995.

Let us not make foster children again the forgotten children. Let us not throw out important and valuable reforms based on some half-baked ideological crusade. I am hopeful that the Senate, which played a key role in the development of 96–272, will again intervene to save the safeguards that have improved the foster care system, and helped hundreds of thousands of children have a better chance at permanency and success.

HONORING ANTHONY W.W. TANTILLO

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 28, 1995

Mr. ENGEL. Mr. Speaker, on April 1, 1995, the Supreme Council of the Royal Arcanum, the Grand Council of New York and the Claremont Council No. 1655 will be holding an investiture ceremony for 82d legion of honor member Anthony W.W. Tantillo.

Mr. Tantillo, a lifelong Bronx resident, is being honored for his many years of service and dedication to the Royal Arcanum. In addition, Mr. Tantillo has been an active member of the Columbus Alliance and the Sons of Italy.

I am sure that Mr. Tantillo's family, neighbors and friends join me in congratulating him on this achievement.

NOTING THE PASSING OF REV. MICHAEL J. LAVELLE; PRESIDENT OF JOHN CARROLL UNIVERSITY

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 28, 1995

Mr. STOKES. Mr. Speaker, I rise with sadness today upon learning of the passing of Rev. Michael J. Lavelle on Saturday, March 25, 1995. For the past 7 years, Father Lavelle served as President of John Carroll University, which is located in my congressional district. I join members of the Cleveland community, the John Carroll University family, and others in mourning the passing of this distinguished individual.

In an article which appeared in the March 26th edition of the Plain Dealer, Father Lavelle is referred to as a ''strong visionary, capable president and friend,'' These words are very appropriate in describing an individual whose academic career spanned 26 years, and whose devotion as a Jesuit priest earned him the admiration and respect of his colleagues throughout the Nation. Additionally, those of us who benefited from Father Lavelle's friendship recall his love and concern for his fellow man. Over the years, I enjoyed a close working relationship with Father Lavelle and his staff at John Carroll. I admired him for his strong leadership and commitment to educating our youth.

Mr. Speaker, the Plain Dealer article brings into greater perspective the life and contributions of an individual who will never be forgotten. I want to share this article with may colleagues and the Nation. Father Lavelle was very special to those who knew him. I extend my deepest sympathy to his sister, Helen Lavelle, and the entire John Carroll University family.

JCU'S LAVELLE DEAD AT 60

LEADER IN ACADEMIA AND JESUIT ORDER

(By Richard M. Peery)

UNIVERSITY HEIGHTS.—The Rev. Michael J. Lavelle, a Jesuit priest whose long and distinguished career led him to the presidency of John Carroll University, died yesterday at the A.M. McGregor Home in east Cleveland

He never regained consciousness after collapsing Feb. 27 from severe cardiac arrhythmia, while working out at the university's physical fitness center. He was 60.

''Father Lavelle was a strong visionary, capable president, and he was also a friend,'' said Frederick F. Travis, acting JCU president. ''He was very well liked on campus and was a popular choice for president in 1988 among both faculty and staff.''

During Lavelle's tenure as the 21st president of John Carroll, the freshman class enrollment grew from 500 to more than 700. He was instrumental in having two dormitories built to house the influx of students.

He also helped initiate the movement of John Carroll's athletic teams from the President's Athletic Conference to the Ohio Athletic Conference.. The change led to competition with Baldwin-Wallace, Mount Union, Wooster and Muskingum colleges.

His accomplishments were not limited to the university. Respected by his peers, he often was invited to participate in Catholic matters of international importance.

In 1983, Lavelle was elected to the 33rd General Congregation of the Society of Jesus, which established the direction of the worldwide Jesuit order for the last 12 years.

He also served as one of a dozen advisers to the American Catholic Bishops Committee on their pastoral letter on the economy in the 1980s.

An economist and an expert on Eastern Europe, he traveled to Soviet bloc countries more than 20 times, expanding his expertise in Soviet and international economics and working with his fellow Jesuits in those nations, many of whom had been driven underground.

The Cleveland native grew up in the Lakeview Terrace public-housing complex on the West Side. His father worked for the old Cleveland Transit System for 42 years, 28 of them on the Detroit Ave. and Clifton Blvd. streetcar lines.

Lavelle, a 1953 graduate of St. Ignatius High School, distinguished himself as a member of the school's football team, which won the 1952 West Senate League championship. He was voted the West Senate Most Valuable Player and was named to the All-Catholic High School football team. An all-scholastic offensive guard who also played defense, he received All-Ohio honorable mention.

Lavelle was a member of the school's track team for four years, played basketball for one year and played sandlot baseball in the summer.

He was inducted into the St. Ignatius Athletic Hall of Fame in 1988.

Several years ago, Lavelle had a quadruple heart bypass operation, but he could still be found in the gymnasium during many lunch hours playing pickup basketball with faculty members.

But it was another school activity that made the deepest impression on Lavelle as a teenager. One holiday, while delivering food baskets to the needy, he went to the home of a woman on Scovill Ave. who lived with just a mattress on the floor, a table and one chair. She cried when she received the food.

Lavelle said the experience made him decide to go into a profession where he would help people. The summer after he graduated from Ignatius, he decided to become a priest.

''Sure my parents were surprised, and some girlfriends too,'' he recalled years later.

Lavelle attended Xavier University in Cincinnati from 1953 to 1957. He earned degrees from Loyola University of Chicago and a doctorate at Boston College. He also studied at Harvard University's Russian Research Center in Boston and at the Sankt Georgen theology school in Frankfurt, Germany, where he was ordained in 1968.

He planned to say his first Mass on his father's birthday in 1969. But Lavelle returned to Cleveland early that year and delivered his first Mass at his father's funeral in Ascension Catholic Church.

Lavelle joined the John Carroll faculty in 1969 as an assistant professor of economics. He became chairman of the business department in 1973 and served as the dean of the School of Business from 1975 to 1977.

He left John Carroll to serve for six years as provincial superior of the Detroit Province of the Society of Jesus. He was the religious leader of 350 Jesuit priests and brothers in Michigan and Ohio.

He returned to John Carroll as academic vice president in 1984. Two years later, he took on additional duties as executive vice president for day-to-day operations. He was named president in 1988, succeeding the Rev. Thomas P. O'Malley, who resigned to take a teaching assignment in Africa.

Lavelle's inauguration was marked by his pledge to increase the university's commitment to community service and multicultural development. It was celebrated with a variety of ethnic foods and entertainment.

The multilingual priest, who was fluent in German and could read French, Italian, Czech and Russian, was known for his love of ethnic art, tradition and food. At the start of each school year, he distributed to new faculty members a list of local restaurants known for their ethnic cuisine.

An amateur cook, he was known for preparing dishes such as linguini with red clam sauce. For many years, he volunteered as a cook for the Friends of Templum House benefit.

Lavelle was a trustee of Boston College, Xavier University and Magnificat High School. He was a former trustee of Canisius College, the University of Detroit, Loyola College in Maryland, St. Joseph's University in Philadelphia and the Jesuit School of Theology in Berkeley Calif.

He is survived by his sister, Helen of Chicago.

Services will be at 10 a.m. Wednesday at Gesu Catholic Church, 2470 Miramar Blvd., University Heights.

Schulte & Mahon-Murphy Funeral Home in Lyndhurst is in charge of arrangements.

FAMILY TAX CREDIT IS NOT FAIR

HON. SAM GIBBONS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 28, 1995

Mr. GIBBONS. Mr. Speaker, in recent days, we have seen a debate among the Republicans over the issue of whether they should breach their Contract With America by denying the family tax credit to the 3 percent of all taxpayers who have children and incomes over $95,000. It is interesting to note at this time that, without much concern and with no debate, they have already breached their Contract With America by denying the family tax credit to low- and moderate-income families with large Social Security tax payments but small income tax liabilities.

All versions of the Contract With America before the introduction of H.R. 1215 provided a family tax credit with limited refundability for families with Social Security tax payments in excess of the earned income tax credit. In testimony before the Ways and Means Committee, the president of H&R Block commended the authors of the contract for including this limited refundability feature. He quite accurately pointed out that this feature enabled many low- and moderate-income working families to benefit from the family credit. In recent weeks Republicans have argued that this limited refundability was the result of inadvertent drafting errors. When one looks at the record, this explanation is difficult, if not impossible, to believe.

On September 27, 1994, Mr. Armey issued a press release which included the statutory draft of the family credit. He stated that the Republicans put the bill in a contract ''so people can hold us accountable.'' On the first page of the bill included in that press release, the term ''refundable'' appears. On page 2 of the bill, it is quite clear that the credit was to be allowed against Social Security taxes. We now are willing to hold Mr. Armey and the rest of the Republicans accountable for their failure to retain this limited refundability feature in the bill reported by the Committee on Ways and Means.

On January 6, 1995, the family tax credit was reintroduced as part of H.R. 6. Again, we see the term ''refundable'' on page 2 of the bill. This time more care was taken to ensure that the credit was actually refundable. There is more than a full page of detailed statutory language to guarantee that the credit is allowed against a taxpayer's Social Security tax liability. The bill also amends an obscure provision in title 31 of the United States Code which provides a permanent appropriation for refundable tax credits.

Recently a Republican aide was quoted as blaming the refundability contained in prior versions of the contract on ''faceless, nameless, pointy bureaucrats.'' The fact is that H.R. 6 was drafted with the full participation of the Republican staff of the Ways and Means Committee and the staff of the Joint Tax Committee. The care and precision of the drafting contained that bill is an accurate reflection of the technical expertise of those staffs. To blame the refundability feature contained in that bill on an inadvertent drafting error is simply not believable.

The decision reflected in H.R. 1215 to deny the limited refundability feature of the family credit that was part of the original Contract With America was required to offset the cost of the additional corporate tax benefits provided in the bill. Denying limited refundability reduced the cost of the family tax credit by approximately $13 billion over 5 years with over two-thirds of this revenue gain coming from working families with incomes less than $50,000. Denying the family tax credit to families with incomes over $95,000 raises approximately the same amount of money. The Republican leadership had a choice when developing H.R. 1215 and the choice they made was to reduce benefits to families earning less than $50,000 rather than to reduce the benefits to families earning more than $95,000.

The following examples show the effects of this contractual breach on hard-working, moderate-income families.

EXAMPLES OF FAMILIES WHO WOULD GET SMALLER FAMILY TAX CREDIT UNDER H.R. 1215 THAN UNDER THE ORIGINAL CONTRACT WITH AMERICA

Relative to the original Contract With America, H.R. 1215 makes the $500-per-child family tax credit nonrefundable. This means that many working families who would have received credits under the original Contract will receive much smaller credits under H.R. 1215. H.R. 1215 takes $13 billion out of the pockets of America's working families. In fact, two-thirds of that cutback from the original Contract will come from families with less than $50,000. (Examples are for 1996).

Example 1—Young Couple With Their First Child: Family of 3, 1 Child $15,000 per year.

Under the original Contract with America, this family would receive a family credit of $500.

Under H.R. 1215, this family would receive a family tax credit of $90.

Relative to the original Contract, this family will lose $410.

Example 2—Middle-Aged Divorced Mother Back In the Work force: Family of 4, 3 Children, $20,000.

Under the original Contract with America, this family would receive a family credit of $1,500.

Under H.R. 1215, this family would receive a family tax credit of $585.

Relative to the original Contract, this family will lose $915.

Example 3—Family With One High-School-Educated Worker: Family of 5, 3 Children, $22,000 per year.

Under the original Contract with America, this family would receive a family credit of $1,500.

Under H.R. 1215, this family would receive a family tax credit of $375.

Relative to the original Contract, this family will lose $1,125.

WELFARE REFORM

HON. PAT WILLIAMS

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 28, 1995

Mr. WILLIAMS. Mr. Speaker, the welfare reform debate in the House was, in a word, awful.

For the most part, it was either pandering or accusative; it was partisan, it was assumptive, and like the bill itself, it was punitive.

I received the following letter from a woman, a mother, who was once a recipient of welfare. I commend it to my colleagues as a measured calm voice amidst all of this unreasonableness.

March 19, 1995.

DEAR SIR: I am writing to you concerning the future of our nation. Among that collective future lies my own individual life, which is very distant from yours. Okanogan County, where I live in central Washington state, is larger than Rhode Island and Delaware but houses a population of only 35,000 people. We are bordered by Canada on the north, and by the Colville Indian Reservation on the east. the Cascade Mountains on the west isolate us from the more well known, urban coast of Washington state. Until recently, we boasted only one traffic light in the whole county. The largest industry employers are government and agriculture—mainly apples. Despite the distance between our lives, it is not impossible that you have eaten from the many tons of apples that passed through my hands when I worked in the orchards before my children were born. Roughly 30 percent of our population here depends on welfare payments. From my vantage point it is obvious that we are about to make some big mistakes around how we look at and structure social programs.

It is not our welfare system that is the problem, it's our economic system. Our economic system divides this nation's people geographically, philosophically and in other practical ways that prevent shared problem solving. Current proposals for welfare and fiscal reform blatantly disregard the reality that there aren't enough jobs which provide adequate wages on which to raise families. As long as there are low paying jobs that need to be done—agricultural labor, for example—there will be families who can't quite get their needs met, there will be industries that are not economically viable, and there will be a need to subsidize resources for those who provide these 'chore services' to the rest of the nation. This is called reciprocity. It's an ancient human survival strategy which we seem to have forgotten.

Not only are low paying jobs a given, but our economic system itself is incompatible with family life. This is why many women with children choose to go on welfare. I'll use myself as an example. I applied for welfare benefits when my children were 3 and 4 years old and I take responsibility for making that choice. I foolishly tried to raise a family with an alcoholic husband and when it became obvious that the situation wasn't good for any of us, I chose to leave. I looked for employment that was compatible with my children's need for my presence during such a disruption in their lives, but there was none, so I chose to go on welfare. I consider myself lucky to have had that option and intelligent for having made that decision.

One of the slanders being committed against welfare recipients right now is this ridiculous idea that welfare parents—mostly women—do not work. Even if we don't work outside the home for a salary, as parents, we work our backsides off within our homes, with little support, often under a deficit of skills, amidst extreme financial stress and in the face of growing public hostility for which political leaders are partly responsible. As long as families are impoverished they will find it difficult, if not impossible, to fully participate in their children's schools, in their communities and in larger leadership roles—where, I might add, their perspective is sorely needed. Working and middle class families do not escape this problem, either. As long as they are locked into an economic system which forces parents into full time employment positions, they will also fail to participate fully in their own home lives, in their schools, communities and social structures. When it comes to family crises like divorce, violence, substance abuse and juvenile delinquency, studies show that poor and affluent families are more alike than different. This is where the irony comes in.

Although we are segregated by our economic and class status, and although this segregation keeps us ignorant of and callous to each other's struggles, it is the common thread of parenthood that could supply the answer to many of this nation's problems. Surely this thought has occurred to some of the educated minds in the legislature! One of the only ways to solve a big problem is to break down barriers between people by involving them in a superordinate goal—a task that simply cannot be successfully completed without the participation of all persons involved. The only example I can think of where we cooperated in such a superordinate task on a national level is World War II. The reason we survived that event is because we pulled together, and that cohesion was accomplished in part by profound shifts in the way we thought about ourselves, and by having the courage to change economic and social norms. One example of this is the new economic roles women took on during the war.

As a nation, we often speak proudly of how we handled ourselves in those times. Well, parenting is our nation's contemporary superordinate goal, and at all economic and social levels, we are failing at this job because of the time deficit caused by an economic system that splits parents and children into different worlds, and because of poverty and all that it entails. Rather than inflict punitive measures on those families and individuals who are failing to thrive in our system, we need to genuinely 'invite' them into the middle class and we need to change the structure of our economic system.

I'll again use myself as an example because to some small extent I've challenged the incompatibility of poverty, employment and family life. During my first 2 years on welfare, the fact that I was not employed outside the home allowed me to participate in a lot of community volunteer work which I could do with or around my children. I ran cooperative game sessions for kids, I did volunteer library work, I tutored, I even acquired a $5,000 grant for a community education project which I coordinated without a penny of salary. No one told me to do these things. I considered them part of my parenting job and civic duty. Finally, my children entered grade school and I entered a local community college and eventually secured a work study job. A couple years later I fell in love with a man who is now just weeks away from becoming a certified teacher and while still on welfare, I became unexpectedly pregnant because of birth control failure.

The decisions surrounding this unplanned pregnancy were agonizing. What would happen to my schooling? Would a baby prolong my welfare dependency? Could I handle the challenge of parenting a toddler and a two teenagers at the same time? My third son is now one and half years old and looks a bit like a baby orangutan. He's the hearth around which our family gathers. Although I still receive cash welfare payments for the older boys I did not put this baby on the welfare grant even though there are laws in place that require me to do so. I have avoided it by refusing to apply for a social security card for him. His father paid for prenatal care and a midwife helped with his birth. The cost of my maternity care was roughly $700 and it did not come out of the public coiffures. I sometimes think I handle the taxpayers money better than you do.

Although I had to quit my job, I didn't miss a beat in my education. I managed one semester by bringing the baby to class but when he became too old to rock quietly on my lap during lectures, I enrolled in distance learning courses through Washington State University that allow my studies to take place from home, through taped interviews, conference calls and excruciating piles of written assignments. My work day lasts from about 6 a.m. to 11 or 12 p.m. In an otherwise family-hostile economic system, I have forged a narrow pathway that at least somewhat accommodates my need to parent my children. My education hasn't trained me for a specific job but it has refined the skills I naturally possess and it is showing me ways to use those skills. I'm in the process of starting a newsletter for stepfamilies and have recently been published for the first time. Of course, through social spending cuts, you could pull the rug out from under me right now when I'm so close to succeeding—but imagine what this nation would be like if we really acted on the lip service we give to ''family values.'' Imagine what it would be like if parents actually had the time and resources needed to parent. In a country as affluent as ours there is no excuse for the lack of ingenuity and philanthropy evident in our economic and welfare programs.

With all due respect, some of y'all have got a lot of things mixed up. People are not poor because they're on welfare, they're poor because there aren't enough good jobs—and there never will be. Children aren't in trouble because they're innately bad, they're in trouble because their adult role models and mentors are so busy struggling to survive that kids are segregated into a world of their peers where they're left to manage, on their own, the development of values, crucial life choices, and navigation through difficult life transitions, and sometimes their very survival. And contrary to what a very misguided Washington State legislator recently stated, welfare recipients are *not* like plants. And if you cut a plant off and lay it on the ground (cut a person off of welfare and ''force'' them to be independent), that plant does *not* grow new roots and flourish. It dies. But it is not only in the areas of botany, biology and sociology that congressional leaders appear to need refresher courses—some appear to need a basic math lesson.

At least be honest with your constituents. Taking money from social programs is an ineffective method of saving tax money because this is not where we're over spending our tax money. Even superficial perusals of Federal budget allocations reveal this. The

money we use to help poor families access basic resources like food, housing, transportation—to jobs, I might add—and medical care, are not ''discretionary moneys.'' Two hundred thousand annual dollars in White House floral spending is discretionary money. Billions of dollars in corporate subsidies which don't seem to result in jobs as much as they result in inflated executive salaries is discretionary spending. Overly generous Federal pension plans and expensive military programs—those are discretionary funds. Give me a line item breakdown of the Federal budget and I can probably point out where some more of the leaks area.

We are not a stupid populace, but we are easily swayed into believing in fiscal half-truths and dramatic anti-welfare gestures because we are desperate for solutions to social and economic ills. There is no such thing as a ''self made man.'' Every family, every individual, who is surviving economically is doing so within a system and has an obligation to that system which supports them. The intentional misinforming of the American public concerning fiscal management is the most shameful and cowardly thing I've ever seen. I mentioned early in this letter that the perspective of welfare recipients is sorely needed in leadership roles in this country. There is probably no one more qualified by experience to streamline the Federal budget than the welfare mothers who are managing to raise children on poverty level incomes—or less.

Most of us welfare moms are adept at the basics—first we buy bread and clothe our children, second we pay our bills, and then we try to budget for health, education and ''entertainment.'' If there is anything left at this point—usually there isn't—we sometimes help others or try to build a small savings. Way, way, way down on our shopping list are rainy day luxuries like bombers, cow fart studies, luxurious travel accommodations, fancy luncheons, financial contributions to successful mega-corps, vacations and wars. I'd like to clarify for the record that neither myself nor any other welfare recipient I know has ever spent tax payer money on that last list of items. I don't have quite enough education to understand all the macro-economic smoke and mirrors that politicians are so fond of dazzling the public with and while I do understand our interdependent relationship with foreign markets and our desire for a healthy corporate world, I understand something even more important and basic. We're pouring our tax dollars into the top of our economic system when it's the bottom that's depleted. We need to try a ''trickle up'' theory.

