United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 104th CONGRESS, FIRST SESSION

Vol. 141 WASHINGTON, WEDNESDAY, SEPTEMBER 27, 1995 No. 152

House of Representatives

The House met at 12 noon.

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

We acknowledge, O God, that there is the temporal and the eternal in our lives and in the affairs of every person. We know too that so much that we think important and necessary passes away and remains as a fading memory. We know also the daily reality of a vibrant faith that we can have in Your word, a trust that transcends all the power and pomp of a busy world. Teach us, gracious God, to focus not on the transient, but on the eternal, so we may truly gain a heart of wisdom. In Your name 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.

Mr. BARRETT of Nebraska. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

Mr. SPEAKER. The question is on the Chair's approval of the Journal.

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

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

The SPEAKER. Pursuant to the provisions of clause 1, rule I, the Chair will postpone the vote until later in the day.

The point of no quorum is considered withdrawn.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentlewoman from Florida [Ms. BROWN] come forward and lead the House in the Pledge of Allegiance.

Ms. BROWN of Florida 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. A recent misuse of handouts on the floor of the House has been called to the attention of the Chair and the House. At the bipartisan request of the Committee on Standards of Official Conduct, the Chair announces that all handouts distributed on or adjacent to the House floor by Members during House proceedings must bear the name of the Member authorizing their distribution. In addition, the content of those materials must comport with standards of propriety applicable to words spoken in debate or inserted in the RECORD. Failure to comply with this admonition may constitute a breach of decorum and may give rise to a question of privilege.

The Chair would also remind Members that pursuant to clause 4, rule XXXII, staff are prohibited from engaging in efforts in the Hall of the House or rooms leading thereto to influence Members with regard to the legislation being amended. Staff cannot distribute handouts.

In order to enhance the quality of debate in the House, the Chair would ask Members to minimize the use of handouts.

RESIGNATION FROM THE HOUSE OF REPRESENTATIVES

The SPEAKER laid before the House the following resignation from the House of Representatives:

OFFICE OF THE GOVERNOR,
Springfield, IL, September 8, 1995.

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

DEAR SPEAKER GINGRICH: Attached please find the official letter of resignation from Congressman Mel Reynolds of Illinois' Second Congressional District.

Pursuant to state law, I will take the appropriate steps to fill the vacancy created by Congressman Reynolds' resignation. Please do not hesitate to let me know if you have any questions regarding this or any other matter.

Sincerely,

JIM EDGAR,
Governor.

Attachment.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, September 1, 1995.

Hon. JIM EDGAR,
Governor, State of Illinois,
Springfield, IL.

DEAR GOVERNOR: Tonight I shall be announcing my resignation from the 104th Congress. Please receive this letter as formal notice to you of my official resignation effective October 1, 1995.

It has been both an honor and a privilege to serve the people of the Second Congressional District of Illinois.

Sincerely,

MEL REYNOLDS.

COMMUNICATION FROM THE CLERK OF THE HOUSE

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

OFFICE OF THE CLERK,
U.S. HOUSE OF REPRESENTATIVES,
Washington, DC, September 27, 1995.

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

DEAR SPEAKER GINGRICH: Pursuant to the permission granted in clause 5 of rule III of the Rules of the U.S. House of Representatives, the Clerk received the following messages from the Secretary of the Senate on Tuesday, September 26, 1995 at 11:10 a.m.:

That the Senate agreed to the conference report on H.R. 1817; that the Senate passed

Printed on recycled paper containing 100% post consumer waste

with amendments and requested conference on H.R. 1868; that the Senate disagreed to House amendments and agreed to conference on S. 440; that the Senate passed S. 619; that the Senate agreed to conference report on H.R. 1854.

With warm regards,

ROBIN H. CARLE,
Clerk, House of Representatives.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain fifteen 1-minutes on each side.

REFLECTIONS ON THE 1-YEAR ANNIVERSARY OF THE CONTRACT

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

Mr. DELAY. Mr. Speaker, it has been 1 year since House Republicans stood on the west front of the Capitol and promised to change dramatically the way Congress works. We signed a contract that said that we will bring to the floor 10 legislative priorities important to the American people. We brought those bills to the floor and passed nine of them. We kept our promises. We proved that politicians can tell the truth. We proved that real change is possible in Washington.

Mr. Speaker, Rome was not built in a day, and completely reforming the Congress will take more than 1 year. But we have made great strides.

This fall we will focus on four issues critical to our Nation's future: We will pass a budget that balances in 7 years; we will strengthen and protect the Medicare system; we will get tax relief to families who need to have more money to raise their children; and we will reform welfare to give folks a hand up and not a handout.

Columnist David Broder has called this Congress ''a rout of historic proportions.'' Is it not amazing what can happen when you keep your promises to the American people?

SHUTTING OUT THE AMERICAN PEOPLE ON MEDICARE

Ms. DELAURO. Mr. Speaker, a story in yesterday's USA Today regarding Republican plans to cut more than $270 billion from Medicare quoted 76-year-old Naomi Cutrer. Naomi voiced concern that Republicans are rushing through these Medicare cuts, without public hearings. She said:

> We need to slow down. They've only held one hearing on Medicare, and I don't know how many on Ruby Ridge and Whitewater.

Well, Naomi, here's your answer—Congress has had 10 days of hearings on Ruby Ridge, 10 days of hearings on Waco, 28 days of hearings on Whitewater and only a single hearing on Medicare.

Naomi Cutrer and seniors like her all across this country are right to be concerned about attempts by Republicans to ram through these Medicare cuts, without public hearings and without public input. This is supposed to be a government of, by, and for the people, but when it comes to Medicare the American people are being shut up and shut out.

DUCKING RESPONSIBILITY ON MEDICARE

Mr. EHLERS. Mr. Speaker, over the past several months, the Democrats, during our continuing debate over Medicare, have often accused the Republicans of many things which we are not doing, as we have tried to outline our plans. The comment you heard from the previous speaker is an example of that, ignoring the fact that a number of hearings were held on Medicare before the plan was issued.

The Washington Post has this to say about the Democrats' MediScare campaign.

> They have no plan. Mr. Gephardt says they can't offer one because the Republicans would simply pocket the money to finance their tax cut. It is the perfect defense. The Democrats can't do the right thing because the Republicans would then do the wrong one. But that has nothing to do with Medicare. The Democrats have fabricated the Medicare-tax-cut connection because it is useful politically. It allows them to attack and to duck responsibility both at the same time. We think it is wrong.

Mr. Speaker, I agree with the Washington Post. I believe the American public agrees with the Washington Post. We are doing the right thing. We have the courage to do the right thing, and we will do it.

GUTTING MEDICARE

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

Ms. BROWN of Florida. Mr. Speaker, Webster's Dictionary defines the verb to cut as to hit sharply, to constrict, to reduce, to lessen, to hurt.

I understand that the Republican leadership is unhappy about us using the word ''cut'' to describe the Republican's revolting and offensive Medicare plan. OK, fine. Maybe ''cut'' is not quite the right word. Well how about gut? According to Webster's, to gut is to demolish, to destroy. How do you like the word gut? The fact is that Republicans want to destroy Medicare's security and leave our seniors stranded to fend for themselves. Perhaps gut is a more appropriate word.

Mr. Speaker, during the August recess, I held 13 town meetings and met with 3,000 of my constituents. My constituents told me that they are outraged about the Republican's reverse Robin Hood tactics—taking Medicare benefits from seniors in order to pay for a tax break for the wealthy.

Republicans call it a cut in the growth of spending. They call it progress. I call it the good old-fashioned bait and switch.

SAVING MEDICARE MORE IMPORTANT THAN POLITICS

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

Mr. CHABOT. Mr. Speaker, we Republicans in Congress have been working very hard to come up with a plan to save Medicare from bankruptcy. Unfortunately, the Democrats in Congress here are refusing to help us, choosing instead to push a MediScare campaign.