My 11-year-old son is very bright and handsome with brown eyes and dark curly hair that he painstakingly combs straight every morning. He's a natural athlete, a straight-A student often described by his teachers as a leader, and he was recently chosen by his fellow classmates to represent them at a regional Science Olympiad. Even so, he is still a young men at risk—the son of an alcoholic and a low income mother, a child of divorce and a member of a new stepfamily. But in this world, you never know, someday one of your daughters or your granddaughters may meet and fall in love with my son.

My 10-year-old is blond, blue eyed, playful and precocious. In first grade, his language skills tested out at high school levels and fortunately, he had a teacher who gave him the opportunity to pursue independent and challenging work. Currently, he and a friend are working with the friend's father to build a robot and learn computer programming. Fortunately, his friend comes from a family with greater resources than ours, and he gets to share experiences with this friend that I can't provide. He's a very compassionate young man, which is lucky because in this world you never know, someday your own health and well-being may depend on scientific discoveries my son and his friends are able to make.

I'd wager that our core values are pretty similar, although the way we are managing to uphold them is quite different. Please keep in mind that my children and I have been luckier than most. We have a network of friends who support us socially even though they are unable to do so financially. I brought a middle class background and a few life skills with me onto the welfare roles. Other recipients are not this fortunate. The current welfare system, despite its shortcomings, is what was allowed my children and I to thrive, and I am extremely grateful.

I don't know exactly how such an important word as 'welfare' took on such negative connotations. I don't know how we lost sight of the fact that parenting is a high status job at all economic levels and a primary responsibility of any society. But we're reaping the impacts of those oversights right now and we can no longer afford to pretend that private, political, and economic spheres are separable or that any of us survive independent of one another. Enclosed with this letter is a summation of ideas concerning welfare and economic reform, distilled from conversations with friends, from my own thoughts, my education and the thoughts and research of others. I challenge you to have the courage and integrity to consider some of these ideas seriously.

I have no doubt that somewhere down the road we'll recognize the need to make radical economic and social adjustments, but probably not until we've caused a lot of trauma to the individual families of this nation. Today's so called leaders who refuse to talk about the reality on which our well-being teeters and who pretend that the only thing wrong with our economy is that poor people have too much money, will eventually be exposed as greedy fools. And people like myself who look on from the fringes of society into the decaying core of its leadership will see that our concerns were right on the money—even though we didn't have much of it.

SINCERELY,

——— ———.

LEGISLATION PROVIDING FOR LAND CONVEYANCE TO VILLAGES WITHIN THE COOK INLET REGION

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 28, 1995

Mr. YOUNG of Alaska. Mr. Speaker, I am pleased to introduce today, at the request of six villages of the Cook Inlet region, a bill to address a long standing unfulfilled obligation of the Federal Government under the Alaska Native Claims Settlement Act to six Alaska Native villages within Cook Inlet region.

Nowhere in Alaska were the competing interests for land so fierce as in southcentral Alaska. Nearly 20 years ago, Cook Inlet region and its six villages entered into a series of agreements with the Department of the Interior that were intended to address the competing land interests in southcentral Alaska and, at the same time, provide for the fulfillment of the Federal Government's obligation to them under the Alaska Native Claims Settlement Act.

This bill that I introduce is intended to fulfill the ANCSA entitlement to the Cook Inlet villages.

The villages within Cook Inlet region have worked diligently to secure from the Bureau of Land Management 29,900 acres of high priority lands selected over 20 years ago. Starting in 1979, BLM had issued a number of decisions and had taken a number of administrative steps towards conveyance of these lands. In spite of this long track record of moving toward conveyance, the Department has now indicated to the villages that it lacks authority to make the conveyances.

I am convinced that the villages of Cook Inlet have an equitable argument that the conveyances are proper, and that further delay in conveyance will cause them unnecessary economic hardship.

My legislation provides the additional authority to the Department and directs that these conveyances be made with no further delays.

REV. J. ALFRED SMITH—A VERY SPECIAL PERSON

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 28, 1995

Mr. STARK. Mr. Speaker, I rise today to recognize Dr. J. Alfred Smith, Sr., pastor of the 4,000 member Allen Temple Baptist Church in Oakland, California. Dr. Smith will be honored this week by the Baptist Ministers Union of Oakland and Vicinity for being a good neighbor to the citizens of Oakland.

Dr. Smith is Professor of Preaching and Christian Ministry at the American Baptist Seminary of the West and has been Pastor at Allen Temple for over 25 years. Dr. Smith holds the Th.M. degree and was granted a Doctor of Humane Letters (Honoris Causa) in 1990 from the American Baptist Seminary of the West. He also holds the D. Min. degree from the Golden Gate Theological Seminary. He is currently president of the Baptist Ministers Union.

Dr. Smith has been the recipient of many awards and commendations. He has served as President of the Progressive National Baptist Convention and the American Baptist Churches of the West. He has lectured at most of the major universities in America, including Yale, Harvard, Duke, and Stanford. He was recently listed by Ebony magazine as one of the greatest African American preachers in the United States. He was also recently named by the Oakland Tribune as ''Outstanding Citizen of the Year''.

Dr. Smith has long been a leader in our community. As the Baptist Ministers Union has stated, he has moved beyond his pulpit into our communities to respond with love to the needs of all persons, irrespective of color, class, creed, gender, or sexual orientation. That is why I am proud to recognize him today. He is more than a ''good neighbor''—he is the best neighbor!

VINCENT BRUNHARD, JR., HONORED

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 28, 1995

Mrs. MALONEY. Mr. Speaker, all too often outstanding members of our respective communities work extremely hard to make our towns, cities and States better places without receiving the recognition they deserve. On Sunday, April 2 this situation will be remedied for one man who has given so much to my district in Brooklyn, NY.

Every year since 1959, the Pulaski Association has recognized one prominent Polish-American for his or her outstanding contributions to the community. On April 2, I will have the great pleasure of being present when the Pulaski Association of Business and Professional Men honor Vincent Brunhard as a friend, I can think of no one who is more deserving of this great honor than Vincent.

Vincent's involvement with the community is longstanding. He has served as the past president of the Pulaski Association of Business and Professional Men, and is currently chairman of the its board of directors. Since its inception, the Pulaski Association of Business and Professional Men has lent its strong support to charitable organizations, both through financial and non-financial means. Vincent has been at the forefront of these efforts, as well as spearheading many of the organization's other worthy causes. He has helped raise and administer scholarship money to students of Polish descent, organized educational seminars for its members, and promoted the achievements of outstanding Polish-Americans throughout New York City.

In addition to his involvement with the Pulaski Association of Business and Professional Men, Vincent also serves as vice-president of the General Pulaski Memorial Parade Committee and national delegate to the Polish American Congress. He is also a member of the Greenpoint Lions Club, the Polish and Slavic Center of Greenpoint Brooklyn, and is a board member of the Greenpoint YMCA. In 1994, Vincent served as Grand Marshall of the Pulaski Day Parade, a marvelous event that I have had the honor of attending.

As incredible as it may seem—given amount of time he spends helping others—Vincent is also a devoted husband and father. He and his wonderful wife Gloria are the proud parents of four children and four grandchildren. Active members of the church, he and Gloria are parishioners of St. Josephat's Catholic Church in Bayside, Queens.

Mr. Speaker, I am extremely happy that we are not about to let the achievements of another outstanding citizen to go unnoticed. I would ask that my colleagues join me in saluting Vincent Brunhard for his undaunting commitment to the Polish-American community, and I thank the Pulaski Association of Business and Professional Men for honoring him with their Man of the Year award.

THOMAS J. STANTON, JR. ON THE SUPER HONOR ROLL

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 28, 1995

Mr. PAYNE of New Jersey. Mr. Speaker, it is with pride and pleasure that I bring to the attention of my colleagues an event taking place this evening, here in Washington. The Washington Center for Internships and Academic Seminars is holding its annual Honor Roll Award dinner.

The Washington Center is an independent, nonprofit, educational organization founded 20 years ago. It has served over 20,000 college and university students while fulfilling its mission to utilize the resources of the Nation's capital to provide participatory learning experiences in order to enhance students' academic, civic, and professional development.

As the Washington Center celebrates its twentieth anniversary this evening, it is also paying tribute to an outstanding member of our society and an extremely fine New Jerseyan—Thomas J. Stanton, Jr. If any one word could be used to describe Tom Stanton it would be consistent. Tom Stanton is consistent in working toward a better society.

Over the years he has utilized his resources, expertise, and talent for the benefit of many. And he has done this in no small measure. When Tom Stanton commits to something you can count on him becoming personally involved. At the Washington Center he is vice chairman of the board on which he has served since 1985. He has used his expertise as a banker to contribute to the growth and stability of the program. He has generously given his time to the Washington Center's interns by making numerous presentations and sharing his experiences and knowledge of corporate America and the importance of public service. His philanthropic benevolence is well documented.

Mr. Speaker, Tom Stanton retired several years ago but I am sure he is more active now. Ever consistent in his goal to make a difference, he has undertaken a new project. He has agreed to serve as co-chairman of the New Jersey Scholarship Fund. This fund is being established to enable qualified, deserving college and university students from New Jersey to spend a semester in Washington, DC as an intern in the Nation's capital. Over the years, I have been able to provide intern opportunities to several of the Washington Center's New Jersey students. These internships have been pleasant experiences for my office and the students. I would like to encourage other Members to share in the experience.

Mr. Speaker, I am sure my colleagues will want to join me as I congratulate and thank Thomas J. Stanton, Jr. for promoting the development of our future leadership in the public, private, and nonprofit sectors of our society.

THE DISADVANTAGED MINORITY HEALTH IMPROVEMENT AUTHORIZATION EXTENSION ACT OF 1995

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 28, 1995

Mr. STOKES. Mr. Speaker, I rise to introduce the Disadvantaged Minority Health Authorization Extension Act of 1995. This important legislation would simply reauthorize the programs authorized by the enacted Disadvantaged Minority Health Improvement Act of 1990. The legislation is as relevant today as it was in 1990—when I originally introduced it in the House, and Senator EDWARD KENNEDY, of Massachusetts, introduced it in the Senate.

The measure that I am introducing today includes the reauthorization of health professions loans, scholarships, and fellowships for disadvantaged students; the Department of Health and Human Service's Office of Minority Health; public housing health services; and centers of excellence. A simple reauthorization would allow these critical programs to continue to provide a basis and a focus for improving the health status of all Americans.

Mr. Speaker, I am sure you know just how critical this legislation is to disadvantaged Americans. Certainly, every racial and ethnic minority group experience some health disparity. Unfortunately, minorities and other disadvantaged Americans continue to suffer disproportionately higher rates of cancer, heart disease, stroke, diabetes, aids, and infant mortality than the general population. The list goes on. What is important for each Member of Congress to realize is that, whether the focus is on the rate of mortality or morbidity, the disparity in health status continues to deteriorate.

Most importantly, the health and quality of life disparities continue while the United States has the most sophisticated medical system in the world; and while the United States continues to witness an unprecedented explosion in scientific knowledge resulting from biomedical research; and while the United States has a phenomenal capacity to treat and cure disease. This national health problem affects each of us and our communities individually and collectively, and thus requires our joint commitment to alleviate.

Mr. Speaker, it is against this backdrop of continued human pain and suffering that I introduce, and I ask my colleagues to lend their strong support to ensure the enactment of the Disadvantaged Minority Health Authorization Extension Act of 1995.

LEGISLATION TO CONTROL GROWTH OF MEDICAID EXPENDITURES

HON. SUSAN MOLINARI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 28, 1995

Ms. MOLINARI. Mr. Speaker, today I stand before this House to introduce legislation that will control the growth of Medicaid expenditures by rewarding States that make an effort to reign in runaway Medicaid spending. This bill is a companion to the one introduced yesterday in the other body by Senator D'AMATO

and cosponsored by the majority leader, Senator DOLE. Both bills are pivotal in our goal to reduce Government waste and spending.

First, this legislation directs the Secretary of Health and Human Services to establish a Medicaid spending baseline for each State. Additionally, any State that holds its spending below the baseline would receive a payment equal to 20 percent of the resulting savings to the Federal Government.

This legislation is based on an idea set forth by New York Governor George Pataki, when he testified recently before the House Ways and Means Committee. Many States including my home State of New York, are attempting to reduce the cost of Medicaid programs by greater use of managed care. Through New York's efforts, the Federal Government stands to save nearly $2 billion. Governor Pataki is right to suggest that if the States can save the Federal Government money through cost-savings initiatives such as Medicaid managed care, then the States should share in the savings as a reward. These efforts have the potential to improve the quality of care for Medicaid beneficiaries as well as dramatically lower the cost to the American taxpayers. Both of these goals have received bipartisan support.

We must provide States with the incentive to make their Medicaid programs more efficient. This is precisely what this bill would do. No State would be penalized for spending above the baseline, but those that spend below the baseline would be rewarded. Rewarding States that save the Federal Government money is not only fair, but makes sense. Comprehensive and systematic reform is required in order to preserve Medicaid for future generations.

This bill is long overdue and necessary to preserve Federal and State programs for the health care of our Nation's low-income families.

DAVID STEINER: IN RECOGNITION OF OUTSTANDING PUBLIC SERVICE

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 28, 1995

Mr. LANTOS. Mr. Speaker, it gives me great pleasure to rise today to recognize the extraordinary accomplishments of a distinguished and public spirited American and good friend, David Steiner. Over the years, David has shown leadership and unparalleled intelligence when tackling the immensely difficult endeavors he frequently undertakes, whether it is developing an innovative and functional industrial office park under a tight deadline or developing meaningful answers to our complex foreign policy questions in the Middle East. David deserves the highest possible commendation for his many accomplishments.

David's distinguished career dates back to the Korean war. When called to duty, First Lieutenant Steiner led a military team building bridges and hospitals. When he returned home, David became a partner with the Sudler Cos., and he later became its president and CEO. He has been a driving force at this highly successful company for over four decades.

David's career presented him with many challenges and obstacles that less tenacious developers would have been overwhelmed by or simply rejected. In one instance, AT&T approached David to choose a site and design and build an 840,000 square foot electronic research lab within 24 months. He met this challenge, including completing a 40,000 square foot computer center in only 60 days.

David has devoted a great deal of his resources, time, and energy to tackling the difficult problems that Israel faces in the Middle East and he has not been hesitant to fight for what is right. As president emeritus of the American-Israel Political Affairs Committee, David has been an effective and influential friend of Israel. As vice president of the Washington Institute for Near East Policy, David has worked with leaders like Alexander Haig, Jeane Kirkpatrick, and George Shultz. David is also an area chairman for the Anti-Defamation League and vice chairman of the National Jewish Democratic Council. In these diverse and demanding capacities, David has distinguished himself as an enlightened leader with a wealth of ideas.

On April 3, David will receive the National Award of the Orthodox Union Institute for Public Affairs in recognition of his outstanding contributions to the American Jewish community. Surely there is no individual more deserving of this high honor. Mr. Speaker, I urge my colleagues to join me in extending our most heartfelt gratitude and admiration to this extraordinary American.

TRIBUTE TO REV. DR. ALLEN EUGENE ORR, SR.

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 28, 1995

Mr. HASTINGS of Florida. Mr. Speaker, the State of Florida has suffered a tremendous loss with the passing of Reverend Doctor Allen Eugene Orr, Sr.

Allen Eugene Orr was born on September 16, 1931 in Fern Park, FL, to the Late Reverend E.J. and Sarah Orr. He attended elementary school in Altamonte Springs and was an honor graduate of Hungerford High School in Eatonville, FL. Allen won the Lewis State Scholarship, a 4-year scholarship which was awarded by the State of Florida. He attended Florida A&M College where he received a bachelor of science degree. He attended the University of Vermont on a National Science Foundation grant and also attended Florida State University. He earned a master's degree and subsequently a doctor of education degree from the University of Miami (Florida).

As a commissioned officer in the U.S. Armed Forces, Lieutenant Orr served his country at home and in Germany. As an educator, he devoted over 30 years of his life in Broward County as a teacher of science in the middle and high schools, as an assistant principal and the director of human relations at the county level. He was a member of the Alpha Phi Alpha Fraternity, Phi Delta Kappa, and the Masons.

He was ordained as an A.M.E. Minister of the Gospel. He was an astute scholar of the Bible, and he radiated an unceasing love for the ministry. He served as pastor of Allen Chapel A.M.E. Church in Miami, FL; St. Paul A.M.E. Church in Delray Beach, FL; and Mt. Zion A.M.E. Church in West Hollywood, FL.

Reverend Doctor Orr was united in holy matrimony to Dorothy Jackson in Ft. Lauderdale, FL. To this union, three sons and a daughter were born.

Allen was a personal friend since childhood. He will be sorely missed by all.

THE NATIONAL REVIEW—HOME OF THE BIG WHOPPER

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 28, 1995

Mrs. SCHROEDER. Mr. Speaker, one of our colleagues sent around a Dear Colleague today enclosing ''Mud Path,'' an article by Washington attorney George Tobin, published in the April 3, 1995, National Review. This article purports to critique the ethics charges lodged against Speaker of the House NEWT GINGRICH.

Steve Jost, who has assisted former Representative Ben Jones in filing some of the ethics charges, spoke with Mr. Tobin after his article appeared. Mr. Tobin admitted he had not read the complaints filed against Mr. GINGRICH, but instead had relied on ''summaries of the articles provided to me'' from people ''I'm not at liberty to disclose.''

This will give you some idea of the level of scholarship involved in preparing Mr. Tobin's article. He hadn't even bothered to read the complaints he was allegedly critiquing.

Mr. Jost subsequently submitted to the National Review a letter critiquing Mr. Tobin's critique. In short, Mr. Jost found that Mr. Tobin had told enough whoppers to open a Burger King.

Mr. Jost's letter follows:

FRAILOLI/JOST, INC.,
Washington, DC, March 22, 1996.

Editor, NATIONAL REVIEW,
Attn: Karina Rollins,
New York, NY.

DEAR EDITOR: In what might earn the championship trophy for political hypocrisy, George Tobin attacks what he labels ''false ethics charges'' against Newt Gingrich with a diatribe of patently false assertions. His article ''Mud Path'' contains no less than fourteen whoppers so grand in scale we're lucky Mr. Tobin hacks away at legal briefs and not cherry trees, or Washington, D.C. would be without it's annual spring festival.

I called Mr. Tobin and asked him if he had read the complaints against Gingrich. He told me to read ''summaries of the complaints provided to me'' from people ''I'm not at liberty to disclose''

Maybe Gingrich's staff wrote ''Mud Path'' and asked Mr. Tobin to put his name to the article. If so, it makes one wonder why they feel compelled to prevaricate so much. If not, and this is an example of Mr. Tobin's attention to detail, it is clear why he supports tort reform. It's probably tough winning a contingency case when you get so many facts wrong. With contingency law, unless you win you don't get paid.

We're not nit-picking here. In a complex, fact intensive case like the one against Gingrich, dates and evidence matter. Consider these fourteen instances where Tobin's article twists the facts, and anyone will understand why the case against Gingrich has been under review by the Ethics Committee for more than six months.

Whopper #1.—Tobin writes that Dean Timothy Mescon of Kennesaw State College heard Gingrich speak in March 1993 and approached the Congressman afterwards with the suggestion he teach the ''Renewing American Civilization'' course at the Dean's campus.

This is pure baloney. In fact, Gingrich and Mescon had known each other since November, 1991, according to documents from the College. On October 14, 1992, Gingrich handwrote a note to Mescon suggesting a meeting. It was one of many letters he and Mescon exchanged regarding Gingrich's efforts to help Mescon's consulting business get government contracts for work in Africa. By march 1, 1993, Gingrich and Mescon had already met in Washington, D.C. to discuss the course and Gingrich wrote a lengthy memo assigning congressional staff and consultants at GOPAC to work with Mescon.

Whopper #2.—Tobin says Gingrich first asked Jeffrey Eisenach, executive director of GOPAC, to work on the course in May of 1993.

Check the documents. Eisenach was directing the course from GOPAC's offices since February. Gingrich's March 1 memo instructs Eisenach to work up a budget for the course and identifies him as one of four coauthors of the course textbook, along with Gingrich, Mescon and GOPAC consultant Steve Hanser.