This is a prime example of putting partisan politics above the needs of the American people. These liberal Democrats claim that the Republican plan will cut Medicare to pay for a so-called tax break for the rich.

Mr. Speaker, those tax cuts were paid for last April and mainly benefited working families, not the wealthy. Now Democrats are even running TV ads that are designed to help mislead the American people into believing their partisan fantasies.

But Republicans will not be sidetracked. We remain committed to the task at hand, saving Medicare and preserving it for this generation and for future generations. We do not believe that politics should stand in the way of this goal. Saving Medicare is too important.

WAKE UP CALL ON VIOLENCE

(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, another public official, a prosecutor this time, fighting drugs and gangs, was gunned down in cold blood. I am not talking about Colombia. This was Boston, MA, Congress. Police say that tennage gang leaders ordered this assassination.

Unbelievable. From Boston to Seattle, New York to Los Angeles, your town to my town, American is bleeding, unsafe, and dangerous. I say it is time to treat these teenagers as adults, charged with murder, and they should be put to death. Whether it is a deterrent or not, one thing about capital punishment, there is no recidivism. It is time.

Think about it. When Boston goes from Minuteman to triggerman, all Congress and America should be hearing this wake up call.

I yield back the balance of this violence.

FIXING MEDICARE

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

Mr. FRELINGHUYSEN. Mr. Speaker, the American people elect politicians to help fix problems with Government. Pretty simple stuff, one would imagine. But, unfortunately, some politicians do

not see things quite so clearly. They see no wrong with Government. Government could never do anything inefficiently or ill-advised.

Take, for example, on this side of the aisle, there are politicians who want to strengthen Medicare, make it a better program, and allow seniors more choices in making their own health care decisions. On the other side of the aisle we have some politicians who passionately defense the status quo, even though the status quo is 30 years old without revisions. They would rather deny Medicare to those in need down the road than do anything to fix it now.

Mr. Speaker, there is no excuse for this irresponsibility. Medicare is in serious need of reform. Republicans want to fix Medicare and make sure it exists for many years to come.

ATTACKING MEDICARE AT EXPENSE OF SENIORS

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

Ms. VELÁZQUEZ. Mr. Speaker, the Republicans' plan to hold just 1 day of hearings on Medicare is an attack on democracy.

I ask where are our priorities? We had 10 days of hearings on Waco and 11 days of hearings on Ruby Ridge so far. Even more alarming, we held over a month of hearings on Whitewater, an issue that most Americans don't care about. Yet, we had only 1 day of hearings for Medicare.

Americans are scared about cuts in Medicare, scared about their future. There should be more than 1 day of hearings on an issue that will affect 37 million seniors. Lets come clean and let Americans know that the real reason Republicans are cutting Medicare by $270 billion is to fund corporate welfare, defense spending, and tax cuts to the rich—all at the expense of the health and well being of senior citizens.

□ 1215

PROMISES MADE AND PROMISES KEPT

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

Mr. RIGGS. Mr. Speaker, these claims coming from the other side of the aisle would have a little more credence if in fact House Democrats had put forth their own plan for preserving and strengthening Medicare. And let us get one thing straight right now. We have had dozens and dozens of hearings in the House of Representatives on what we must do as a nation to preserve and strengthen Medicare.

I wanted to rise today, though, to point out that 1 year ago I and more than 300 Republican candidates for Congress stood outside the steps of this historic building and signed our name to a Contract With America. Let me read the very first sentence of the contract: ''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 officials.''

Mr. Speaker, last January a new majority took control of this House. We came, we saw, and to date we have kept our word. So let us never forget, Mr. Speaker, the power of promises made and the power of promises kept.