Whopper #3.—Gingrich wrote to the Ethics committee on July 21, 1993 and informed the Committee that his staff members ''would be asked to comment on the course content, but would not be asked to perform any specific tasks.''

Kennesaw documents demonstrate that three Gingrich staffers, Linda Nave, Alan Lipsett, and Tony Blankley, were ''tasked'' by Gingrich to work on legal matters, press relations, and to lobby Kennesaw officials against an impending decision to cancel the class. Just this week, the Los Angeles Times reported that Lipsett and an unnamed Gingrich associate admitted congressional staff ''participated in everything from strategy meetings to clerical errands.'' Lipsett told the Times: ''Looking back, perhaps we should have created a few more fire walls.''

Whopper #4.—In an exclusive, Tobin reports that on August 3, 1993, Congressman Fred Grandy wrote to Gingrich and gave him permission to teach the course.

Tobin has us at a disadvantage here. Apparently, he is the first person outside of the Ethics Committee that has been able to get a copy of this letter. Despite repeated requests from the press and Ben Jones himself, Gingrich has steadfastly refused to make this letter available for the public.

If we take Tobin's word for it, Grandy granted Gingrich permission on behalf of the Ethics Committee to raise tax-exempt funds for the course so long as ''no congressional funds were used.'' In point of fact, page 107 of the ''House Ethics Manual'' discusses the relevant teaching restrictions which apply to the Gingrich case. Members may teach, so long as ''no official resources, including staff time, are used in connection with the teaching.''

Thanks to Gingrich's own staff, we now know that they were quite extensively involved, in violation of the Ethics Manual. Grandy's letter, quoted at length by Tobin, was equally precise in the prohibition against staff time. Gingrich just ignored it and the Ethics Manual.

Whopper #5.—Tobin alleges that ''the facts don't confirm'' the charge that Gingrich cited corporations in his course as a form of advertising for his sponsors.

Kennesaw accounting records show the total cost of the course was $390,676, not $660,000 as Tobin reported without substantiation. This would mean that the percentage of contributions which fall in the ''infomercial'' category rises from the 7% Tobin calculates to 11.8% of the actual total. In either case, Tobin is citing ''facts'' which confirm the allegation.

When officials at Reinhardt College leaned of these facts from Roll Call, they conducted their own review of the course and instructed Gingrich to remove the offending commercials. Professor Kathleen Minnix, who co-teaches the course at Reinhardt with Gingrich, told Roll Call, ''What I found is essentially what you found.'' Minnix also told the Atlanta Constitution that Reinhardt officials were asking for the commercials to be removed because of the ''appearance of impropriety.'' Read the Ethics Manual. It specifically instructs Members of Congress to ''at all times avoid'' situations which create the ''appearance of impropriety''.

Whopper #6.—Tobin reports that the Georgia Board of Regents met in ''October 1993, without prior notice,'' to close a loophole Gingrich exploited to teach at Kennesaw.

The Board unanimously approved the change after discussing it a month earlier during a prior meeting. The Atlanta Constitution reported the next day that ''Gingrich, who last month (emphasis added) said he would abide by any change the regents made and would seek out a private school as the future of his home course, took the news personally.''

The irony of this Tobin falsehood is that Gingrich disputes it. He has admitted he reimbursed the U.S. Treasury for improperly using an official fax machine on September 7th to send a lengthy defense of his course to the Regents, written on official stationery, lobbying against their impending decision. The whole campus knew about the Regents meeting, especially Professor Gingrich.

Whopper #7.—Tobin states that GOPAC ''treasurer'' Pamla Prochnow ''had limited contact with the project in its first few weeks.''

Again, look at the documents. Prochnow was the Finance Director for GOPAC, not treasurer, and appears on dozens of memos and faxes regarding her efforts to raise funds for the course during March, April, May and June of 1993.

Whopper #8.—Tobin makes reference to an analysis of the course written by ''tax analyst Lee Shepard, appear[ing] in the September 20, 1993 issue of the authoritative Tax Notes Today.'' He goes on to complain ''this refutation of the charge of favoritism and influence peddling has not been cited'' in the pieces attacking Mr. Gingrich's course.

Well, it has been cited, in Roll Call and the Los Angeles Times, accurately reporting that Ms. Shepard found many problems in the tax code with the Gingrich course. In a more recent article, Mrs. Shepard goes beyond even the ethics complaints to suggest that Gingrich might have violated the IRS prohibition against ''personal inurement'' by private individuals from the benefits of tax-exempt activities.

Whopper #9.—It is clear Mr. Tobin has not read the Ben Jones complaint. Not only does he get the date it was filed wrong, (September 7, 1994, not October 31, 1994) but he has turned the central argument of the complaint inside-out. Jones did not allege that GOPAC funded the Gingrich course, although 80 percent of the money came from prior donors to GOPAC or Gingrich's campaign committee. The Jones complaint centered on the fact Gingrich used tax-exempt, tax-deductible funds to finance the partisan political activities of GOPAC through the college course. Five members of GOPAC's staff were paid or reimbursed from tax-exempt funds to work on the course. One even left GOPAC's employ for six months and relocated to Georgia on the foundation payroll to work on the course, only to return to Washington and GOPAC.

Whopper #10.—Mr. Tobin alleges, without support, that the activities of the Kennesaw State College Foundation and the Progress and Freedom Foundation ''are unquestionably lawful'' in relation to their support for the college course.

As reported in the Washington Post, Roll Call, and the Atlanta Constitution, the Gingrich case has many parallels with an earlier case brought before the IRS. GOPAC consultant Joe Gaylord was a board member of the ''American Campaign Academy'' a tax exempt entity shut down by the U.S. Tax Court because it improperly engaged in partisan political activity, violating its tax-exempt status. Gingrich has been asked by Mr. Grandy and his colleague Mr. McDermott, then the chair of the Ethics Committee, to respond on this issue and about Mr. Gaylord's role in the college course. The partisan marketing of the course, and GOPAC's extensive role, raise serious questions about whether the tax-exempt foundations behind the course acted lawfully.

Whopper #11.—Without citing any reference to ethics rules or codes of conduct, Tobin alleges that Minority Whip David Bonior's prediction that the Committee ''will deadlock'' is in itself an ethical violation if based upon conversations with committee members.

If that were true, Gingrich himself should be in jail for his regular consultations with Republican members of the Ethics Committee considering the complaint against then-Speaker Jim Wright. What Gingrich understood then, and Tobin forgets now, is that Member to Member communications are protected speech under the Constitution. The reason he cited no ethical violation is because there is none, just Tobin's assertion.

Whopper #12.—With respect to the sweetheart deal Gingrich received from Jones InterCable, Tobin makes the allegation that the Gingrich course ''got the same deal that every other course on ME/U gets.''

Even the Jones folks can't side with Tobin on this one. Their own press spokesman Jim Carlson states the Gingrich course is being broadcast without the standard agreement ME/U negotiated with 35 other universities for tuition payments. It's a one-of-a-kind deal.

Whopper #13.—Tobin invents a characterization of the Schroeder complaint as arguing that ''any appearance of an elected figure on television in a context other than a paid campaign spot constitutes a donation of air time * * *''

He's simply got it wrong. Schroeder makes no such assertion. In a silly extension of his own illogic, Tobin suggests Schroeder's appearance on CNN's Capital Gang is a gift of free air time from Ted Turner. The difference between a news show, controlled by the network, and directed by the reporters asking questions, and Mr. Gingrich directing producing and controlling 20 hours of free cable time, unedited, is the difference between day and night. It is a gift to Gingrich because he alone controls the content.

Whopper #14.—Tobin attacks a March 8, 1995 story in the Washington Post as a ''distortion'' and ''the exact reverse of the truth'' on the critical issue of whether the Grandy letter authorized Gingrich to use the House floor to solicit for the course.

Tobin points out that Grandy's letter restated House Rules which authorize Members to assist tax-exempt organizations with fundraising so long as ''no official resources are used, no official endorsement is implied, and no direct personal benefit results.'' His tortured logic is that by granting Gingrich permission in the same letter to place his

lectures in the Congressional Record, Grandy gave Gingrich a blanket exemption from complying with the House Rules cited in his letter. It is completely lost on Tobin that Grandy's letter, like all advisory opinions from the Ethics Committee, granted only conditional approval for Gingrich's conduct, so long as Gingrich complied with all House Rules.

By highlighting the Grandy letter, Mr. Tobin has undermined Mr. Gingrich's case. We now have learned from Gingrich's staff that he used official resources on the course. Documents before the Ethics Committee show that GOPAC staff reprinted Gingrich's Congressional Record remarks and enclosed them with their Requests For Funding, violating the prohibition on ''official endorsement.'' And of course, we know that Gingrich personally profits from the course with his $4.5 million book deal that agent Lynn Chu and Jeffrey Eisenach both say is based on the course.

Is there any doubt now why an independent counsel is needed in this case? If the Gingrich organization will go to these lengths to distort the facts, change dates, and misrepresent what actually happened, what more are they hiding?

Sincerely,

STEVEN J. JOST.

(Mr. Jost is a Democratic political consultant who worked on the Ben Jones race against Newt Gingrich in 1994 and assisted with the ethics complaint filed by Jones.)

TERM LIMITS

HON. RON PACKARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 29, 1995

Mr. PACKARD. Mr. Speaker, this week the House will hold the first ever vote on term limits. The American people will witness a historic vote on an issue that previous Democrat-controlled Congresses prevented from ever being voted on in committee or on the House floor. Last September, House Republicans pledged to bring this historic legislation to the floor. We kept our promise.

The new Republican controlled House has already shown its commitment to internal term limits. The Speaker is limited to four terms in that office, and committee and subcommittee chairmen are limited to three terms. Now we must take the next step and vote on term limits for every elected Member of the House.

I applaud the Republican leadership for devising a strategy that provides the best opportunity to secure the votes necessary for passage. The winner takes all procedure allows for Members to support the term-limit package they feel most comfortable with regardless of outside groups and member sponsors.

Forty years of Democrat rule in the House has created an institution less accountable to the people. Republicans are working to change this. The American people want to know that their representatives will serve their needs, not the Government's needs. Passage of term-limit legislation this week will bring Washington closer to the people it serves back home.

LINDA KAREN FRIEDMAN-LEVIN BECOMES A CITIZEN

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 29, 1995

Mr. ENGEL. Mr. Speaker, every year thousands of men and women from all over the world become citizens of the United States of America. As they take the oath of citizenship, they acquire the rights of a citizen of the United States, as well as the responsibilities those rights carry.

Mr. Speaker, on April 7, 1995, Mrs. Linda Karen Friedman-Levin will accept those rights and responsibilities of a citizen when she takes her oath of citizenship. I am confident that Mrs. Friedman-Levin will be as committed to fulfilling her duties as a citizen of our country as she has been in her perseverance in becoming a citizen.

Mrs. Friedman-Levin, the mother of Emma Jess and Dana Franci Levin, and wife of Alan Levin, was born in Montreal, PQ, Canada. I would like to extend congratulations to Mrs. Friedman-Levin and her family and welcome her as one of the newest citizens of the United States.

MS. ARCADIA XOCHIHUA

HON. ZOE LOFGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 29, 1995

Ms. LOFGREN. Mr. Speaker, I rise today to pay tribute to Ms. Arcadia Xochihua, a resident of my district. Ms. Xochihua will become a U.S. citizen on Friday, March 31, 1995, at the age of 96. She will be the first person in San Jose and perhaps in the Nation to be naturalized under the new Immigration and Naturalization Service [INS] regulations easing the process for the elderly.

Mr. Speaker, let me tell you about Ms. Xochihua. She was born on January 12, 1899, and immigrated from Mexico to the United States in 1923 at the age of 24. She has worked her entire life from processing fruit and vegetables in a cannery to owning and operating several restaurants in the area.

Ms. Xochihua has always been a vital part of the community. During the Depression and World War II, she helped people who were less fortunate than herself. During the Depression, she operated a small soup kitchen out of her house for those who needed a hot meal. She also provided clothes for women and children. Until about 3 years ago, she continued to provide room and board for destitute migrant farmworkers.

Though Ms. Xochihua never married and does not have children of her own, she is surrounded by her sisters and brothers who have provided her with many nieces and nephews.

Ms. Xochihua decided this year, on her 96th birthday, that it was important to her to become an American citizen. She has always been patriotic and loyal to her adopted country and wants to be called an American.

Mr. Speaker, the month of March has been dedicated to the late labor and human rights leader, Mr. Cesar Chavez and March 31 is Mr. Chavez's birthday. It would be a fitting tribute to his dedication to social justice for all that Ms. Xochihua becomes a citizen of the United States of America on his birthday. I commend and applaud Ms. Xochihua for her loyalty and her commitment to our country and congratulate her on new citizenship.

REPUBLICAN TAX BILL WOULD PROVIDE HUGE BENEFITS TO A PRIVILEGED FEW!

HON. SAM GIBBONS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 29, 1995

Mr. GIBBONS. Mr. Speaker, these Republican tax proposals are not equitable. They would disproportionately favor a privileged few upper-income taxpayers. Is that how the Republicans intend to waste hundreds of billions of dollars—helping those who have and ignoring those who have not?

The Republicans strenuously protest the claim that they are helping wealthy Americans with these tax cuts. But the facts shed doubt on their objections.

One-half of the total benefit of this bill and three quarters of the capital gains tax cut will go to those with incomes of $100,000 or more.

The broken promise of partial refundability of the family credit means that families with incomes of $20,000 or less will get only 2 percent of the benefit of that provision, and that is about all they will get from the total bill.

On average, those with incomes of $200,000 or more would enjoy tax cuts of $11,270, while those with incomes between $30,000 and $75,000 would receive $760, a mere one-fourteenth of what the wealthy will get.

The Republicans have chosen to focus their largess on the very small number of Americans in the upper strata of the income range. Although they will receive one-half of the total benefits of this bill, the 13 million households with incomes of $100,000 or more represent only 6 percent of our total population.

The Republican elitism will see to it that the privileged few will get huge tax cuts. This is the purpose for which they are willing to increase the Federal deficit.

Middle-income families will get small tax cuts, a bigger deficit, and a bleaker future for their children. The Republicans know this. They put forth this bill knowingly and without the interest or the commitment to help those who are shortchanged by it.

MY ONE WISH FOUNDATION, 10TH ANNIVERSARY

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 29, 1995

Mr. NEAL of Massachusetts. Mr. Speaker, today I would like to recognize the tenth anniversary of the My One Wish Foundation, an organization based in Milford, MA.

My One Wish, founded in 1984 by Anthony and Virginia Brenna, is a nonprofit group which grants wishes to terminally and chronically ill children. Over the past 10 years, this charitable organization has granted 42 wishes

to youngsters in the Milford area. The most recent wish was granted to an 18-year-old girl from Medway who wished for ceramic supplies and a kiln oven. The presentation was made at the foundation's tenth anniversary celebration, which was attended by more than 175 friends, relatives, and well wishers, including sixteen former wish kids.

The My One Wish Foundation operates with a staff of 25 volunteers and wishes are made possible through donations made by individuals and local organizations that sponsor events to benefit the program.

Mr. Speaker, please join me in congratulating the My One Wish Foundation for its 10 years of service and dedication to terminally and chronically ill children in central Massachusetts. The caring shown by the Brennas and the volunteers at My One Wish has brought much joy to these youngsters and their families.

THE ECUMENICAL PATRIARCH BARTHOLOMEW I

HON. MICHAEL BILIRAKIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 29, 1995

Mr. BILIRAKIS. Mr. Speaker, on May 28, 1994, a provocation by Moslem militants in Istanbul, Turkey, took place against the Ecumenical Patriarch Bartholemew I, the spiritual leader of 250 million orthodox Christians worldwide including, 5 million residing in the United States. Three bombs were placed in the attic of the building where the patriarch lives and were found shortly before they were set to explode.

This episode is ominous, but is only one in a series of provocations against the patriarchate and the orthodox Christian community in Turkey.

Yesterday, I introduced legislation expressing the sense of the Congress that the United States should use its influence with the Turkish Government, and as a permanent member of the United Nations Security Council, to suggest that the Turkish Government ensure the proper protection for the patriarchate and all orthodox faithful residing in Turkey.

Therefore, I urge all of my colleagues who believe in freedom of religion to cosponsor my legislation House Concurrent Resolution 50. The time has come for this Congress to speak out once and for all against Turkey's oppressive human rights record. Please sign on to House Concurrent Resolution 50, thank you.

WELFARE REFORM

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 29, 1995

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington report for Wednesday, March 29, 1995, into the CONGRESSIONAL RECORD.

WELFARE REFORM

There is virtually universal agreement that the current welfare system discourages self-sufficiency, punishes work, and does not ensure that parents support their children. I agree that comprehensive overhaul is needed. But I opposed the welfare reform bill passed by the House. While it contains some good reforms, it guts programs important to the health and well-being of children. I instead supported another plan which more effectively addresses shortcomings in the system without punishing children.

House Bill: The bill passed by the House makes vast changes in welfare programs put into place over the past 60 years:

Assistance for Needy Families: It would replace Aid to Families with Dependent Children (AFDC) with a block grant to states. Eligible families would not be automatically entitled to benefits. No cash benefits could be provided for children born to unmarried women under 18 (until the mother reached age 18), nor for children born to families already receiving aid. Benefits would end if parents are not in a work program after two years, and there would be a five-year lifetime limit. Federal funding for this program would be $11.8 billion less over the next five years than provided under current law.

Child Protection: The bill establishes a block grant to replace existing programs for foster care and child abuse prevention and treatment. After the first two years, states would not be required to spend any of their own money on these services. The funding guaranteed is $2.7 billion less than under current law, and would not allow for increases in inflation.

Child Care: Child care programs would be consolidated into a block grant. Child care would no longer be guaranteed to welfare recipients who are participating in school, job training, or work, even though many would be required to do so.

Nutrition: The bill would eliminate the school lunch program (including nutritional standards) and supplemental nutrition for women, infants and children (WIC), and create two block grants—one for family nutrition and one for school-based programs. The new programs would receive $7.2 billion less than under current law over the next 5 years. The bill would retain food stamps, but cap future spending.

SSI: The bill would end cash Supplemental Security Income (SSI) benefits for hundreds of thousands of children. Future cash benefits would go only to children in institutional care and those who would be placed in such care without assistance.

Child support: Under the bill, both the federal and state governments would create automated registries of child support orders and new hires. States would revoke driver's and professional licenses of parents who are delinquent in child support.

Assessment: I strongly support welfare reform that strengthens families, encourages productive work, and protects vulnerable children. But the House bill is deeply flawed. First, it slashes the amount of aid available. Payments to the poor are just a sliver of the federal budget. Two of the largest programs, AFDC and food stamps, account for only 2.7% of the budget. Some reductions are certainly in order, but nothing like the $66 billion proposed.

Second, it will leave the poor without adequate help in terms of recession. Ending welfare's entitlement status means the program would be far less flexible and responsive to changing economic circumstances. There would be no extra money as need grows.

Third, it shifts enormous responsibilities to the states, and there are serious doubts about states' ability to meet them. We should certainly give states more flexibility, but the federal government still has an important role to play. The House bill sharply curtails important federal responsibilities on the one hand, while imposing many prescriptions that are costly to implement and inconsistent with the notion of allowing states to experiment.

Fourth, the House bill would allow savings from welfare cuts to be used to finance tax breaks mostly benefitting wealthy adults. Taking basic needs from children to help the rich goes too far.

Alternative Plan: I supported an alternative plan which does much more to promote self-sufficiency without punishing children. It would save $25 billion over the next five years.

This alternative would require welfare recipients to sign a plan detailing what they will do to find private employment and what the state will do to assist them. Recipients would be eligible for up to two years of assistance in finding a job. This work requirement would take effect more quickly than the one in the House bill. Recipients who do not find a job after two years would be ineligible to receive AFDC, but states would have the option to provide a community service job or a job voucher which could be redeemed by a private employer who hires the individual.

The alternative would provide states more flexibility—for example, allowing them to restrict benefits for children born to parents already on welfare and to allow families to accumulate more assets while on welfare. It would further encourage work by extending Medicaid coverage for former welfare recipients and guaranteeing child care assistance.

The alternative bill retains entitlement status for foster care services. Child support enforcement improvements similar to those in the House bill are included.

The alternative maintains the current nutrition programs. In addition, it seeks to eliminate fraud in the SSI program.

I do not want a welfare system that relies on bureaucratic approaches, discourages work, and breaks up families. The bill I supported is the best hope for accomplishing reform while ensuring that the safety net for the poor is not torn apart.