ALLOW MEDICARE TRUSTEES TO REVIEW PLANNED CUTS

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

Mrs. SCHROEDER. Mr. Speaker, let me answer the prior speaker in the well. The trustees of Medicare said $89 billion was necessary to fix it, and so they are cutting $270 billion to save it. They only had 1 day of hearings on this very important issue that affects 37 million people. They have had more hearings on the Chinese prison system that we cannot do anything about from here.

Now, Mr. Speaker, it seems to me that as they wave the trustees report saying they needed to fix it, they better not do anything unless they run the new bill and the new proposal in front of the trustees. That is how we take it out of politics. Take the bill, I say to those on this side of the aisle, take the bill to save Medicare and put it in front of the trustees and see if they believe the $270 billion are really needed.

I think what is happening here is they are trying to get the cake to the fat cats and the cuts to the middle class.

SUPPORT H.R. 743, TEAM ACT

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

Mr. BARRETT of Nebraska. Mr. Speaker, when the National Labor Relations Act passed in 1935, the idea of the high performance workplace was an unknown concept. Management either issued orders from on high or bargained with the unions over terms and conditions of employment. Since that time, however, and especially during the last 10 years, the concept of employee involvement has blossomed in workplaces all over America. How ironic, then, that the National Labor Relations Board has determined an employer may solicit employee input on what changes are needed in the workplace but it is illegal for an employer to make changes developed in consultation with employees unless those employees are represented by a union.

Mr. Speaker, why should employees be barred from dealing directly with management? The TEAM Act allows employees and employers to resolve workplace problems through team-based employee involvement and enables American companies to compete in the world marketplace.

Mr. Speaker, I urge my colleagues to support the TEAM Act.

THE DEBT CEILING

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

Mr. DOGGETT. Mr. Speaker, Pat Buchanan's America First campaign, move over. The Speaker is going one better by launching the America Second campaign.

Friday, in New York, he stood, defiant to default. ''I don't care what the price is,'' he proclaimed. ''I don't care if we have no executive offices and no bonds for 60 days—not this time.''

True, the dollar immediately plunged 5 percent and interest rates shot up. The Wall Street Journal coined a new term, the ''Newt Factor.'' I would call it a ''Newtron bomb.''

But not to worry. Drive the dollar through the floor, let the interest rates soar, because America and its needs must take second place to the political posturing of the Speaker. America second, NEWT first. That is the spirit of these zealots who say it is NEWT's way or no way.

TEAM ACT DOES NOT APPLY WHERE COLLECTIVE BARGAINING ALREADY EXISTS

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

Mr. PETRI. Mr. Speaker, as we enter the debate over the application of the TEAM Act to American workplaces, let's be clear at the outset on one important point.

This bill has no application to companies which currently operate under a collective-bargaining agreement with an organized group of employees.

Opponents of the TEAM Act claim that the bill would let employers undermine established unions by creating workplace committees or sham company unions to take their place. This claim is false. The bill does not address work relationships in union settings.

It only affects employer/employee relations in nonunion settings. The bill would leave untouched restrictions prohibiting employers in unionized settings from dealing directly with employees.

To establish an employee involvement program in a unionized company, the management would still have to work directly through the unions or else be guilty of an unfair labor practice.

The language of the TEAM Act makes it clear that employee teams

are legal only if they do not assume the rule of a labor union.

The TEAM Act thus clearly preserves union veto power over employee involvement.

Please support the TEAM Act when it comes to the floor today.

SUPPORT H.R. 743, THE TEAM ACT, WITHOUT AMENDMENT

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

Mr. WELDON of Florida. Mr. Speaker, I rise in support of the Teamwork Act, and I would like to talk about a particular employee who is somebody who can benefit by this piece of legislation, a fellow by the name of Joe who worked for one of America's largest companies.

It seemed one of their major customers was dissatisfied with the quality of the service and product that was sent to them and was threatening to switch vendors. The employee, Joe, was working in the manufacturing section of the company and it was discovered that Joe was responsible for 73 percent of the defects for his work crew and 50 percent for the entire department. Joe's defect rate was brought up to a team meeting, and the team agreed to support Joe completely and help him find ways of discovering defects earlier and faster. They also discovered a key reason for the high rate of Joe's defects was the amount of socialism between operators.