HONORING ANTHONY W.W. TANTILLO

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 29, 1995

Mr. ENGEL. Mr. Speaker, on April 1, 1995 the Supreme Council of the Royal Arcanum, the Grand Council of New York and the Claremont Council No. 1655 will be holding an investiture ceremony for 82d Legion of Honor member Anthony W.W. Tantillo.

Mr. Tantillo, a lifelong Bronx resident, is being honored for his many years of service and dedication to the Royal Arcanum. In addition, Mr. Tantillo has been an active member of the Columbus Alliance and the Sons of Italy.

I am sure that Mr. Tantillo's family, neighbors, and friends join me in congratulating him on this achievement.

CONGRESSIONAL YOUTH LEADERSHIP COUNCIL

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 29, 1995

Mr. HOYER. Mr. Speaker, I rise today to pay tribute to the National Young Leaders Conference as it celebrates it 10th anniversary. Students participating in the National Young Leaders Conference [NYLC] can be described as ''Cream of the Crop'' and ''Part of America's Melting Pot'' because they're among the brightest and best young minds from across the country and represent a broad range of cultural, racial, and economic backgrounds.

From the State of Maryland alone, over 800 young leaders have participated in this culturally diverse program. Over 100 have been from my district which extends from the Chesapeake Bay to the Washington metropolitan area. I know that my colleagues relish each opportunity to meet with student constituents who have traveled to Washington to learn more about government and citizenship.

Sponsored by the Congressional Youth Leadership Council, the NYLC attracts high school students who demonstrate scholastic excellence and exhibit leadership potential. Only the most talented and motivated students are selected for a conference unique in curriculum and opportunities for young leaders to interact with today's national leaders.

Perhaps the most enduring of conference benefits is the opportunity for students to exchange ideas with their peers from all parts of the country. The NYLC is often a student's first taste of the competition in the world beyond their high school doors. Because of the high caliber of students involved, substantive debate on contemporary issues is the norm rather than the exception at the NYLC.

The curriculum is designed to challenge the minds of young leaders and to expose them to the wealth and diversity of opinions prevalent in their generation. While engaged in simulations addressing complex issues facing today's leaders, NYLC students learn about the other students' culture, perspectives, dreams, and aspirations.

In the stimulating environment provided at the NYLC, students gain new confidence in presenting their own viewpoints and learn the value of understanding their peers' diverse backgrounds and the importance of listening to their opinions. My hat's off to the Congressional Youth Leadership Council, on this their 10th Anniversary, for inspiring and motivating our Nation's next generation of leaders!

TRIBUTE TO STEVEN GREENBERG

HON. HOWARD L. BERMAN

OF CALIFORNIA

HON. ANTHONY C. BEILENSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 29, 1995

Mr. BERMAN. Mr. Speaker, I am honored to pay tribute to Steve Greenberg, who is retiring from a successful tenure as president of the Mid-Valley Chamber of Commerce. Under Steve's energetic leadership the Mid-Valley Chamber built strong ties to schools, local businesses, and the community. It is because of the efforts of people such as Steve Greenberg that the economy of the San Fernando Valley has begun to turn around.

Steve has an extensive and colorful background in business. During the 1960's and 1970's he worked as a carpenter, mason, and photographer while living in northern California. After that he worked in the film industry, where his specialty was documentaries, educational, and training films. But all this could be considered preparation for his next job: president of Sam's U-Drive, a company started in 1935 by his father, Sam, and grandfather, Louie.

President since 1986, Steve recently changed the name of the company to Sam's U-Rent, reflecting the diverse range of services and rental equipment the company now makes available. He is responsible for upgrading the facilities at four sites: Van Nuys, North Hollywood, Bakersfield, and Los Angeles.

Outside of his business activities, Steve has compiled an extraordinary record of helping his community. To cite a few of many examples: He is a member of the Mid-Valley Police Council, a supporter of the San Fernando Valley Association for the Retarded, and the Patron's Association of Los Angeles Valley College, and a former board member of the Los Angeles chapter of Mother's Against Drunk Driving.

I ask my colleagues to join me in saluting Steve Greenberg, who through his selfless commitment to his community and his keen business sense has done so much to improve the San Fernando Valley.

HONORING THE QUEENS COUNTY COUNCIL, JEWISH WAR VETERANS, ON ITS 60TH ANNIVERSARY

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 29, 1995

Mr. ACKERMAN. Mr. Speaker, I rise today to join with my constituents in paying tribute to the members of the Queens County Council of the Jewish War Veterans [JWV] as they join together to celebrate their 60th anniversary. For more than half a century the Queens Council of the Jewish War Veterans has continued a tradition begun in 1896 when the Jewish War Veterans was first formed by a group of Civil War veterans to dispel a myth that Jews never served in the armed services.

For almost a century, the JWV has undertaken a most diversified program that readily supports veterans across our country. This effort has been coordinated by the Jewish War Veterans National Service Officer Program. Its Veteran's Administration Volunteer Service Program has benefited untold numbers of hospitalized veterans around the Nation. Their Adopt-A-Vet Program has served as a model for veteran support projects. In addition to the countless hours spent by members of local JWV posts in servicing hospitalized veterans, the JWV maintains an active and dynamic program in supporting Jewish Boy Scouts and Eagle Scouts, college scholarship projects, lectures on Jewish military history and serves as honor guards. Of major importance is the JWV's continuous fight against antisemitism and bigotry.

As the members of the Queens Jewish War Veterans Council join together to celebrate their 60th anniversary and honor two of their most outstanding leaders, Commander Morton A. Gross and Frieda Melnick, and all past county commanders, I ask my colleagues to rise and join in recognition of this most exceptional organization.

KILDEE HONORS STAN MARSHALL

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 29, 1995

Mr. KILDEE. Mr. Speaker, I rise today before my colleagues in the U.S. House of Representatives to pay tribute to an outstanding labor leader in my hometown of Flint, MI, Mr. Stan Marshall, who is retiring as vice president of the United Automobile Workers International Union. To recognize his outstanding years of service to the UAW and to his community, Stan will be honored at a tribute on March 30, 1995.

Stan Marshall began his career in the UAW when he started working at the Buick plant in Flint in 1950. While at Buick he served as an alternate committeeman, committeeman, shop committeeman, and chairman of the shop committee.

He was appointed to the international staff of UAW Region 1–C in 1977. In 1983 he was elected to the UAW international executive board as regional director, UAW Region 1–C. As regional director he served over 100,000 UAW members at General Motors plants and IPS plants in Flint, Adrian, Battle Creek, Jackson and Lansing, MI.

Following two terms as regional director, Stan was elected as a UAW vice president at its 29th Constitutional Convention in June, 1989 at Anaheim, CA. As vice president, Stan is director of the Chrysler department, the national organizing and technical office and professional [TOP] department, the General Dynamics department, and the foundry department.

While playing an important role in the UAW, Stan Marshall is no less committed to his community. He has served on various organizations within the State of Michigan such as, the Economic Alliance of Michigan, the Governor's Task Force on Higher Education, the Governor's Commission on Labor-Management Relations, and the Michigan State Athletic Board.

Mr. Speaker, it is indeed an honor and a pleasure for me to rise today to urge my colleagues in joining me to recognize Stan Marshall for his vital contributions to the dynamic leadership of the UAW. As a tireless advocate of working men and women for over 40 years, he has been a major force behind improving the working conditions and wages for UAW members.

Stan Marshall is a highly esteemed friend and I have often sought counsel from him as I considered important issues relating to working men and women. As he moves into retirement, I know that he will pursue his interests with the same zeal as he did representing the workers of the UAW. I wish him well in all his future endeavors.

WELCOME TO BENJAMIN PAUL BRIGGS

HON. ELIZABETH FURSE

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 29, 1995

Ms. FURSE. Mr. Speaker, I would like to note a very important event that occurred March 28, 1995. Benjamin Paul Briggs was born to Janet and John Furse Briggs in Seattle, WA. Benjamin Paul is my first grandchild.

Every child is the repository of all the world's history and all the world's hopes. Each child deserves the best, in love and respect, and protection. Each child is the reminder that we have a duty to be advocates for children the world over.

I have the highest hopes for Benjamin Paul. I trust that he will care about and protect other humans and animals and the environment. I know, because I know his parents, that he will understand that we are all part of one beautiful, fragile web of creation and that he has a part to play in its protection.

I wish you the very best Benjamin Paul and am very glad that you are here.

HOPWA FUNDING

HON. RICK LAZIO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 29, 1995

Mr. LAZIO. Mr. Speaker, I would like to take this opportunity to commend the House of Representatives for decisively moving to control this country's destructive spending patterns and moving toward a balanced budget.

As Members of Congress, we all know the need to control Federal spending. However, we must be careful not to cut those programs that are both cost effective for taxpayers and meaningful and effective for their beneficiaries. Specifically, I am deeply concerned about the rescission of funds for the Housing Opportunities for People With AIDS Program [HOPWA].

It is imperative that we take great care to protect the most vulnerable members of our communities. We did this by maintaining funding levels for both the section 202 housing for the elderly and the section 811 funding for disabled persons programs, and we should do the same for the HOPWA Program. People suffering from AIDS often don't have the financial resources necessary to care for themselves. This population needs the dedicated housing assistance this program provides.

Some may argue that this money is not needed because there is already other Federal housing assistance available. I disagree. The fact is that this rescission will result in no new incremental section 8 vouchers, placing those with AIDS on a waiting list for a voucher, condemning some to the streets. The HOPWA money can provide instant relief in communities where people suffering from AIDS desperately need housing assistance.

We cannot turn our backs. Without this funding, people with AIDS will be forced to depend on high-cost emergency care facilities for housing or live on the streets. Consequently, American taxpayers will end up paying over $1,000 a day for those afflicted with AIDS who are housed in skilled facilities versus $40 to $100 per day per person under HOPWA. Retaining this funding simply makes financial sense to the taxpayers, as well as demonstrates our concern for those already crippled by this devastating disease.

THE U.S. AND FOREIGN COMMERCIAL SERVICE—A SUCCESS STORY WE SHOULD KNOW

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 29, 1995

Mr. FILNER. Mr. Speaker, I rise today to voice my strong support for the continuation of the Department of Commerce's U.S. and Foreign Commercial Service.

In San Diego County, we encourage any effort that stimulates the growth of local businesses. Growing businesses mean more jobs—and that is my main priority for San Diego.

The U.S. and Foreign Commercial Service [US&FCS] has a proven record of assisting small- and medium-size exports. This is a Government program that works.

In the San Diego area, the US&FCS assisted local firms in venturing into 85 new export markets in fiscal year 1994. It also helped 22 firms in making their first export sales.

The US&FCS operation is effective because of its local expertise and local concern. The office in San Diego provides area exporters with an accessible, local resource on trade with overseas markets.

Operating within the International Trade Administration of the Department of Commerce, the US&FCS gets results.

Small- and medium-size exporters are provided a highly cost-effective combination of domestic and overseas services that help them to expand exports. This translates into much needed jobs.

We all want an effective, efficient Government, and we all support efforts to get rid of wasteful bureaucracy. The US&FCS works—let's keep it.

THE REPUBLICAN CONTRACT WITH AMERICA: CITIZENS ARE SPEAKING OUT

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 29, 1995

Mr. STOKES. Mr. Speaker, very shortly, we will reach the 100-day mark in the Republican Contract With America. At the time, the Nation will measure the success of a contract launched by the Republican Party last year. The contract pledged to reform Congress, and offered citizens of the nation an ''agenda for national renewal.''

The American people are able to read between the rhetoric and see the Republican Contract With America for what it is—a prescription for disaster. We need not look any further than the cuts in critical education, job training and job placement, and housing programs, as well as an ill-conceived and mean-spirited welfare reform proposal, to prove this statement true.

Mr. Speaker, every day I receive hundreds of letters from constituents throughout my congressional district. Many of them are the hard-working men and women who are the backbone of this country. Others are individuals in need who are struggling to enter the workforce and share in the American dream.

In their letters, constituents tell me how the same Government programs which are now being slashed and eliminated by the Republican majority, have enabled them to secure educations, obtain job training and job placement assistance, and, most importantly, feed and care for their families. Many make it clear in their letters that they are not looking for handouts, but they want very much to become independent and care for their families.

Just recently, I received a letter from a constituent regarding cuts in funding for education. The constituent, who attends adult education classes at a homeless shelter, noted the importance of the classes. She writes, ''Sometimes I barely have bus fare but I come, because getting my G.E.D. is very important to me.'' The letter also says. ''There is an essential need for this educational foundation in order to get good jobs * * * Vote against any budget that cuts education * * * You will be helping so many people.''

Mr. Speaker, I am including this letter from my constituent in the RECORD. I do so with the hope that other Members will take a moment to read this document and realize that we must stand firm. I am convinced that I am making the right choice. I will continue to oppose proposals which balance the budget at the expense of the poorest, the most vulnerable, and the most needy of our citizens. I urge my colleagues to read this letter from my constituent.

Congressman LOUIS STOKES,
District 11.

DEAR CONGRESSMAN STOKES, I attend Adult Education classes in a homeless shelter. I think this class is important to me, to obtain my G.E.D. to get a good job, to provide a good life for myself and kids, so we can have a good life. I come from the west side to attend these classes and it's hard. But I come because this class is important to me, getting my G.E.D. and accomplishing my goal of becoming a medical assistant. Without it, my future seems kind of gloomy and empty. This is my second chance to complete my goals. I want to have good things in life and education is a must. Education opens up doors for good, better jobs, houses and clothes and to feel that you can do and gain a sense of pride. I am always telling my kids to stay in school and get the best out of school.

I am the mother of six. I want to get my G.E.D. because I am always telling them to stay in school. The three older children have their diplomas. The three younger children are still in school. How can I teach them right when I don't have mine? Please give me the opportunity to complete my dream and to accomplish my goals. I want to be independent to take care of my family and myself. I am coming from the west side in order to come here. Sometimes I barely have bus fare but I come, because getting my G.E.D. is very important to me.

You should know how important Adult Education Services are to so many of the homeless people in Cleveland, Ohio. We have so many that depend on trying to obtain their G.E.D. There is a essential need for this educational foundation in order to get good jobs. To help kids and get kids to college, and even help with their homework. This is important for the future of our community.

There are so many people who need these classes but they are not available. I would like you (Congressman Stokes) to get us the extra funding we need to get this job right away. Only you can stop the madness. Only you can keep adult education from going backwards. Let it move forward. Vote against any budget that cuts adult education. This is a vital program to so many homeless who truly need it. Please vote against this budget. You will be helping so many people.

A CONCERNED CONSTITUENT.

THE FIVE GLOBAL REALITIES

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 29, 1995

Mr. GILMAN. Mr. Speaker, last Wednesday, the distinguished Senate majority leader, Mr. DOLE of Kansas, gave a landmark address on foreign policy at the Nixon Center for Peace and Freedom Policy Conference.

In this address, Senator DOLE outlined five new global realities that affect America's interests abroad, including: First, we are headed into a ''Golden Age of Capitalism,'' second, we must stabilize a ''New World Energy Order'' based on peace in the Middle East, third, our national security is increasingly dependent on our response to the spread of weapons of mass destruction, fourth, we must recognize the challenge posed by religious extremism, and fifth, our rivalry with Russia's historic imperial ambitions has not ended.

I commend the members attention to this speech and ask that it be printed in full at this point in the RECORD:

WINNING THE PEACE: AMERICAN LEADERSHIP AND COMMITMENT

(By Bob Dole)

I can't help but think back to the day in January of 1994, when President Nixon made his last visit to the United States Capitol.

The occasion was the 25th anniversary of his inauguration as President. And over 100 past and present Senators and Congressmen—Republicans and Democrats alike—attended a lunch honoring President Nixon that Bob Michel and I hosted.

At the conclusion of the lunch, President Nixon stood—and without a note in his hand—delivered one of the most compelling speeches many of us could remember.

As always, he talked politics, and he also shared some personal reflections on his life and career. But the majority of his remarks were devoted to his life's passion—foreign policy.

President Nixon served as our guide, leading us on an around-the-world tour, offering his unique perspective on the strengths and weaknesses of our allies and adversaries, and on the future as he saw it.

In his remarks, he repeated a statement that he made again and again during the last year of his life. He said, ''The Soviets have lost the Cold War, but the United States has not yet won it.''

Those words were true then—and are just as true today. And while the title of this conference—''After Victory''—has a nice ring to it, I believe the declaration may be a bit premature. It is, after all, possible to win the war and lose the peace—as the years between World War I and World War II demonstrate.

WORLD STILL UNCERTAIN

Don't get me wrong. The stage is set. We are the world's only superpower. And the words spoken by Nikita Khrushchev in that famous ''kitchen debate'' were dead wrong. Not only will America's children never live under communism—neither will Russia's children. Still, there are far too many gains to consolidate, and far too many uncertainties in the world to say that a final peace has been won.

For example, there is a resurgent Russia, asserting its position around the globe. China has international ambitions of its own, and is in the midst of a leadership transition. There are international terrorists—often state-supported. There are global crime syndicates. There are extremist movements based on religion or ethnic origin. While none of these compare to the challenge of the Soviet empire, each of these can pose threats to important American interests.

FIVE GLOBAL REALITIES AFFECT AMERICA'S INTERESTS

It seems to me these multifaceted threats should be viewed in the context of five clear global realities which affect America's fundamental interests. Only by recognizing these realities—and dealing with them with the same commitment which led to the defeat of Soviet Communism—will America truly be able to claim victory.

REALITY NO. 1: THE ''GOLDEN AGE OF CAPITALISM

The first new reality is that the whole world is plunging headlong into what David Hale of the Kemper Organization in Chicago has termed a ''new golden age of capitalism.''

I remember when Lech Walesa told me that the definition of a communist economy was ''100 workers standing around one shovel.'' Now, in places like Poland, Russia, India, Latin America, and even China—four billion people formerly under some form of socialism are now fighting with everything they can lay hands on to not just grab a shovel—but to build shovel factories.

There are now more than 30 stock markets in the developing world, and capitalization of the four-year-old Shanghai securities exchange has reached $30 billion. Deng Xiaoping himself has said that no one cares any more what color the cat is, as long as it catches mice. The bottom line is that everyone wants to trade, and everyone wants to create and use capital on a world-wide basis.

While this new ''golden age of capitalism'' offers great opportunity for America, we must remember that many of the countries so eager to enjoy the benefits of membership in the world trading system may not fully understand or accept the rules and discipline that go with it.

A trade war was averted with China, but other threats to U.S. commercial interests will surely arise in the coming months and years, and our continued vigilance and leadership will be required.

REALITY NO. 2: THE ''NEW WORLD ENERGY ORDER''

The second inescapable reality of the post-20th century world is that the security of the world's oil and gas supplies will remain a vital national interest of the United States and of the other industrial powers.

The Persian Gulf—the heartland of world energy for half a century—is still a region of many uncertainties. Saudi Arabia has been weakened financially. Iran and Iraq continue to exhibit great hostility to the West and pose threats to their neighbors. And the boundaries of the oil and gas heartland are being redrawn to the north, to include the great hydrocarbon deposits of the Caucasus, Siberia, and Kazakhstan.

In this ''new energy order,'' many of the most important geopolitical decisions—ones on which a nation's sovereignty can depend—will deal with the location and routes for oil and gas pipelines. In response, our strategy, our diplomacy and our forward military presence need readjusting.

REALITY NO. 3: SPREAD OF WEAPONS OF MASS DESTRUCTION

The third inevitable reality for America—and for the world—is the fact that while the Berlin Wall may have crumbled, weapons of mass destruction haven't.

Listen to just a partial roll call of countries and groups that already possess nuclear, biological or chemical weapons: North Korea. Iraq. Iran. Libya.

Have any of these nations earned our trust? And given their past behavior, is it any surprise that there are startling signs that a world wide black market in nuclear weapons has emerged?

All this is taking place as talks to review the global treaty limiting the spread of nuclear weapons will soon begin. Even if the Nuclear Non Proliferation Treaty is extended indefinitely, however, we must avoid falling into a false sense of security. We must prepare now for the future.

Iraq, Iran, and North Korea all illustrate the failures of traditional non-proliferation efforts, which depend largely on the cooperation of other states.

Only after Desert Storm did the West learn just how far Iraqi nuclear ambitions had progressed. And instead of announcing that the United States will veto any efforts to ease or end U.N. sanctions on Iraq, the administration dispatches an envoy to plead with the Europeans for cooperation. Where would such timidity have gotten us in the Cold War?

Iran also appears poised for a great leap forward in its nuclear program—thanks to a cash-hungry Russia doing for Iran what the Clinton Administration has done for North Korea.

And make no mistake about it, the Agreed Framework with North Korea has little prospect of successfully addressing the North Korean threat, and apparently, has already been violated by Pyongyang.

American leadership in addressing these non-proliferation challenges is essential if additional states are not to choose the nuclear option. It's worth asking: What would we have done—or not done—if Iraq had one or two nuclear weapons in 1990? Preventive military action as a non-proliferation policy tool cannot be ruled out.

There are defensive options, however, that could provide the United States and our allies with protection against accidental and limited ballistic missile strikes. Pursuing an effective ballistic missile defense capability should be a top priority for U.S. defense policy now and for the foreseeable future.

REALITY NO. 4: INCREASE IN EXTREMIST RELIGIOUS AND ETHNIC MOVEMENTS

The fourth new global reality is the increase in violence due to extremist religious and ethnic movements in many parts of the globe.

Some of these movements, like the tribal warfare in Rwanda, or conflicts in Burma or West Africa have little direct impact on American interests.

However, some of the instability and turmoil due to ethnic and religious violence is important for American interests—and could lead to the disintegration of key states. Serbian genocidal aggression in the Balkans, for example, threatens to spill over to Macedonia, Albania, and beyond. American and European inaction in the face of that aggression cannot help but embolden other radical ''ethno-nationalists'' by giving them a green light for ethnic cleansing.

The Indian rebellion in Mexico coupled with financial uncertainty has resulted in genuine security concerns on our southern border—and make no mistake that illegal immigration is a security threat.

A key NATO ally in Turkey faces Islamic extremism and a separatist ethnic movement. Violent Islamic fundamentalists threaten the government in Algeria, and have launched an assault on Egypt. How long would the Camp David Treaty be honored if fundamentalists took power in Egypt?

Islamic terrorists seek to destroy the peace process between Israel and the PLO—and may be having some success. With support from Iran and others, Islamic terrorists also demonstrated at the World Trade Center that America is not immune from attack.

And ethnic turmoil in the former Soviet Union cannot be ignored, as warfare has occurred in five former republics. And the Chechens may be just one of many ethnic groups willing to use violence to alter boundaries originally set by Joseph Stalin.

In short, the list of world ''hot spots'' is far too lengthy for anyone to conclude that America can become complacent.

REALITY NO. 5: RIVALRY WITH RUSSIA

And this leads to the fifth global reality we must face: the fact that geopolitical rivalry with Russia did not end with the demise of Soviet Communism.

On his last trip abroad, President Nixon spoke before the Russian State Duma, and he foreshadowed a change in Russian-American relations, saying: ''Russia is a great power, and Russia as a great power must chart its own course in foreign policy . . . When we have differences, we should not assume they will be overcome by a good personal relationship even at the highest level.''

And as we have seen time and time again, the foreign policy course that Russia is charting, is one that is often in conflict with American interests.

For example:

Russia stepped in the middle of the North Korea agreement by offering to provide nuclear reactors—which would have the clear effect of killing the U.S. brokered deal.

Russia continues to threaten prospective NATO members over alliance expansion, thereby confirming the need to enlarge NATO sooner rather than later.

In December 1994, Russia vetoed a sanctions resolution on Serbia in the U.N. Security Council, its first substantive veto since the height of the Cold War in 1985.

Russia persists in supplying weapons and nuclear technology to the rogue regime in Iran.

Russia continues to maintain an intelligence facility and support personnel in Cuba, thereby prolonging Castro's oppression.

Russian pressure, subversion and intimidation of the sovereign states in the ''Near Abroad'' follows a historical pattern set long before the Bolsheviks took power in 1917.

As Dr. Kissinger said last month before the Senate Armed Services Committee, ''. . . what we dealt with in the Cold War was both communism and imperialism, and while communism was defeated, the trend toward imperialism still exists.''

Let me be clear in saying that no one has been more supportive of President Yeltsin than I. In June 1991, I went to Andrews Air Force base to meet President Yeltsin virtually alone, since the United States State Department believed Gorbachev was the ''only game in town.''

But just as it was wrong to place too much focus on Gorbachev in 1991, it is wrong in 1995 to ignore that fact that President Yeltsin has made serious errors, has moved toward authoritarian rule, and has lost the political support of virtually all reform-minded Russians.

The Clinton Administration's misguided devotion to a ''Russian First'' policy—which has turned into a ''Yeltsin first'' policy—resulted in the loss of a tremendous opportunity to state American concerns forcefully *before* thousands were slaughtered in Chechnya.

NEW REALISM ABOUT RUSSIA

A ''new realism'' about Russia and its prospects for the future does not mean a return to the Cold War past. It does mean developing a more honest relationship, one that does not paper over important policy differences with an appeal to personal ties.

New realism means emphasizing the significance of Russia's 1996 elections, and of the pivotal importance of a peaceful, democratic transition of power.

And new realism means that developments like arms sales to Iran, violence in Chechnya, and U.N. vetoes on behalf of aggressors should not be excused, ignored and minimized. Our differences with Russia should be identified—they should be negotiated when possible and condemned when necessary. Such an approach would ultimately serve both the Russian and the American people better than defending, denying and rationalizing Russian misdeeds.

TESTS FOR AMERICAN LEADERSHIP

Let me conclude by sharing with you words that Richard Nixon spoke at the announcement of the creation of the Center for Peace and Freedom in January 1994.

''Some are tired of leadership. They say (American) carried that burden long enough. But if we do not provide leadership, who will? The Germans? The Japanese? The Russians? The Chinese? Only the United States has the potential. . . to lead in the era beyond peace. It is a great challenge for a great people.''

Ladies and gentlemen, President Nixon was right. Leadership does come with a price tag. But it is a price worth paying.

Dealing with the five realities I have outlined will test. American's resolve and her leadership. If we fail those tests—if we refuse the mantle of leadership—any declaration of victory will be a long time coming.

But I am an optimist. Like Richard Nixon, I believe in America and in American leadership. I believe we will pass our tests, and in doing so, we can claim the biggest victory of all—we will have secured the future of our great republic, and of peace and freedom, for generations to come.

D.C. FINANCIAL MANAGEMENT AUTHORITY

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 29, 1995

Mr. WALSH. Mr. Speaker, I am pleased to be a sponsor of the District of Columbia Financial Responsibility and Management Assistance Act of 1995 which is being introduced today by the gentleman from Virginia [Mr. DAVIS].

Mr. Speaker, the crafting of this bill has taken many hours and has involved a wide array of individuals. Our colleague, TOM DAVIS, has done yeoman's work and is to be commended for his skill in forging a strong bill that has bipartisan support in this House. That is no easy feat.

This bill, Mr. Speaker, will establish a financial responsibility and management authority consisting of five members to be appointed by the President, in consultation with the Congress, within 25 days after it is enacted. The key to the success of our efforts in restoring the financial health of our Nation's Capital is the selection of individuals who are competent, capable and have a good heart with regard to the city. The bill requires that these individuals have expertise in finance and management, have no connection with the District government that could cause a conflict of interest, and during the most recent year have paid personal income or business taxes to the District.

There are a few comments I would like to make regarding the powers of the authority. First, all contracts, leases and agreements entered into by the District government will be subject to approval by the authority to ensure they are in compliance with the financial plan. If they are not in compliance, they will be sent back until they are. This is important if the District is going to get to a balanced budget anytime soon.

Second, there is no question that the District's financial management and information systems are inadequate. To deal with this problem the bill establishes a chief financial officer of the District of Columbia who will be appointed by the Mayor and, during the control period, subject to approval by a majority vote of the authority. The chief financial officer can be removed only with the approval of the authority and will be responsible for all financial activities of the District government from revenue estimates and cash receipts to expenditures and cash disbursements.

This is the most important position in the District government from the standpoint of the District finances. And the person in this position must have as much independence as possible if the District government is to get back on track financially.

Third, it has become glaringly apparent that the District needs a truly independent inspector general. During the control period the inspector general will be appointed by the mayor subject to approval by a majority vote of the authority, and like the chief financial officer, can be removed only with the approval of the authority. The inspector general will have subpoena powers and a budget that will be subject to change by the mayor or council.

This has been a problem in the past.

Mr. Speaker, the next point I want to discuss is crucial to the effectiveness of the authority. In the event there is a stalemate between what the authority recommends and what the District recommends, the bill allows the authority to implement its own recommendations whether they are executive or legislative in nature. This power is essential if the authority is to be effective and have any impact on the efficient operation of the District government.

The authority created by this legislation, Mr. Speaker, needs to have control; and it is our intention that it have control; and this bill is drafted so that it will have control over the operations of the District government.

My final comment relates to the concern that has been expressed by several members about the mayor's access to the Federal Treasury. The mayor is authorized by a statute approved in 1937 to requisition funds from the Federal Treasury. This borrowing authority was used primarily for cash flow purposes

prior to the District gaining access to the municipal bond market in the early 1980's. It has not been used since; however, the bond market has looked to this Treasury window as the ultimate guarantor of securities issued by the District. Therefore, it is necessary to continue this access to the Treasury to maintain the marketability of the District's $3.3 billion in outstanding long-term securities. The Federal Government in essence serves as the District's ''State government'' and therefore provides the necessary assurance required by the investment community.

Any funds borrowed from the Federal Treasury under this bill will be deposited into an account controlled by the authority and repaid by the District government at the going interest rate plus one-eighth of 1 percent. In addition, the authority will remain in existence until all of the amounts borrowed under the auspices of the authority, whether from the Federal Treasury or from the bond market, are repaid in full.

After the control period ends, The District will continue to have access to the Treasury window. However, under section 209 of the bill, the authority will be reactivated immediately if certain events occur, and one of the events that will trigger the reactivation is the mayor's requisitioning of advances from the Federal Treasury. If that should occur, the borrowed funds will once again be deposited into an account controlled by the authority.

So I feel comfortable that sufficient safeguards are in place to protect the Federal taxpayers.

Mr. Speaker, I think this is a good bill and deserves the support of this House.

INTRODUCTION OF THE PUBLIC INTEREST LEGISLATURE ACT OF 1995

HON. BERNARD SANDERS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 29, 1995

Mr. SANDERS. Mr. Speaker, U.S. Representatives MAURICE HINCHEY, CYNTHIA MCKINNEY, PETER DEFAZIO, NYDIA VELÁZQUEZ, and myself are introducing legislation today, on behalf of the Progressive Caucus, which provides a giant step forward to rebuilding public confidence in the integrity of the U.S. Congress. Our bill helps make certain that all Members of Congress keep our focus on the public interest by requiring that Members of Congress put their stock portfolios and other financial assets in blind trusts or divest.

Did you know that numerous State and local governments require that public officeholders recuse themselves on voting matters in which they have financial interests at stake?

But not the U.S. Congress.

Did you know that Federal law since the Civil War bars a government official in the executive branch from participating in policy matters in which that official has a personal financial interest?

But not the U.S. Congress.

Currently, House Rule VIII requires that a Member of Congress not vote on matters of personal financial interest to that Member. But in truth, the scope of this rule has been dramatically narrowed over time to where it is now interpreted to mean that a Member of Congress should not vote when the matter is personal to him or her, but may vote on the matter if the question affects a Member of Congress as one of a larger class, such as stockholders of a company or bondholders of a municipality or corporation.

Even at that, compliance with the provisions of House Rule VIII is now at the discretion of each Member of Congress and entirely voluntary. In practice, this has created a very lax environment in which potential and perceived financial conflicts of interest are common and often go undisclosed to voters and the general public. When questionable cases do come to light, they serve to heighten general public suspicion about the impact of special interest money and influence-peddling on congressional decision-making.

That is why we are introducing our new bill to amend the Ethics in Government Act—The Public Interest Legislature Act—to respond to growing public distrust arising from many Members of Congress routinely voting on bills in which they have financial interests. We believe it will go a long way toward rebuilding public confidence in the integrity of the U.S. Congress. Fundamentally it will reassure all Americans that their elected representatives in Congress are working full time on public business and not distracted or tempted to cash in on public service in any sense of those words.

Our bill has three main provisions:

First, to require that Members of Congress—subject to civil and criminal penalties for failure to do so—either put their stocks, bonds, and other financial assets—excluding their principal homes—in excess of $1,000 into blind trusts; or, divest themselves of their stocks, bonds, and other financial assets in excess of $1,000—excluding their principal homes.

Second, to strengthen the financial disclosure requirements of existing law to require more detailed, accurate, and timely reports on the financial assets of Members of Congress, their spouses, and their principal staff members involved with legislative activities of the Congress. At present, the disclosure requirements are of such wide ranges and so loose as to make the current disclosure requirements of marginal use in informing the public about potential financial conflicts of interest; and

Third, to prohibit Members of Congress from using official expenses to pay the costs associated with preparing financial disclosure reports.

This week the Congress is acting upon another part of the Contract With America—a proposed constitutional amendment to impose term limits on how long a person can serve as a Member of Congress which is referred to as the so-called Citizen Legislature Act.

Like so much of the Contract With America, the proposed Citizen Legislature Act is a bogus bill with a misleading title that does nothing about the real problem undermining the respect of the American people for their Congress—the funneling of enormous sums of special interest money into congressional campaigns and legislative lobbying.

The degree to which big money skews congressional policy making in favor of special interests over the public interest may be debatable. But there is absolutely no debate that many Americans now perceive that many Members of Congress run for office to enrich themselves indirectly, if not directly. Unless the Congress takes serious action to correct this perception, fewer and fewer Americans will hold on to the belief that the Congress is capable of acting for the public interest of all Americans and not just privileged economic elites.

Our bill meets this threat to American democracy by insulating Members from allegations and suspicions of personal financial chicanery in the conduct of the people's business. As part of the 11-part Progressive Caucus Alternative to the Republican Contract With America—The Progressive Promise, this legislation represents real congressional ethics reform in contrast with self-serving gimmicks like term limits that will do nothing to reduce the corrosive influence of big money on congressional decision making.

TRIBUTE TO RUDOLPH T. GIVENS: 42 YEARS OF SERVICE TO MIAMI, DADE COUNTY, AND THE WORLD

HON. CARRIE P. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 29, 1995

Mrs. MEEK of Florida. Mr. Speaker, this Friday, March 31, the people of Dade County will recognize the career and contributions of a truly remarkable man, Rudolph T. Givens. After 42 years on the job at the Port of Miami—the port's longest serving employee—Rudy Givens has retired.

Over his long tenure, Mr. Givens has truly seen it all and done it all. He started out in 1952 as a dock cleanup man at what was then the city of Miami commercial docks, a small operation in a quiet, small town.

He caps his career as Assistant to the Director of the Port of Miami, one of the busiest cruise and cargo ports in the world. What he did in the years in between is the stuff of legend at the Port of Miami.

Rudy Givens is much more than a dedicated and valuable employee. Never content merely to do a job, in every position he has ever held he has sought to provide good service—to make the port run as efficiently and effectively as humanly possible and to meet the many needs of the customers of the port, who hail from all over the world.

Rudy Givens' knowledge, judgment, and dedication cannot be replaced. But his reputation for excellence, the example he set for those for whom he worked and for those who worked for him, and his dedication to service will continue to positively influence the Port of Miami for many years to come.

Mr. Speaker, I know my colleagues join with me and our Dade County community in wishing Rudy Givens and his wife, Edith, our thanks and best wishes for happiness and success in all their endeavors in the coming years.

TRIBUTE TO EMANUEL TAPP

HON. JULIAN C. DIXON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 29, 1995

Mr. DIXON. Mr. Speaker, I rise today to commend Emanuel Tapp of my Los Angeles staff. For nearly 8 years, Emanuel has rendered outstanding service as my secretary

and staff assistant. He has been a loyal employee—an individual that my staff and I could always depend on to lighten our days with a funny story or a light anecdote. Regrettably, Emanuel is taking a disability retirement on Friday, March 31, 1995. Before he leaves my employ, however, I am proud to have this opportunity to commend him on his distinguished and dedicated service to me and the citizens of the 32d Congressional District of California.

Emanuel hails from Greensboro, NC, where his mother and father live, and where he has a large and loving family. Prior to the start of his congressional career, Emanuel served honorably in the U.S. Air Force. He also worked for Pacific Telephone Co., and the Security Pacific Bank in Los Angeles.

Emanuel arrived in my office on July 13, 1987. He was an immediate hit with my staff for his thoughtful and caring manner and his ability to handle the most difficult tasks. His many responsibilities have included scheduling and arranging appointments for me, and serving as an ombudsman for constituents seeking assistance from Federal Government agencies. He has been particularly effective in both areas, but especially as a troubleshooter for the many seniors who have called and/or visited my office. He has a distinct love for our seniors and developed an instant and special rapport with them. In addition, he has represented me at community events throughout my district and served as my community liaison with the United States Commission on the Bicentennial of the Constitution. In every instance, Emanuel's performance has been outstanding.

I am pleased to have this opportunity to recognize the contributions which Emanuel has made to my staff. We will miss his wit and winning ways; however, each of us is enriched by having had the opportunity to know and work with him. Although he is leaving my employ, he will always be a part of the Dixon family. And as an individual who has always maintained an active interest in the cultural life of Los Angeles, it is good to know that we can look forward to his continued involvement and support of the arts, and his service to others. As a fellow jazz enthusiast, I also am pleased to note that he will be able to further cultivate and enjoy his love of jazz and his large collection of CD's.

Mr. Speaker and colleagues, please join me in commending Emanuel Tapp for his dedicated service to the citizens of Los Angeles, and in wishing him all the best.

Well done, my friend, well done.

THE 16TH ANNUAL CONFERENCE ON THE HOLOCAUST

HON. LYNN N. RIVERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 29, 1995

Ms. RIVERS. Mr. Speaker, today, I would like to recognize the 16th Annual Conference on the Holocaust which is being held March 19–27 at the University of Michigan. On this 50-year anniversary of the liberation of the death camps and concentration camps, the University has put together 19 events to remember the Holocaust and its victims.

Among the events scheduled for the conference are an afternoon discussion series, a number of speakers and films, an art exhibit, a name reading vigil, an evening with survivors and a memorial service.

Those scheduled to speak include Art Spiegelman, author of critically acclaimed narratives Maus I and Maus II, David Wyman, a historian from the University of Massachusetts at Amherst and Alvin Rosenfeld, Director of Jewish Studies at Indiana University.

The Conference on the Holocaust allows both students and community members to learn about the Holocaust in ways in which a history book does not allow. A planned trip to the Holocaust Memorial Center in West Bloomfield, MI, as well as the various discussion sessions and the 24 hour vigil allow participants to actively engage in discussions and remembrance of this tragic event.

I would like to acknowledge the University of Michigan for all of their hard work towards putting on this very worthy event. The events of the Holocaust must never be forgotten.

BOMB SUSPECT SAYS U.S. MERITS ATTACK

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 29, 1995

Mr. ENGEL. Mr. Speaker, I rise to call attention to recent comments by Ramzi Ahmed Yousef, the man arrested in Pakistan for engineering the 1993 bombing of the World Trade Center.

With all of the gall he could muster, this terrorist stated that America deserved to be attacked because of our support for Israel. While denying carrying out the bombing which killed or injured many innocent civilians, Yousef stated: ''The ability of Israel to commit these crimes is the direct result of the considerable military and financial aid which the United States of America provides annually to Israel, and it is this aid which gives Palestinians and Lebanese the right to attack U.S. targets.''

A March 25, 1995, article in The New York Times, entitled ''Bomb Suspect Says the U.S. Merits Attack'', gives substantial coverage of this outrage. I insert a copy of this article to be printed in the RECORD at this point.

BOMB SUSPECT SAYS THE U.S. MERITS ATTACK; HE AVOWS INNOCENCE IN THE TRADE CENTER PLOT

(By James C. McKinley, Jr.)

Ignoring the advice of his lawyer, the man accused of engineering the 1993 bombing of the World Trade Center released a diatribe yesterday saying that Palestinians had a right to attack the United States for its support of Israel.

In an eight-page statement, the man the authorities call Ramzi Ahmed Yousef said that his real name was Abdul-Basit Balochi and that he was an electronics engineer and explosives expert. He said he came from Pakistan and had family in both Iraq and Israel. He also claimed to have ''friends and relatives who were killed in Palestine by the Israeli Army.''