The team was able to redesign the work area, and the result was they developed a quality ladder with five rungs depicting quality that team members may achieve, and Joe is now at the top of the ladder.

Mr. Speaker, I rise in support of the TEAM Act and urge all my colleagues to support it.

DO NOT RUSH MEDICARE PLAN THROUGH THE HOUSE

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

Mr. FORD. Mr. Speaker, the trustees and experts as they relate to the Medicare trust fund have indicated there is only $98 billion needed in order to bring about the solvency for the Medicare Program, not the $270 billion that is being proposed by the Republicans. The Republicans are rushing their reckless Medicare plan through the House Committee on Ways and Means, and the only thing we have seen as of today is a 60-page press release.

To increase the Medicare part B premiums on the senior citizens of this country, to double those premiums over the next 6 or 7 years on the seniors who are on fixed, limited incomes is absolutely wrong. I would hope the Republicans would get that message and listen to what Naomi Cutrer said in the USA Today newspaper yesterday, that it is a shame for the Republicans to rush it through and to add these increases and to bring about this hardship in the Medicare Program.

AMERICANS WANT REAL ANSWERS TO PROBLEMS

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

Mr. GUTKNECHT. Mr. Speaker, this past week the Democrats' Special Caucus Task Force on Medicare held a series of mock Medicare hearings. Let us examine the record. Can anyone remember the exact number of Medicare reforms the Democrats Special Task Force on Medicare has proposed? The answer is zippo, zilch, nada, zero, the big goose egg.

Liberals love to pose and posture. They love to pretend and feign concern. One week it is school lunches, the next it is student loans, and now it is Medicare. But the routine is pretty predictable. They distort the Republican position and make us look like monsters, but then they never propose any solutions for their own to deal with whatever the problem is.

Mr. Speaker, the American people are completely fed up with this style of leadership. They want real answers to the real problems faced by their Government. They do not want mock hearings or mock concern about Medicare.

SAVE HEALTH CARE BENEFITS FOR COAL MINERS

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

Mr. POSHARD. Mr. Speaker, we have over 100,000 retired coal miners in America today, men and women who for 25, 30, even for 40 years exposed themselves to great danger to provide for the energy needs of America.

In 1946 this Congress, working with the coal companies, developed a health care plan to make sure these miners would be provided adequate health care in their later years. But over the years many companies refused to honor their obligations to contribute to the employer funded UMWA health and retirement funds, creating a crisis which threatened the health and security of well over 100,000 retirees.

This Congress responded, and in 1992 we enacted the Coal Industry Retiree Health Benefits Act to make sure companies paid their fair share, to make sure that health care for current and retired coal miners would be preserved for now and in the future.

Last week, Mr. Speaker, that act was overturned in the Ways and Means Committee, leaving these miners to face an uncertain future with regard to their health care. This is wrong, Mr. Speaker, and I plead with this Congress not to enact this act.

SUPPORT H.R. 743, THE TEAM 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, should cooperation between employees and employers be illegal? Today, 88 percent of the private sector work force cannot influence the terms and conditions of their employment by sitting down as a group with management and sharing ideas on improving the company. Those 88 percent are nonunionized workers, and it is illegal for employees and an employer to work together to resolve workplace issues using committees or teams that fall within the definition of a labor organization, unless those employees are represented by a union.

An employer can have a suggestion box or hold a conference to discuss ideas in the abstract with employees, but it is illegal for an employer to follow through on any of these activities with actual workplace changes that are developed in consultation with the employees, unless those workers are represented by a union.

The TEAM Act would give nonunion employees the same right as union employees—the right to work with the employer to resolve workplace issues. Join me in supporting H.R. 743, the TEAM Act so that all employees are fairly treated and able to participate in the process of workplace improvement.

WHAT ARE REPUBLICANS HIDING?