The statement, released yesterday by Mr. Yousef's court-appointed lawyer, was the first public comment from the trade center suspect since he was arrested in Pakistan last month, two years after the bombing that killed 6 and injured more than 1,000.

But it failed to clear up some of the central mysteries in the case, including the true identity of the suspect. And it was unclear what motivated him to make the statement, since some of the remarks could be used against him in court.

Mr. Yousef said he believed the state of Israel had no legal right to be established in Palestine and accused the Israeli Government of ''systematic murder, torture, imprisonment and deportation'' of Palestinians.

''The ability of Israel to commit these crimes is the direct result of the considerable military and financial aid which the United States of America provides annually to Israel, and it is this aid which gives Palestinians and Lebanese the right to attack United States targets,'' Mr. Yousef said in the statement.

Mr. Yousef's lawyer, Roy R. Kulcsar, said he had advised Mr. Yousef against releasing the statement before his trial. ''I told him that if it were me in his position, I would not make such a statement,'' Mr. Kulcsar said.

''I think he regards himself as a political prisoner, and part of that is the circumstances under which he was brought back to the United States,'' Mr. Kulcsar added. ''He certainly feels the treatment he has received is because of his views.''

Mr. Kulcsar said Mr. Yousef's statement was not a confession. He said Mr. Yousef still maintains that he is innocent and intends to fight the charges in court. The lawyer said his client was neither cooperating with the Government nor exploring a plea bargain agreement.

Prosecutors have depicted Mr. Yousef as a professional terrorist who was the mastermind of the bombing of the World Trade Center on Feb. 26, 1993. Four other men were convicted last year in connection with the bombing, but Mr. Yousef and a sixth man escaped.

Since he was arrested and flown back to the United States, Mr. Yousef's real identity has continued to be a mystery for the Federal Bureau of Investigation and the United States Attorney's office in Manhattan. No one knows for certain who he is or where he was born. More important, it is still unclear who provided the financial backing for the trade center bombing.

Abdel Basit Abdel Karim was the name Mr. Yousef used when he obtained a Pakistani passport from Pakistan's Consulate General office in New York in 1992. It was under this name that he reportedly left the country just hours after the explosion and flew to Pakistan.

Ramzi Ahmed Yousef was the name on a valid Iraqi passport that Mr. Yousef presented to United States officials when he arrived in New York on a plane from Pakistan in September 1992.

He immediately demanded asylum, and officials took his fingerprints as part of the application. Prosecutors say those fingerprints later turned up in the storage shed where they believe the trade center bomb was made.

The surname Balochi is common in the region known as Baluchistan, a remote and lawless border area between Iran, Afghanistan and Pakistan. Law-enforcement sources said they had never heard Mr. Yousef called by that name before. When Mr. Yousef was arrested, Pakistani officials said they believed he came from the area.

Mr. Yousef's statement, however, suggests that he is Palestinian and even has relatives who were killed in the struggle against Israel. Calling Israel ''an illegal and unlawful state,'' Mr. Yousef said that the Israeli lands should be returned to Arabs and that an international court should be convened to try the Israeli Government for war crimes.

''Since the U.S. Government, every year, sends military and financial aid worth hundreds of millions of dollars to Israel, which is being used to support the Israeli occupation, as well as the crimes and slaughters which were and are being carried out by the Israeli Army, all Muslims, Palestinians and Lebanese have the right to regard themselves in a state of war with the U.S. Government,'' he wrote.

Mr. Yousef then tried to justify attacks against United States targets as acts of war and compared them with the bombing attacks on Japan by the United States during World War II, which he called ''the worst terrorist acts in human history.''

The United States Attorney's office had no official comment on Mr. Yousef's remarks, but prosecutors said privately there was little doubt that the statement would be used against Mr. Yousef during his trial since it provides a clear motive for the attack.

THE TERM LIMITS VOTE

HON. GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 29, 1995

Mr. KLECZKA. Mr. Speaker, over the last 2 days, the House of Representatives has been riveted by a fiery debate over term limits. One of the most intriguing aspects of the debate was the absence of partisianship that characterized the other legs of the Contract With America.

We have heard heartfelt arguments from Members on both sides of this contentious issue. Many of the most compelling arguments against the concept were made by Members of the Republican Party.

After listening to these arguments, I will cast my vote against term limits. I will do so because term limits are not necessary, and they will lead to harmful unintended consequences.

There is a better alternative that will improve representation on Capitol Hill. That alternative is to keep our faith in those we represent. House Members face term limits every 2 years when we stand for reelection. Every 2 years, our records are scrutinized and our constituents have to make the choice about whether or not to return us to Congress.

They do a good job weeding out those who they no longer want to represent them. For example, half of all House seats have changed hands in the nineties.

Term limits are not necessary. On this, I agree wholeheatedly with the eloquence of one of the most distinguished Republicans in the House, Representative HENRY HYDE of Illinois, who called term limits the ''dumbing down of democracy.'' He is absolutely right—the people of Wisconsin's Fourth District are smart enough not to need artificial constraints on the exercise of their democratic right to vote for whoever they please.

Term limits are not the answer to reducing barriers to running for Congress. That answer is clearly campaign finance reform. Campaign finance reform would give challengers access to the financial, media, and other resources necessary to mount a meaningful and competitive campaign. We should have spent this week on that topic, not term limits.

Term limit proponents rail against an entrenched Congress and allege that power corrupts Members. In fact, the entrenched Congress is a myth. The average length of service for House Members is 7.5 years. That level is well below the 12-year limit proposed by leading term limits proposals.

And, term limits will not magically lead to the election of upstanding men and women who will resist corruption. Term limits cannot change human nature. It is ridiculous to argue that scandals would not occur if term limits were in effect.

As for unintended consequences, term limits will lead to two. First, they will usher in an even more powerful world of special interests. Power will shift from elected and accountable Members to unelected and unaccountable congressional staff, lobbyists, and bureaucrats. Lobbyists will write their own laws and will use their expertise and institutional memory to feed on a never-ending rotation of inexperienced Members.

Second, if term limits had been in existence, Wisconsin would have been deprived of many of the banner achievements of Senator Robert LaFollette who spent 22 years in the Senate. Similarly, we would not have had Senator William Proxmire's 32 years of service. And, my predecessor, Congressman Clem Zablocki, would not have been able to serve the Fourth District in an outstanding fashion for 34 years. Members like these are invaluable both to their constituents and to the Nation as a whole.

For all these reasons, I voted against term limits. It is a cynical constraint on the rights of the people I represent, and I could not lend the limitation my support.

''EQUAL JUSTICE UNDER LAW''

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 29, 1995

Mr. JACOBS. Mr. Speaker, etched in stone directly across the street from this Chamber are the words, ''Equal Justice Under Law.'' This Indianapolis Star article indicates that as a nation and a society we are inching our way toward equal justice for women to practice law. Which is not to say that Linda Pence merely inches her way toward success. She served her country well at the Justice Department, and serves it equally well by devoting her blazing talent to find justice on the other side of the court room.

[From the Indianapolis (IN) Star, Mar. 16, 1995]

MERGER GIVES WOMAN A NAME ON THE DOOR AT TOP-10 LAW FIRM

(By Peter Key)

Twenty-one years ago, Linda Pence couldn't get a job offer from an Indianapolis law firm.

She's about to get her name on the door of a pretty big one.

On April 3, Pence will merge her law practice with Johnson Smith Densborn Wright & Heath, which will change its name to Johnson Smith Pence Densborn Wright & Heath.

The merger, announced Wednesday, will make Pence the only woman who is a named partner in one of the city's 10 largest law firms, according to Pence and Johnson Smith.

''It is a big deal, and we're proud of it,'' said Richard Johnson, who founded the firm in 1983.

Women make up about 22 percent of Indiana's lawyers, according to figures from the Office of the Clerk of the Indiana Supreme Court. The state has 11,751 licensed attorneys; of those, 2,537 are women.

Pence's eight-person staff, which includes three other attorneys, also will join Johnson Smith, with attorney David Hensel becoming a partner.

The merger will boost Johnson Smith's staff size to almost 100 employees, including 58 attorneys.

John David Hoover, the firm's managing partner, said the merger is consistent with Johnson Smith's plan of expanding into new areas of practice by adding attorneys established in those areas.

''We've really looked for people in the community who could help us in areas we could not service our clientele in,'' he said.

Pence specializes in complex white-collar criminal and civil litigation.

After getting a law degree from Indiana University and passing the Indiana bar exam in 1974, Pence couldn't land a job with an Indianapolis law firm. So she moved to Washington, D.C., and joined the U.S. Justice Department.

''I wouldn't be the lawyer I am today if I hadn't worked there for nine years,'' she said.

Pence left Justice in 1983 to become a defense attorney. Three years later, she moved back to Indianapolis.

''I recognized at age 36 that my roots * * * were a lot stronger than I ever thought,'' she said.

Pence knew she wouldn't be able to get a partnership in one of the city's big law firms. So, tired of hearing the old canard that women can't run a law firm, she started her own practice.

About a year and a half ago, Pence realized she had to expand or merge her firm to get additional resources and support for her speciality, which requires expertise in many areas of law.

She decided to go with Johnson Smith, she said, because the firm is ''growing, but growing in a controlled way by bringing aboard attorneys who are really experts in their field.''

In addition to her clients, Pence will bring Johnson Smith a certain degree of celebrity. She commented on the trial of boxer Mike Tyson for WISH (Channel 8) and is commenting on the O.J. Simpson trial for WRTV (Channel 6). (The switch in stations might be attributable to the fact that she married WRTV anchorman Clyde Lee between trials.)

Pence also brings Johnson Smith a certain *jole de vie.* And it will be appreciated.

''We have a remarkably good time practicing law around this office * * * and Linda really fits into that program,'' Hoover said. ''She has fun practicing law.''

TERM LIMITS ARE NEEDED TO ASSURE A REPRESENTATIVE REPUBLIC

HON. STEPHEN HORN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 29, 1995

Mr. HORN. Mr. Speaker, this first-ever debate and vote on term limits is an exciting, even historic, moment.

As a term limits advocate since the mid-1970's, and as a Representative from California, whose voters were one of the first to pass term limits, I say it is about time that the people's Representatives in this House do what is right and pass term limits.

Four years ago less than 33 Representatives supported term limits. Two years ago, the number remained under 110. This week we will see at least 220 Members vote for term limits. That is amazing progress, and we should all hail the accomplishments of the grassroots activists who have driven this change. Our need is 290 Members, the two-thirds required to pass an amendment to the Constitution.

In 1990, California passed term limits on its state legislative representatives. Two years later, the people of California voted in favor of term limits on congressional representatives. This was the reaction of voters who had clearly tired of career politicians who lost touch with the concerns of the average Californian and of voters fed up with a corrupt incumbent-protecting campaign finance process.

The Term Limits Institute has compiled some revealing numbers: despite the revolutionary change in the 1992 and 1994 elections, incumbents running for reelection still won over 90 percent of the time. In addition, the average tenure of Democratic committee chairman in the last session of Congress was 28 years. As a new Member in 1993, I was part of a group that sought and won the fight in the Republican Conference to limit the terms of the ranking Republican on a committee to a total of 6 consecutive years. That precedent applies to the committee chairs of the Republican majority. In addition, we limited the Speaker to a total of 8 years in that office.

The simple fact is that we must end the days of career politicians. The elections last November were revolutionary, but they also proved that being the incumbent is still the best guarantee of success in an election. The incumbent advantage may be weakened, but it remains alive and well. Challengers do not have a competitive level campaign funding, nor can challengers use taxpayer-funded franked mail to send out thousands of pieces of mail touting the incumbent's accomplishments.

In the 1980's under an apportionment which could charitably be described as ''rotten,'' the Democratic controlled California Legislature provided ''safe'' seats for Democrats and Republicans. In that decade, there were 450 congressional elections primary and general. In those 450 elections, one Republican was defeated in a primary by another Republican [1988] and two Democrats and one Republican were defeated in the general election of 1990. We do need term limits.

Term limits are a vital first step toward congressional and campaign reform. Remember, however, that they are only a first step. In the last session of Congress, the Republican Conference endorsed a strong, bold plan to reform our system of campaign finance. Our plan shattered the control of Washington-based special interest groups and returned control of election financing to where it belongs in the hands of the voters. Our plan included restrictions on soft money. Our plan included a complete ban on Political Action Committees. And our plan required congressional candidates to raise a majority of their campaign money from the people who should really matter: the voters in each congressional district. I hope that we will see the passage of step one on the road to real campaign and congressional reform: term limits. Hopefully, it will not be too long after the first 100 days are over that we will see campaign finance reform debated and voted upon in this House.

Let us celebrate this historic first vote on term limits, but do not let us say this is the final step on the reform road. We must continue to work to return control of this Congress to the people who live and vote in our districts.

TRIBUTE TO RODNEY THAXTON

HON. CARRIE P. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 29, 1995

Mrs. MEEK of Florida. Mr. Speaker, life is not a series of unconnected events, everything happens for a reason. And, while that reason may not always be readily apparent, my faith and trust in God helps me to accept that reason and its rightness.

On occasion life's happenings and their sequence may seem a bit bewildering and even unfair. During such times we must trust in His infinite wisdom and remind ourselves that He has all power and that His will is for peace, joy, and harmony in our lives. If we do that, God will sustain and uplift us as He guides us toward fulfilling our purpose.

Mr. Speaker, today I must rely on my faith and belief in God and his great plan to sustain me, as I reflect on the life of Rodney Thaxton. Earlier this week, the Lord called Rodney home at the tender young age of 37.

Rodney used his forceful voice to help humble people. He used it to help the homeless, minorities, the downtrodden, and even those who committed crimes. He raised his voice throughout the community always standing up for that which is right, even in the face of that which was wrong.

Through his powerful mix of moral conviction and angry anecdotes, Rodney reminded us all that each of us has a stake in our national transformation away from selfish lives and toward a commitment to others. He helped South Florida remember that the fellowship of human beings is far more important than the fellowship of race and class and gender.

Rodney was at once a celebration of humanity, and an invocation to the Nation's conscience; yet he was touchingly humble, introspective, and self-searching. He was, above all, a utterance of faith and courage in a time of cynicism and despair. He inspired us all to fight injustice and to give future generations a legacy to preserve and future to design.

A vital part of our community, Rodney did not shy away from demanding and essential community leadership roles. He was active in the Miami-Dade Branch of the National Association for the Advancement of Colored People where he was branch vice president, and the American Civil Liberties Union. He also served as president of the Unrepresented People's Positive Action Council [UP–PAC], where he organized, mobilized, and advocated for the disenfranchised.

Rodney was a consummate profession, as a senior attorney in the Dade County Public Defender's Office, defending hundreds of cases and supervising attorneys within his division.

When he saw a cause he felt strongly about, he made a commitment to it and he took it on.

Mr. Speaker, my community, indeed, our country has lost a great son.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, March 30, 1995, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MARCH 31

9:30 a.m.
Agriculture, Nutrition, and Forestry
To resume hearings on proposed legislation to strengthen and improve United States agricultural programs, focusing on agricultural credit.
SR–332

Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Department of Veterans Affairs, and Veterans Affairs Service Organizations.
SD–138

APRIL 3

9:30 a.m.
Commerce, Science, and Transportation
Consumer Affairs, Foreign Commerce, and Tourism Subcommittee
To hold hearings on S. 565, to regulate interstate commerce by providing for a uniform product liability law.
SR–253

2:00 p.m.
Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Internal Revenue Service, Department of the Treasury, and the Office of Personnel Management.
SD–138

APRIL 4

9:30 a.m.
Agriculture, Nutrition, and Forestry
To resume hearings on proposed legislation to strengthen and improve United States agricultural programs, focusing on market effects of Federal farm policy.
SR–332

Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Department of Defense, focusing on Air Force programs.
SD–106

Armed Services
SeaPower Subcommittee
To hold hearings on proposed legislation authorizing funds for fiscal year 1996 for the Department of Defense and the future years defense program, focusing on surface shipbuilding programs and the Department of the Navy's plans for modernization and recapitalization.
SR–222

Commerce, Science, and Transportation
Consumer Affairs, Foreign Commerce, and Tourism Subcommittee
To continue hearings on S. 565, to regulate interstate commerce by providing for a uniform product liability law.
SR–253

10:00 a.m.
Environment and Public Works
Business meeting, to consider the nomination of Shirley Ann Jackson, of New Jersey, to be a Member of the Nuclear Regulatory Commission.
SD–406

Governmental Affairs
To hold hearings on the earned income tax credit.
SD–342

Judiciary
To hold hearings on punitive damages tort reform.
SD–226

Small Business
To hold hearings to examine the Small Business Administration's 8(a) Minority Business Development Program.
SH–216

2:00 p.m.
Foreign Relations
Western Hemisphere and Peace Corps Affairs Subcommittee
To hold hearings to examine drug control strategies in the western hemisphere.
SD–419

2:30 p.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, focusing on Department of Energy national security issues.
SR–222

APRIL 5

9:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the National Aeronautics and Space Administration.
SD–192

Energy and Natural Resources
Forests and Public Land Management Subcommittee
To hold oversight hearings on the U.S. Forest Service land management planning process.
SD–366

Environment and Public Works
Superfund, Waste Control, and Risk Assessment Subcommittee
To resume oversight hearings on the implementation of the Comprehensive Environmental Response, Compensation, and Liability Act (P.L. 102–426).
SD–406

Labor and Human Resources
To hold hearings to examine activities of the Department of Health and Human Services' Food and Drug Administration, focusing on the future of American biomedical and food industries.
SD–430

Indian Affairs
To hold hearings on providing direct funding through block grants to tribes to administer welfare and other social service programs.
SR–485

10:00 a.m.
Appropriations
Agriculture, Rural Development, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Agricultural Research Service, Cooperative State Research, Education, and Extension Service, Economic Research Service, and the National Agricultural Statistics Service, all of the Department of Agriculture.
SD–138

Appropriations
Commerce, Justice, State, and the Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Immigration and Naturalization Service, and the Bureau of Prisons, both of the Department of Justice.
S–146, Capitol

Governmental Affairs
To continue hearings on the earned income tax credit.
SD–342

2:00 p.m.
Armed Services
Personnel Subcommittee
To resume hearings on proposed legislation authorizing funds for fiscal year 1996 for the Department of Defense and the future years defense program, focusing on the Department of Defense Quality of Life Programs.
SH–216

Foreign Relations
African Affairs Subcommittee
To hold joint hearings with the House Committee on International Relations' Subcommittee on African Affairs to examine the crisis in Rwanda and Burundi.
SR–325

APRIL 6

9:30 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Department of Defense, focusing on Navy programs.
SD–106

Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Federal Emergency Management Agency.
SD–138

Commerce, Science, and Transportation
Business meeting, to mark up S. 565, to regulate interstate commerce by providing for a uniform product liability law.
SR–253

Labor and Human Resources
To continue hearings to examine activities of the Department of Health and Human Services' Food and Drug Administration, focusing on the future of American biomedical and food industries.
SD–430

10:00 a.m.
Appropriations
Commerce, Justice, State, and the Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the National Oceanic and Atmospheric Administration, and the National Institute of Standards and Technology, both of the Department of Commerce.
S–146, Capitol

Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Federal Aviation Administration, Department of Transportation.
SD–192

Environment and Public Works
Transportation and Infrastructure Subcommittee
To resume hearings on S. 440, to provide for the designation of the National Highway System, focusing on issues related to the Woodrow Wilson Bridge and the innovative financing of transportation facilities.
SD–406

Judiciary
To hold hearings to examine the right to own property.
SD–226

2:00 p.m.
Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Department of the Treasury and the Office of Management and Budget.
SD–116

APRIL 26

9:30 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for energy conservation.
SD–116

10:00 a.m.
Appropriations
Agriculture, Rural Development, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Food and Consumer Service, Department of Agriculture.
SD–138

Appropriations
Commerce, Justice, State, and the Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Legal Services Corporation.
S–146, Capitol

11:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for fossil energy, clean coal technology, Strategic Petroleum Reserve, and the Naval Petroleum Reserve.
SD–116

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 2

9:30 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Forest Service of the Department of Agriculture.
SD–138

Labor and Human Resources
To hold hearings on the nomination of Henry W. Foster, Jr., of Tennessee, to be Medical Director in the Regular Corps of the Public Health Service, Department of Health and Human Services.
SH–216

MAY 3

9:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Environmental Protection Agency, the Council on Environmental Quality, and the Agency for Toxic Substances and Disease Registry.
SD–192

10:00 a.m.
Appropriations
Agriculture, Rural Development, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Department of Agriculture.
SD–138

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

MAY 5

9:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for Environmental Protection Agency science programs.
SD–138

MAY 11

10:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Bureau of Indian Affairs, Department of the Interior.
SD–116

1:00 p.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Indian Health Service, Department of Health and Human Services.
SD–116

MAY 17

9:30 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the National Park Service, Department of the Interior.
SD–192

MAY 24

9:30 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the United States Fish and Wildlife Service, Department of the Interior.
SD–192

JUNE 6

9:30 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Department of the Interior.
SD–138

CANCELLATIONS

MARCH 30

9:00 a.m.
Armed Services
Readiness Subcommittee
To hold hearings on proposed legislation authorizing funds for fiscal year 1996 for the Department of Defense and the future years defense program, focusing on current and future Army readiness.
SR–232A

2:00 p.m.
Energy and Natural Resources
Energy Production and Regulation Subcommittee
To hold hearings on S. 283, to extend the deadlines applicable to two hydroelectric projects in Pennsylvania, S. 468, to extend the deadline applicable to the construction of a hydroelectric project in Ohio, S. 543, to extend the deadline applicable to the construction of a hydroelectric project in Oregon, S. 547, to extend the deadlines applicable to certain hydroelectric projects in Illinois, S. 549, to extend the deadline applicable to the construction of three hydroelectric projects in Arkansas, S. 552, to allow the refurbishment and continued operation of a small hydroelectric facility in central Montana, and S. 595, to provide for the extension of a hydroelectric project located in West Virginia.
SD–366

Wednesday, March 29, 1995

Daily Digest

HIGHLIGHTS

Senate passed Regulatory Transition Act.