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

Mr. LEWIS of Georgia. Mr. Speaker, we are still waiting to see the details of how the Republicans will cut $270 billion from Medicare. The Ways and Means Committee held one—only one—hearing. Even after that hearing, we do not know how they will cut Medicare. We do not have a bill.

It is a shame and disgrace that we are shut out of the process, and the details are carefully guarded from us. This is an affront—not just to Democrats, not just to Members of Congress, but to our senior citizens and the American people.

Mr. Speaker, it was Robert Frost who said, ''When you build a wall, who are you trying to fence out?''

So I ask, Why is there only one hearing on this very important plan? What do my colleagues have to hide?

Do not hide the plan. Hold hearings. Let the American people be a part of this process.

□ 1230

REPUBLICANS DEDICATED TO PROMISES OF THE CONTRACT WITH AMERICA

(Mrs. SEASTRAND asked and was given permission to address the House

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

Mrs. SEASTRAND. Mr. Speaker, it has been 1 year since hundreds of Republican House Members and candidates gathered on the steps of the Capitol and signed a Contract With America. Since then, the Republican Party has gone on to revolutionize American politics and to change business as usual inside the beltway.

In the contract, we made specific promises to vote on specific pieces of legislation. We kept our word. We showed the American people that politicians can come to Washington and actually keep promises—something they have not seen for many years.

Mr. Speaker, Republicans are still dedicated to the promises we made in the contract. We will reduce the size and scope of the Federal Government. We will cut taxes for working families. We will reform welfare. We will balance the budget.

In short, Mr. Speaker, we will continue to fight for the change that the American people demanded last November, and we will not rest until we have accomplished our goal.

DO NOT EXCLUDE AMERICAN PEOPLE FROM THE MEDICARE DEBATE

(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, we have had 28 days of hearings on Whitewater, 14 days of hearings on Waco-Ruby Ridge. We had 2 days of hearings on the Chinese prison system.

Mr. Speaker, 1 day of hearing has been held on Medicare. We were supposed to commence the markup of this legislation right after we returned from the August recess. The legislation was supposed to be ready for the floor. Yet time after time, this proposal has been postponed.

We have not had but 1 day of hearing. We have not considered the legislation. The clock is running. The calendar is turning.

Mr. Speaker, I would urge my colleagues to be fair. What do my Republican colleagues have to hide? Why is it that they are afraid to bring the American people into consideration of their proposal to cut Medicare $270 billion, to make a savings that is only necessary to be $89 billion, according to the trustees of the Social Security System?

Let us be fair. Let us be open. Let us have hearings. Let us not continue this process of delay, while we at the same time exclude the American people from the process.

REPUBLICANS ARE STRENGTHENING, PROTECTING, AND PRESERVING MEDICARE

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

Mr. DREIER. Mr. Speaker, the gentleman from California [Mr. MCKEON], my colleague from Santa Clarita, was telling me that over the weekend he talked to a constituent who said to him,

> It was interesting. Last Friday I turned on CNN and I saw the Democrats out on the lawn in the rain holding these hearings, claiming that Republicans were not holding hearings on Medicare. And then I flipped to C–SPAN, and there was the hearings in the Committee on Ways and Means on the issue of health care reform and Medicare.

Mr. Speaker, I am struck to hear the gentleman from Michigan [Mr. DINGELL] talk about the litany of hearings on other issues. The Committee on Ways and Means and the Committee on Commerce held 26 hearings. Last Friday's was the 27th hearing on the issue of Medicare.

Mr. Speaker, I tore out a letter in yesterday's L.A. Times in which this fellow, Frank Anderson from Irvine, said that,

> On January 3, 1992, at age 65, my Medicare part B premiums were $31.80 per month. To and including January 3, 1995, I have had 3 increases, about $5 each, to raise my premium to $46.10 per month. If nothing is done, and continuing at this rate for the next 7 years, I would expect 7 more $5 increases to raise the premium to about $81.10 per month.