Senate

Chamber Action

Routine Proceedings, pages S4749–S4836

Measures Introduced: Three bills and one resolution were introduced, as follows: S. 644–646 and S. Res. 96. **Page S4806**

Measures Reported: Reports were made as follows: Special Report entitled ''Legislative Activities Report of the Committee on Foreign Relations''. (S. Rept. No. 104–21) **Page S4804**

Measures Passed:

Regulatory Transition Act: By a unanimous vote of 100 yeas (Vote No. 117), Senate passed S. 219, to ensure economy and efficiency of Federal Government operations by establishing a moratorium on regulatory rulemaking actions, as amended. **Pages S4758–61**

Commending Chick Reynolds/Chief Reporter of Debates: Senate agreed to S. Res. 96, commending Chick Reynolds on the occasion of his retirement. **Page S4800**

FEMA Supplemental Appropriations/Rescissions: Senate began consideration of H.R. 1158, making emergency supplemental appropriations for additional disaster assistance and making rescissions for the fiscal year ending September 30, 1995, taking action on amendments proposed thereto, as follows: **Pages S4761–76, S4784–89, S4791–98, S4801–02**

Adopted:

(1) Wellstone Amendment No. 422 (to Amendment No. 420), to express the sense of the Congress that Congress should not enact or adopt any legislation that will increase the number of children who are hungry or homeless. **Pages S4773–76**

(2) By a unanimous vote of 99 yeas (Vote No. 119), Byrd Amendment No. 423 (to Amendment No. 420), to reduce the discretionary spending caps to ensure that savings achieved in the bill are applied to deficit reduction. **Pages S4784–89**

A unanimous-consent agreement was reached to waive the provisions of the Congressional Budget Act of 1974, and the Balanced Budget and Emergency Deficit Control Act of 1985 for the language of Amendment No. 423, listed above, as included in any conference report on H.R. 1158. **Page S4789**

(3) Pressler Amendment No. 425 (to Amendment No. 420), to extend the terms of permits for grazing on National Forest System lands to allow time for compliance with the National Environmental Policy Act of 1969 in connection with permit renewals. **Pages S4801–02**

Rejected:

(1) Mikulski Amendment No. 421 (to Amendment No. 420), in the nature of a substitute for title I. (By 68 yeas to 32 nays (Vote No. 118), Senate tabled the amendment.) **Pages S4763–73**

(2) McCain Amendment No. 424 (to Amendment No. 420), to make adjustments to certain rescissions. **Pages S4793–98**

Pending:

Hatfield Amendment No. 420, in the nature of a substitute. **Pages S4763–76, S4784–89, S4791–98, S4801–02**

Senate will continue consideration of the bill on Thursday, March 30, 1995.

Nomination Considered: Senate began consideration of the nomination of Daniel Robert Glickman, of Kansas, to be Secretary of Agriculture. **Pages S4798–S4803**

A unanimous-consent time agreement was reached providing for further consideration of the nomination on Thursday, March 30, 1995, with a vote on confirmation to occur thereon at 10:25 a.m. **Page S4799**

Messages From the President: Senate received the following messages from the President of the United States: Transmitting, the report on science and technology; to the Committee on Commerce, Science, and Transportation. (PM–39). **Pages S4803–04**

Nominations Received: Senate received the following nominations: Received on Tuesday, March 28, during the recess:

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John M. Deutch, of Massachusetts, to be Director of Central Intelligence. Page S4836

Messages From the President: Pages S4803–04

Messages From the House: Page S4804

Measures Referred: Page S4804

Measures Read First Time: Page S4804

Petitions: Page S4804

Executive Reports of Committees: Pages S4804–06

Statements on Introduced Bills: Pages S4806–20

Additional Cosponsors: Page S4820

Amendments Submitted: Pages S4821–33

Authority for Committees: Page S4833

Additional Statements: Pages S4833–36

Record Votes: Three record votes were taken today. (Total—119) Pages S4758, S4733, S4788–89

Recess: Senate convened at 9:45 a.m., and recessed at 7:06 p.m., until 9:20 a.m., on Thursday, March 30, 1995. (For Senate's program, see the remarks of the Acting Majority Leader in today's RECORD on page S4836.)

Committee Meetings

(Committees not listed did not meet)

APPROPRIATIONS—AGRICULTURE

Committee on Appropriations: Subcommittee on Agriculture, Rural Development, and Related Agencies held hearings on proposed budget estimates for fiscal year 1996 for the Department of Agriculture, receiving testimony in behalf of funds for their respective activities from Michael R. Taylor, Acting Under Secretary for Food Safety; Patricia Jensen, Acting Assistant Secretary for Marketing and Regulatory Programs; Lonnie J. King, Acting Administrator, Animal and Plant Health Inspection Service; Lon Hatamiya, Administrator, Agricultural Marketing Service; and James R. Baker, Administrator, Grain Inspection, Packers and Stockyards Administration, all of the Department of Agriculture.

Subcommittee will meet again on Wednesday, April 5.

APPROPRIATIONS—JUDICIARY

Committee on Appropriations: Subcommittee on Commerce, Justice, State, and Judiciary (and Related Agencies) held hearings on proposed budget estimates for fiscal year 1996 for the Judiciary, the Administrative Office of the Courts, and the Judicial Conference of the United States, receiving testimony from Judge Richard S. Arnold, Chairman, Budget Committee, Judicial Conference of the United States.

Subcommittee will meet again on Wednesday, April 5.

NOMINATIONS

Committee on Armed Services: Committee ordered favorably reported 1,361 routine military nominations in the Army, Navy, Marine Corps, and the Air Force.

AUTHORIZATION—DEFENSE

Committee on Armed Services: Subcommittee on Airland Forces resumed hearings on proposed legislation authorizing funds for fiscal year 1996 for the Department of Defense and the future years defense program, focusing on tactical aviation issues, receiving testimony from Lt. Gen. Harold W. Blot, USMC, Deputy Chief of Marine Corps Staff for Aviation; Maj. Gen. George K. Mueliner, USAF, Director, Joint Advanced Strike Technology Program; Rear Adm. Brent M. Bennitt, USN, Director, Air Warfare Division, Office of the Chief of Naval Operations; and Brig. Gen. David J. McCloud, USAF, Director of Operational Requirements, Office of the Deputy Chief of Staff for Plans and Operations.

Subcommittee recessed subject to call.

HUD REORGANIZATION

Committee on Banking, Housing, and Urban Affairs: Subcommittee on Housing Opportunity and Community Development and the Subcommittee on HUD Oversight and Structure concluded joint hearings on proposals to reorganize the Department of Housing and Urban Development (HUD), focusing on policy reform issues, including national policies to assist cities and communities, after receiving testimony from Henry G. Cisneros, Secretary of Housing and Urban Development; Mayor Stephen Goldsmith, Indianapolis, Indiana; Mayor Bret Schundler, Jersey City, New Jersey; and Mayor Dennis W. Archer, Detroit, Michigan.

BUSINESS MEETING

Committee on Energy and Natural Resources: Committee ordered favorably reported the following bills:

S. 333, to direct the Secretary of Energy to institute certain procedures in the performance of risk assessments in connection with environmental restoration activities, with an amendment in the nature of a substitute;

S. 523, to authorize additional funds to carry out the salinity control program of the Colorado River Basin Salinity Control Act, with an amendment in the nature of a substitute;

H.R. 101, to transfer a parcel of land to the Taos Pueblo Indians of New Mexico;

S. 197, to establish the Carl Garner Federal Lands Cleanup Day, with an amendment;

S. 357, to establish the Friends of Kaloko-Honokohau, an advisory commission for the Kaloko-Honokohau National Historical Park in Hawaii;

S. 363, to improve water quality within the Rio Puerco watershed and to restore the ecological health of the Rio Grande through the cooperative identification and implementation of best management practices which are consistent with the ecological, geological, cultural, sociological, and economic conditions in the region;

S. 378, to authorize the Secretary of the Interior to exchange certain lands of the Columbia Basin Federal reclamation project in the State of Washington;

S. 392, to amend the Dayton Aviation Heritage Preservation Act of 1992 with regard to the appointment of members of the Dayton Aviation Heritage Commission;

S. 551, to revise the boundaries of the Hagerman Fossil Beds National Monument and the Craters of the Moon National Monument;

S. 587, to designate the Old Spanish Trail and the Northern Branch of the Old Spanish Trail for potential inclusion into the National Trails System;

S. 610, to provide for an interpretive center at the Civil War Battlefield of Corinth, Mississippi;

S. 601, to revise the boundaries of the Blackstone River Valley National Heritage Corridor in Massachusetts and Rhode Island;

H.R. 536, to prohibit the use of Highway 209 within the Delaware Water Gap National Recreation Area by certain commercial vehicles;

H.R. 694, to make minor boundary adjustments to units of the National Park System and other miscellaneous changes involving programs and functions of the National Park Service, with an amendment in the nature of a substitute; and

H.J. Res. 50, to designate the visitors center at the Channel Islands National Park, California, as the "Robert J. Lagomarsino Visitors Center".

Also, committee approved their fiscal year 1996 budgetary views and estimates on programs which fall under the jurisdiction of the committee which they will make to the Committee on the Budget.

SUPERFUND REFORM

Committee on Environment and Public Works: Subcommittee on Superfund, Waste Control, and Risk Assessment resumed oversight hearings on the implementation of the Comprehensive Environmental Response, Compensation, and Liability Act (P.L. 102–426), focusing on Superfund program provisions, receiving testimony from Barry L. Johnson, Assistant Administrator, Agency for Toxic Substances and Disease Registry (Atlanta, Georgia), Public Health Service, Department of Health and Human Services; Martin Yee, White Spur Dry Cleaners, El Paso, Texas, on behalf of the Small Business Fabric Care Superfund Coalition; Timothy C. Duffy, Rhode Island Association of School Committees, Warwick; Richard L. Bunn, UGI Utilities, Inc., Reading, Pennsylvania; James A. Goodrich, San Gabriel Basin Water Quality Authority, Covina, California; John F. Spisak, Industrial Compliance, Inc., Lakewood, Colorado; Ronald W. Cattany, Colorado Department of Natural Resources, Denver; Pat Murphy, Concerned Citizens of Triumph, Hailey, Idaho; and Rose Augustine, Tucson, Arizona, on behalf of the Southwest Network for Environmental and Economic Justice, and the Washington Office on Environmental Justice.

Hearings will continue on Wednesday, April 5.

WELFARE REFORM

Committee on Finance: Committee concluded hearings on proposals to reform the national welfare system, after receiving testimony from Robert B. Carleson, Free Congress Research and Education Foundation, San Diego, California; Kate Michelman, National Abortion and Reproductive Rights Action League, Penny L. Young, Concerned Women for America, John L. Carr, United States Catholic Bishops Conference, Peter J. Ferrara, National Center for Policy Analysis, and David S. Liederman, Child Welfare League of America, Inc., all of Washington, D.C.; Sister Mary Rose McGeady, Covenant House, and Audrey Rowe, National Urban League, Inc., both of New York, New York; Rev. Donald L. Roberts, Goodwill Industries-Manasota, Inc., Sarasota, Florida; Merrill J. Bateman, Church of Jesus Christ of Latter-Day Saints, Salt Lake City, Utah; Terry L. Cross, National Indian Child Welfare Association, Portland, Oregon; and Gwen Daye Richardson, Minority Mainstream, Houston, Texas.

START II TREATY

Committee on Foreign Relations: Committee resumed hearings on the Treaty Between the United States and the Russian Federation on Further Reduction and Limitation of Strategic Offensive Arms (START II Treaty) signed at Moscow on January 3, 1993, including the following documents, which are integral parts thereof: the Elimination and Conversion Protocol; the Exhibitions and Inspections Protocol; and the Memorandum of Attribution (Treaty Doc. 103–1), receiving testimony from Sven Kraemer, Global 2000, Stephen J. Hadley, Shea & Gardner, Michael Krepon, Henry L. Stimson Center, and Jack Mendelsohn, Arms Control Association, all of Washington, D.C.

Hearings were recessed subject to call.

NEW ZEALAND ECONOMY

Committee on Foreign Relations: Subcommittee on East Asian and Pacific Affairs concluded hearings to examine recent developments in the economic situation in New Zealand, focusing on the effects of United States and foreign investment in New Zealand, after receiving testimony from Sandra O'Leary, Deputy Assistant Secretary of State for East Asia and Pacific Affairs; Alexander Good, Bell Atlantic International, Philadelphia, Pennsylvania; Paul Cushman III, Riggs National Bank, and Paul M. Cleveland, United States-New Zealand Council, both of Washington, D.C.; and Donald G. Jones, Cyberstar, Fond du Lac, Wisconsin.

BUSINESS MEETING

Committee on Labor and Human Resources: Committee ordered favorably reported the following business items:

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, with an amendment;

S. 555, to consolidate and authorize funds for health professions and minority and disadvantaged health education programs, with an amendment in the nature of a substitute;

S. 641, authorizing funds for programs of the Ryan White Care Act;

S. 184, to establish an Office for Rare Disease Research within the National Institutes of Health of the Department of Health and Human Services; and

The nominations of Kenneth Byron Hipp, of Hawaii, to be a Member of the National Mediation Board; Yerker Andersson of Maryland, John A. Gannon of Ohio, Audrey L. McCrimon of Illinois, Lilliam Rangel Pollo of Florida, Debra Robinson of Pennsylvania, Rae E. Unzicker of North Dakota, and Ela Yazzie-King of Arizona, each to be a Member of the National Council on Disability; Robert G. Breunig of Arizona, Kinshasha Holman Conwill of New York, Charles Hummel of Delaware, Ayse Manyas Kenmore of Florida, Nancy Marsiglia of Louisiana, Arthur Rosenblatt of New York, Ruth Y. Tamura of Hawaii, Townsend Wolfe of Arkansas, Phillip Frost of Florida, and John L. Bryant, Jr. of the District of Columbia, each to be a Member of the National Museum Services Board of the National Foundation on the Arts and the Humanities; E. Gordon Gee of Ohio, Joseph E. Stevens, Jr. of Missouri, and Steven L. Zinter of South Dakota, each to be a Member of the Board of Trustees of the Harry S Truman Scholarship Foundation; Peggy Goldwater Clay of California, Lt. Gen. William W. Quinn, USA (Ret.), Lynda Hare Scribante of Nebraska, and Niranjan Shamalbhai Shah of Illinois, each to be a Member of the Board of Trustees of the Barry Goldwater Scholarship and Excellence in Education Foundation; Sanford D. Greenberg of the District of Columbia, Eve L. Menger of New York, Claudia Mitchell-Kernan of California, Diana S. Natalicio of Texas, Robert M. Solow of Massachusetts, Warren M. Washington of Colorado, and John A. White, Jr. of Georgia, each to be a Member of the National Science Board of the National Science Foundation; Jerome F. Kever of Illinois and Virgil M. Speakman of Ohio, each to be a Member of the Railroad Retirement Board; Marciene S. Mattleman of Pennsylvania, to be a Member of the National Institute for Literacy Advisory Board; and Joan Challinor of the District of Columbia, to be a Member of the National Commission on Libraries and Information Science.

BUSINESS MEETING

Committee on Indian Affairs: Committee ordered favorably reported the following bills:

S. 325, to make certain technical corrections in laws relative to Native Americans;

S. 441, authorizing funds through fiscal year 1997 for programs of the Indian Child Protection and Family Violence Prevention Act;

S. 349, authorizing funds through fiscal year 1997 for the Navajo-Hopi Relocation Housing Program;

S. 510, authorizing funds through fiscal year 1999 for the Native American Social and Economic Development Strategies Grant Program administered by the Administration for Native Americans, Department of Health and Human Services, with an amendment in the nature of a substitute.

Also, committee approved their fiscal year 1996 budgetary views and estimates on programs which fall under the jurisdiction of the committee which they will make to the Committee on the Budget.

INTELLIGENCE

Select Committee on Intelligence: Committee held closed hearings on intelligence matters, receiving testimony from officials of the intelligence community.

Committee recessed subject to call.

House of Representatives

Chamber Action

Bills introduced: Fifteen public bills, H.R. 1344–1358; one private bill, H.R. 1359; and six resolutions, H.J. Res. 81–82; H. Con. Res. 53, and H. Res. 120, 122–123, were introduced. **Pages H3974–75**

Reports Filed: Reports were filed as follows:

Conference report on H.R. 831, to amend the Internal Revenue Code of 1986 to permanently extend the deduction for the health insurance costs of self-employed individuals, and to repeal the provision permitting nonrecognition of gain on sales and exchanges effectuating policies of the Federal Communications Commission (H. Rept. 104–92);

H. Res. 121, waiving points of order against the conference report to accompanying H.R. 831, to amend the Internal Revenue Code of 1986 to permanently extend the deduction for the health insurance costs of self-employed individuals, and to repeal the provision permitting nonrecognition of gain on sales and exchanges effectuating policies of the Federal Communications Commission (H. Rept. 104–93); and

H.R. 1271, to provide protection for family privacy, amended (H. Rept. 104–94).

Pages H3909–15, H3965, H3974

Term Limits: By a recorded vote of 227 ayes to 204 noes with 1 voting ''present'', Roll No. 277 (two-thirds of those present not voting in the affirmative), the House failed to pass H.J. Res. 73, proposing an amendment to the Constitution of the United States with respect to the number of terms of office of Members of the Senate and the House of Representatives. **Pages H3888–H3909, H3915–65**

Permission To Proceed: By a yea-and-nay vote of 212 yeas to 197 nays with 2 voting ''present'', Roll No. 273, the House agreed to permit Representative Hoke to proceed in order with general debate on H.J. Res. 73, speech after the Chair held that certain words be taken down as unparliamentary.

Pages H3896–97

Rejected:

The Peterson of Florida amendment in the nature of a substitute that sought to make term limits retroactive taking into consideration service occurring before the amendment, limits lifetime service of the members of the House to six terms (12 years) and Members of the Senate to two terms (12 years), and that protects State laws limiting congressional terms of service if the State laws are shorter (rejected by a recorded vote of 135 ayes to 297 noes, Roll No. 274); **Pages H3928–41**

The Inglis of South Carolina amendment in the nature of a substitute that sought to limit lifetime service of Members of the House to three terms (6 years) and Members of the Senate to two terms (12 years), and that provides language that states a full term is considered as served if a Member serves more than 50 percent of that term (rejected by a recorded vote of 114 ayes to 316 noes, Roll No. 276); and

Pages H3941–49

The Hilleary amendment in the nature of a substitute that sought to limit lifetime service of Members of the House to six terms (12 years) and Members of the Senate to two terms (12 years) and to provide that State law could preempt the legislation if the State limits are shorter (rejected by a recorded vote of 164 ayes to 265 noes with 1 voting ''present'', Roll No. 276). **Pages H3949–59**

The McCollum amendment in the nature of a substitute was offered, but subsequently withdrawn, that sought to limit lifetime service to twelve (12) years in either body and provides language that states a full term is considered as served if a Member serves more than 50 percent of that term.