Mr. Speaker, he goes on to point to the fact that our total would be about $90; President Clinton's, $83. We are strengthening, protecting, and preserving Medicare.

THE RICH GET RICHER AND YOU KNOW THE REST

(Miss COLLINS of Michigan asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Miss COLLINS of Michigan. Mr. Speaker, I rise to question the direction of our economy. A recent study by the Economic Policy Institute indicates that although our economic growth has been healthy, living standards for the average American family have continued to fall. The study suggests that there are two types of inequality that have led to the disconnect between economic growth and living standards. First, in the 1990's, overall wage growth has been dampened by a redistribution of income from labor to owners of capital in the form of profits. The report indicates that the economic return to capital, has actually reached historically high levels in this country. Second, however, the growth of wage inequality that began in the 1980's and persisted throughout the 1990's has prevented middle- and low-wage earners from achieving higher wages and has forced them to accept reductions in their real wages. In addition, of course, earnings have failed to keep up with inflation.

Mr. Speaker, I would suggest to you and the leadership of this House that if these trends continue, your make-believe revolution may prompt a real revolution and it will not be economic. Have a nice day.

IN SUPPORT OF THE TEAM ACT

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

Mr. TALENT. Mr. Speaker, there has been an outstanding practice going on in American workplaces and it is picking up speed. It has been going on for the last 10 or 15 years. It is called employee involvement or TEAMS.

People know this kind of practice as quality circles or safety committees. They can be relatively formal or informal. Here's an example: Employees have a problem with scheduling, and the employer, instead of deciding these things unilaterally says to his supervisors, ''Get together with some of the employees and figure out what you are going to do.''

This TEAM concept has increased employee satisfaction and American productivity and competitiveness around the world. But unfortunately it is probably illegal under the National Labor Relations Act, because the NLRB thinks of TEAMS as company unions, according to a 60-year-old statute.

Mr. Speaker, we are going to have a chance to do something about that today with the TEAM Act. That is an act that will legalize the kind of employee involvement that is already going on in tens of thousands of workplaces around the country today. It is something that employees want. It will empower them and improve employee satisfaction and American competitiveness.

The bill specifically says company unions are still illegal. It does not apply in organized workplaces. The House ought to pass it today.

NO BUDGET, NO PAY

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

Mr. DURBIN. Mr. Speaker, Speaker NEWT GINGRICH announced last week that if political gridlock in Washington results in closing down Federal services to our Nation, so be it.

The Speaker also went on to say that he, as the Speaker, is prepared to force America into a default on its debt for the first time in our history if he does not get his way.

Mr. Speaker, too many politicians on Capitol Hill are talking about a political train wreck as if we are playing with toy trains. A shutdown of Federal services is a serious matter. Members of Congress should take it seriously.

That is why I have introduced legislation that would cut off the paychecks of Members of Congress and the President if the Federal Government shuts down because of budgetary gridlock.

No budget, no pay. If we do not finish the job, we do not get paid. It is just that simple.

We were sent to Washington to solve problems, to work together, to do things in a constructive way. Gridlock and train wrecks are politics as usual. If the political leaders in this town fail, the salaries of Congress and the President should be the first on the budget chopping block.

CONGRESS SHOULD LET EMPLOYEES SPEAK FOR THEMSELVES

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

Mr. MCKEON. Mr. Speaker, today the voices of the majority of American workers go unheard—not because American employers are oppressive, but because American law prohibits it. Under current labor law, employers and employees cannot work together to resolve important workplace issues that might involve terms and conditions of employment unless those employees are represented by a union.

While it is legal for an employer to have a meeting or hold a conference with employees to discuss ideas in the abstract, it is illegal for an employer to follow through on any actual workplace changes developed in consultation with the employees, unless those workers are represented by a union. The 88 percent of the private sector work force that is not unionized is, therefore, not allowed to discuss issues which affect the conditions of their employment.

The TEAM Act permits employee involvement in workplace decisionmaking. Companies want their employees to develop new methods and ideas for improving the workplace. It's about time we let employees speak for themselves.