Pages H3959–65

Presidential Message—Science and Technology: Read a message from the President wherein he transmits the Administration's policy to make sound investments in science and technology—referred to the Committee on Science. **Pages H3965–66**

Amendments Ordered Printed: Amendments ordered printed pursuant to the rule appear on pages H3975–78.

Quorum Calls—Votes: One yea-and-nay vote and four recorded votes developed during the proceedings of the house today and appear on pages H3896–97, H3940–41, H3949, H3958–59, and H3965. There were no quorum calls.

Adjournment: Met at 11:00 a.m. and adjourned at 10:31 p.m.

Committee Meetings

GOVERNMENT ACREAGE IDLING PROVISIONS—IMPACT ON PROGRAM COMMODITY CROPS

Committee on Agriculture: Subcommittee on General Farm Commodities held a hearing to review Government acreage idling provisions and their impact on program commodity crops. Testimony was heard from Keith Collins, Acting Chief Economist, USDA; and public witnesses.

AGRICULTURE, RURAL DEVELOPMENT, FDA, AND RELATED AGENCIES APPROPRIATIONS

Committee on Appropriations: Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies continued appropriation hearings. Testimony was heard from Members of Congress and public witnesses.

COMMERCE, JUSTICE, STATE, AND JUDICIARY APPROPRIATIONS

Committee on Appropriations: Subcommittee on Commerce, Justice, State, and the Judiciary (and Related Agencies) held a hearing on Immigration and Border Security. Testimony was heard from the following officials of the Department of Justice: Doris Meissner, Commissioner, Immigration and Naturalization Service; Anthony Mascato, Director, Executive Office for Immigration Renewal; and Allen Bursen, U.S. Attorney, Southern District, State of California; Mary A. Ryan, Assistant Secretary, Consular Affairs, Department of State; and Barbara Jordan, Chairman, Commission on Immigration Reform.

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS

Committee on Appropriations: Subcommittee on Energy and Water Development continued appropriation hearing. Testimony was heard from Members of Congress and public witnesses.

INTERIOR APPROPRIATIONS

Committee on Appropriations: Subcommittee on Interior (and Related Agencies) continued appropriation hearings. Testimony was heard from Members of Congress.

LABOR—HHS—EDUCATION APPROPRIATIONS

Committee on Appropriations: Subcommittee on Labor, Health and Human Services, and Education (and Related Agencies) held a hearing on Administration on Aging, Inspector General, HHS, Vocational and Adult Education, and on Special Education and Rehabilitation Services. Testimony was heard from the following officials of the Department of Health and Human Services: Ferndo Torres-Gil, Assistant Secretary, Administration on Aging; and June Gibbs Brown, Inspector General; the following officials of the Department of Education; Augusta Souza Kappner, Assistant Secretary, Vocational and Adult Education; and Judith Heumann, Assistant Secretary, Special Education and Rehabilitation Services.

TREASURY, POSTAL SERVICE, GENERAL GOVERNMENT APPROPRIATIONS

Committee on Appropriations: Subcommittee on Treasury, Postal Service, and General Government held a hearing on GSA/Federal Construction and on the GAO. Testimony was heard from Roger W. Johnson, Administrator, GSA; Gaston L. Gianni, Jr., Associate Director, Government Business Operations Issues, General Government, GAO.

FINANCIAL SERVICES COMPETITIVENESS ACT

Committee on Banking and Financial Services: Continued hearings on the following: H.R. 1062, Financial Services Competitiveness Act of 1995; Glass-Steagall Reform; and related issues. Testimony was heard from public witnesses.

ADMINISTRATION'S BUDGET

Committee on the Budget: Continued hearings on the Administration's Fiscal Year 1996 Budget, with emphasis on the Perspective of State and Local Governments. Testimony was heard from the following State Legislators: Senator Dick Finan, State of Ohio; Representative George Cunningham, State of Arizona; Representative Ann Rest, State of Minnesota; Representative David Ennis, State of Delaware; Representative Brad Gorham, State of Rhode Island; Representative Susan Wagle, State of Kansas; Delegate Kirk Cox, State of Virginia; and Representative Steve Grubbs, State of Iowa; and public witnesses.

Hearings continue tomorrow.

TRAINING ISSUES

Committee on Economic and Educational Opportunities: Subcommittee on Postsecondary Education, Training and Life-Long Learning concluded hearings on training issues, Vocational Rehabilitation. Testimony was heard from Frederick Schroeder, Commissioner, Rehabilitation Services Administration, Department of Education; and public witnesses.

CONTRACTING OUT

Committee on Government Reform and Oversight: Subcommittee on Civil Service held a hearing on Contracting Out: Part I. Testimony was heard from L. Nye Stevens, Director, Planning and Reporting, General Government Division, GAO; and John Koskinen, Deputy Director, Management, OMB.

Hearings continue April 5.

DISTRICT OF COLUMBIA FINANCIAL RESPONSIBILITY AND MANAGEMENT ASSISTANCE ACT

Committee on Government Reform and Oversight: Subcommittee on District of Columbia approved for full Committee action H.R. 1345, District of Columbia

Financial Responsibility and Management Assistance Act of 1995.

UNITED STATES-EAST ASIAN ECONOMIC RELATIONS: A FOCUS ON SOUTH KOREA

Committee on International Relations: Subcommittee on International Economic Policy and Trade and the Subcommittee on Asia and the Pacific held a joint hearing on United States-East Asian Economic Relations: A Focus on South Korea. Testimony was heard from Lawrence S. Eagleburger, former Secretary of State; and public witnesses.

CERTIFICATION PROGRAM FOR NARCOTICS PRODUCING AND TRANSIT COUNTRIES IN LATIN AMERICA

Committee on International Relations: Subcommittee on Western Hemisphere Affairs held a hearing to review the Administration's Certification Program for Narcotics Producing and Transit Countries in Latin America. Testimony was heard from Robert S. Gelbard, Assistant Secretary, International Narcotics Matters, Department of State; Thomas A. Constantine, Administrator, DEA, Department of Justice; William J. Olson, Former Deputy Assistant Secretary, International Narcotics Matters, Department of State; and public witnesses.

MISCELLANEOUS MEASURES

Committee on the Judiciary: Subcommittee on Courts and Intellectual Property held a hearing on the following: H.R. 587, to amend title 35, United States Code, with respect to patents on biotechnological processes; and H.R. 1269, to amend the act of June 22, 1974, to authorize the Secretary of Agriculture to prescribe by regulation the representation of ''Woodsy Owl.'' Testimony was heard from H. Dieter Hoinkes, Senior Counsel, Office of Legislative and International Affairs, Patent and Trademark Office, Department of Commerce; and a public witness.

DEFENSE AUTHORIZATION

Committee on National Security: Subcommittee on Military Procurement continued hearings on the fiscal year 1996 national defense authorization request, with emphasis on the Department of Energy budget request. Testimony was heard from Harold Smith, Jr., Assistant to the Secretary (Atomic Energy), Department of Defense; the following officials of the Department of Energy: Kenneth E. Baker, Acting Director, Office of Nonproliferation and National Security; Victor H. Reis, Assistant Secretary, Defense Programs; and Charles B. Curtis, Under Secretary; Sigfried S. Hecker, Director, Los Alamos National Laboratory; Bruce C. Tarter, Director, Lawrence Livermore National Laboratory; and Albert Narath, Director, Sandia National Laboratories.

Hearings continue tomorrow.

DEFENSE AUTHORIZATION

Committee on National Security: Special Oversight Panel on Morale, Welfare and Recreation held a hearing on the fiscal year 1996 national defense authorization request, with emphasis on the effect of force structure drawdown on morale, welfare and recreation programs. Testimony was heard from the following officials of the Department of Defense: Fred Pang, Assistant Secretary, Force Management; Brig. Gen. John G. Meyer, USA, Commander, U.S. Army Community and Family Support Center; Rear Adm. Larry R. Marsh, USN, Assistant Chief of Naval Personnel, Personnel Readiness and Community Support, Bureau of Naval Personnel; Col. Stevan Richards, USAF, Director, Directorate of Services, U.S. Air Force; and Brig. Gen. J. R. Joy, USMC (Ret.), Director, Morale, Welfare and Recreation Support Activity, U.S. Marine Corps.

Hearings continue April 6.

MISCELLANEOUS MEASURES

Committee on Resources: Subcommittee on National Parks, Forests and Lands approved for full Committee action amended the following bills: H.R. 260, National park System Reform Act of 1995; H.R. 1077, to authorize the Bureau of Land Management; and H.R. 1091, to improve the National Park System in the Commonwealth of Virginia.

MISCELLANEOUS MEASURES

Committee on Resources: Subcommittee on Native American and Insular Affairs held a hearing on the following bills: H.R. 1306, American Samoa Economic Development Act; and H.R. 1332, Rongelap Recovery and Community Self-Reliance Act. Testimony was heard from Allen P. Stayman, Deputy Assistant Secretary, Territorial and International Affairs, Department of the Interior; and the following officials of the Republic of the Marshall Islands; Banny De Brun, Deputy Chief of Mission; Johnsay Riklon, member of the Nitijela; and Billiet Edmond, Mayor, Rongelap.

CONTRACT WITH AMERICA TAX RELIEF ACT

Committee on Rules: Heard testimony but took no action on H.R. 1215, Contract With America Tax Relief Act of 1995. Testimony was heard from Chairman Archer and Representatives Bunning of Kentucky, Collins of Georgia, Upton, Ganske, Kasich, Kolbe, Allard, Bass, Burton of Indiana, Morella, Zeliff, McIntosh, Tate, Martini, Goodling, Porter, Houghton, Roberts, Wolf, Pryce, Doolittle, Castle, Hutchinson, Istook, Knollenberg, Salmon, Gibbons, Wyden, Sabo, Orton, Pomeroy, Browder, Collins of

Illinois, Moran, Gephardt, Obey, Foglietta, Evans, Kennedy of Massachusetts, Lowey, Nadler, and Stupak.

CONFERENCE REPORT—SELF-EMPLOYED HEALTH INSURANCE PERMANENT REDUCTION RESTORATION

Committee on Rules: Granted, by a voice vote, a rule waiving all points of order against the conference report on H.R. 831, to amend the Internal Revenue Code of 1986 to permanently extend the deduction for the health insurance costs of self-employed individuals, to repeal the provisions permitting nonrecognition of gain on sales and exchanges effectuating policies of the Federal Communications Commission, and against its consideration. The rule dispenses with the reading of the conference report. Testimony was heard from Chairman Archer and Representatives Gibbons, Matsui, and Levin.

APPROPRIATE ROLE OF GOVERNMENT PROGRAMS—HELPING SMALL BUSINESSES FIND EXPORT OPPORTUNITIES

Committee on Small Business: Subcommittee on Procurement, Exports, and Business Opportunities held a hearing on the appropriate role and the effectiveness of various Federal Government programs in helping small businesses find export opportunities around the world. Testimony was heard from the following officials of the Department of Commerce; Lauri Fitz-Pegado, Director General, U.S. Foreign and Commercial Service; Raymond Vickery, Jr., Assistant Secretary, Trade Development; and Charles Meissner, Assistant Secretary, International Economic Policy; Joseph Grandmaison, Director, Trade and Development Agency; Mary Jean Ryan, Associate Deputy Administrator, Economic Development, SBA: Maria Louisa Haley, member, Board of Directors, Export-Import Bank; and Christopher Finn, Executive Vice-President, Overseas Private Investment Corporation, U.S. International Development Cooperation Agency.

Hearings continue tomorrow.

FEDERAL WATER POLLUTION CONTROL ACT AMENDMENTS AND AUTHORIZATION

Committee on Transportation and Infrastructure: Subcommittee on Water Resources and Environment approved for full Committee action amended H.R. 961, Clean Water Amendments of 1995.

MISCELLANEOUS MEASURES

Committee on Ways and Means: Subcommittee on Trade approved for full Committee action the following: H.R. 553, amended, Caribbean Basin Trade Security Act; and proposed legislation providing Fiscal year 1996 Budget Authorizations for the Customs Service, the International Trade Commission, and the Office of the U.S. Trade Representative.

Joint Meetings

SELF-EMPLOYED HEALTH INSURANCE TAX CREDIT

Conferees on Tuesday, March 28, agreed to file a conference report on the differences between the Senate- and House-passed versions of H.R. 831, to amend the Internal Revenue Code of 1986 to permanently extend the deduction for the health insurance costs of self-employed individuals, and to repeal the provisions permitting nonrecognition of gain on sales and exchanges effectuating policies of the Federal Communications Commission.

EMERGENCY SUPPLEMENTAL APPROPRIATIONS

Conferees met to resolve the differences between the Senate- and House-passed versions of H.R. 889, making emergency supplemental appropriations and rescissions to preserve and enhance the military readiness of the Department of Defense for the fiscal year ending September 30, 1995, but did not complete action thereon, and recessed subject to call.

COMMITTEE MEETINGS FOR THURSDAY, MARCH 30, 1995

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Armed Services, Subcommittee on Personnel, to resume hearings on proposed legislation authorizing funds for fiscal year 1996 for the Department of Defense and the future years defense program, focusing on Reserve component programs, 2 p.m., SR–222.

Subcommittee on Acquisition and Technology, to resume open and closed hearings on proposed legislation authorizing funds for fiscal year 1996 for the Department of Defense and the future years defense program, focusing on the Counterproliferation Support Program, 2 p.m., SR–232A.

Committee on Commerce, Science, and Transportation, Subcommittee on Science, Technology, and Space, to hold oversight hearings on the implementation of the science programs of the National Science Foundation and activities of the Office of Science and Technology Policy (Executive Office of the President), 10 a.m., SR–253.

Committee on Energy and Natural Resources, Subcommittee on Forests and Public Land Management, to hold hearings on S. 506, to reform Federal mining laws, and S. 504, to modify the requirements applicable to locatable minerals on public domain lands, consistent with the principles of self-initiation of mining claims, 9:30 a.m., SD–366.

Committee on Environment and Public Works, Subcommittee on Transportation and Infrastructure, to resume hearings on S. 440, to provide for the designation of the National Highway System, focusing on transportation conformity requirements, 9:30 a.m., SD–406.

Committee on Foreign Relations, Subcommittee on International Operations, to hold hearings to examine the reorganization and revitalization of America's foreign affairs institutions, 10 a.m., SD–419.

Full Committee, to hold hearings on the reorganization of U.S. foreign assistance programs, focusing on alternatives to the Agency for International Development, 2 p.m., SD–419.

Committee on Governmental Affairs, to hold oversight hearings on the General Accounting Office, focusing on a study by the National Academy of Public Administration, 10 a.m., SD–342.

Committee on the Judiciary, business meeting, to mark up S. 343, to reform the regulatory process, 10 a.m., SD–226.

Committee on Labor and Human Resources, Subcommittee on Education, Arts and Humanities, to hold oversight hearings to examine direct lending practices, 9:30 a.m., SD–430.

Committee on Rules and Administration, business meeting, to consider S. Res. 24, providing for the broadcasting of press briefings on the floor prior to the Senate's daily convening, 9:30 a.m., SR–301.

Committee on 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, 9:30 a.m., 345 Cannon Building.

NOTICE

For a listing of Senate Committee Meetings scheduled ahead, see pages E735–36 in today's RECORD.

House

Committee on Agriculture, Subcommittee on Resource Conservation, Research, and Forestry and the Subcommittee on Fisheries, Wildlife and Oceans of the Committee on Resources, joint oversight hearing to review law enforcement activities on Federal lands, 9:30 a.m., 1300 Longworth.

Committee on Appropriations, Subcommittee on Commerce, Justice, State, and the Judiciary (and Related Agencies), on Federal Judiciary, 10 a.m., and on Economic and Business Development, 1:30 p.m., H–309 Capitol.

Subcommittee on Foreign Operations, Export Financing and Related Programs, on Congressional and Public Witnesses, 10 a.m., H–144 Capitol.

Subcommittee on Interior (and Related Agencies), on National Park Service, 10 a.m. and 1:30 p.m., B–308 Rayburn.

Subcommittee on Labor, Health and Human Services, and Education (and Related Agencies), on National Cancer Institute and National Center for Research Resources, 10 a.m., and on National Institute of Child Health and Human Development and on National Institute of Diabetes, Digestive and Kidney Diseases, 2 p.m., 2358 Rayburn.

Subcommittee on Military Construction, on Public Witnesses, 9:30 a.m., B–300 Rayburn.

Subcommittee on Transportation (and Related Agencies), on FAA Training, 10 a.m., 2368 Rayburn.

Subcommittee on Treasury, Postal Service, and General Government, on OPM/OMB/GAO—Federal Personnel Issues, 10 a.m., and on OPM and Inspector General for OPM, 2 p.m., B–307 Rayburn.

Subcommittee on Veterans' Affairs, Housing and Urban Development, and Independent Agencies, on NASA, 10 a.m., and 1:30 p.m., H–143 Capitol.

Committee on Banking and Financial Services, Subcommittee on Capital Markets, Securities and Government-Sponsored Enterprises, hearing on H.R. 718, Markets and Trading Reorganization and Reform Act of 1995, 10 a.m., 2128 Rayburn.

Committee on the Budget, to continue hearings on the Administration's Fiscal Year 1996 Budget, with emphasis on views of Members of Congress, 10:30 a.m., 210 Cannon.

Committee on Commerce, Subcommittee on Oversight and Investigations, hearing on A Consumer's Perspective on Medical Devices, 10 a.m., 2123 Rayburn.

Committee on Economic and Educational Opportunities, Subcommittee on Workforce Protections, hearing on the Fair Labor Standards Act, 9:30 a.m., 2175 Rayburn.

Committee on Government Reform and Oversight, to mark up H.R. 1345, District of Columbia Financial Responsibility and Management Assistance Act of 1995, 9:30 a.m., 2154 Rayburn.

Committee on International Relations, hearing on the Administration's International Affairs Budget Request for Fiscal Year 1996, 2 p.m., 2172 Rayburn.

Committee on the Judiciary, Subcommittee on Crime, hearing on the enforcement of Federal drug laws, 10 a.m., 2141 Rayburn.

Subcommittee on Immigration and Claims, oversight hearing on verification of eligibility for employment and benefits, 9:15 a.m., 2237 Rayburn.

Committee on National Security, Subcommittee on Military Personnel, to continue hearings on the fiscal year 1996 national defense authorization request, a p.m., 2212 Rayburn.

Subcommittee on Military Procurement, to continue hearings on the fiscal year 1996 national defense authorization request, 9:30 a.m., 2118 Rayburn.

Committee on Resources, hearing on H.R. 1266, Greens Creek Land Exchange Act, 1 p.m., 1334 Longworth.

Subcommittee on Fisheries, Wildlife and Oceans, to mark up the following bills: H.R. 898, High Seas Fishing Compliance Act of 1995; H.R. 1139, Striped Bass Act of 1995; H.R. 1141, Sikes Act Improvement Amendments of 1995; and H.R. 1175, Marine Resources Revitalization Act of 1995, 11 a.m., 1334 Longworth.

Subcommittee on Water and Power Resources, oversight hearing on Department of Energy and Bureau of Reclamation Operational Issues, 10 a.m. and 1 p.m., 1324 Longworth.

Committee on Small Business, hearing on the SBA of the Future, 10 a.m., 2359 Rayburn.

Committee on Ways and Means, Subcommittee on Health, hearing on the Physician Payment Review Commission Recommendations on Physician Payments, 10:30 a.m., 1100 Longworth.

Permanent Select Committee on Intelligence, executive, hearing on DCI Budget Wrap-Up, 10 a.m., H–405 Capitol.

Joint Meetings

Joint Hearing: Senate Committee on 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, 9:30 a.m., 345 Cannon Building.

Next Meeting of the SENATE

9:20 a.m., Thursday, March 30

Senate Chamber

Program for Thursday: After the recognition of five Senators for speeches and the transaction of any morning business (not to extend beyond 10:15 a.m.), Senate will resume consideration of the nomination of Daniel R. Glickman to be Secretary of Agriculture, with a vote on confirmation to occur thereon at 10:25 a.m., following which Senate will resume consideration of H.R. 1158, FEMA Supplemental Appropriations/Rescissions.

Next Meeting of the HOUSE OF REPRESENTATIVES

10 a.m., Thursday, March 30

House Chamber

Program for Thursday: Consideration of conference report on H.R. 831, Deduction of Health Insurance Cost for the Self-Employed.

Extensions of Remarks, as inserted in this issue

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