Vote in favor of H.R. 743, the TEAM Act.

DEMOCRATS ON MEDICARE: POLITICS AS USUAL

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

Mr. HOKE. Mr. Speaker, it is true that politics does make strange bedfellows, and we find ourselves once more lying down with the Washington Post, not normally friend to Republicans. But the fact is that they set up an editorial 2 days ago with respect to the ''Medigoguing,'' as they call it, of the Democrat leadership and Democratic Members of Congress.

Mr. Speaker, talking about the letter of minority leader DICK GEPHARDT, they say:

> The letter itself seems to tell us more of the same. It tells you just about everything the Democrats think about Medicare, except how to cut the cost. Medicare and Medicaid together are now a sixth of the budget and a fourth of all spending for other than interest and defense.
>
> If nothing is done, those shares are going to rise, particularly as the baby boomers begin to retire early in the next century. Republicans have nonetheless stepped up to the issue. They have taken a huge political risk just in calling for the cuts that they have.
>
> What the Democrats have done, in turn, is confirm the risk. The Republicans are going to take away your Medicare, they say. That is their only message. They have no plan. The Democrats have fabricated the Medicare tax cut connection because it is useful politically. We think it is wrong.

Mr. Speaker, we agree.

PERMISSION FOR SUNDRY COMMITTEES AND THEIR SUBCOMMITTEES TO SIT TODAY DURING 5-MINUTE RULE

Mrs. WALDHOLTZ. Mr. Speaker, I ask unanimous consent that the following committees and their subcommittees be permitted to sit today while the House is meeting in the Committee of the Whole under the 5-minute rule.

Committee on Agriculture; Committee on Banking and Financial Services; Committee on Commerce; Committee on Economic and Educational Opportunities; Committee on International Relations; Committee on the Judiciary; Committee on Resources; Committee on Science; and Committee on Veterans' Affairs.

It is my understanding that the minority has been consulted and that there is no objection to these requests.

The SPEAKER pro tempore (Mr. EVERETT). Is there objection to the request of the gentlewoman from Utah?

There was no objection.

THE EXTENSION OF DEADLINE FOR INFORMATION RETRIEVAL SYSTEMS IMPLEMENTATION

Mr. SHAW. Mr. Speaker, I ask unanimous consent the immediate consideration of the bill (H.R. 2288) to amend part D of title IV of the Social Security Act to extend for 2 years the deadline by which States are required to have in effect an automated data processing and information retrieval system for use in the administration of State plans for child and spousal support.

The Clerk read the title of the bill.

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

Mr. FORD. Mr. Speaker, reserving the right to object, I yield to the gentleman from Florida [Mr. SHAW] for the purposes of briefly explaining the bill.

Mr. SHAW. Mr. Speaker, I thank the gentleman for yielding under his reservation.

H.R. 2288 simply gives States an additional 2 years to implement data processing requirements that Congress imposed on their child support programs in 1988. H.R. 2288 was approved on September 12, by unanimous voice vote of the Ways and Means Committee. According to CBO, the bill has no budget impact. As far as we have been able to determine, there are no Republicans or Democrats who oppose the bill.

Several factors have prevented States from meeting the October 1, 1995, deadline for meeting Federal data processing requirements. To date—less than a week before the deadline—only one State has actually finished its system.

So beginning October 1, if we don't take action, 49 States will be subject to financial penalties and mandatory correction procedures.

Clearly, if only one State can meet a deadline, something is wrong. That is why I rise to ask unanimous consent to extend this deadline for 2 years.

Mr. FORD. Mr. Speaker, further reserving the right to object, I rise in support of H.R. 2288, a bill to extend the deadline for State child support computer systems.

One of the most important reforms of the Family Support Act of 1988 was the mandated implementation of a statewide child support enforcement computer system by October 1, 1995. Without such a computer network, States cannot hope to effectively track and enforce child support obligations. In fact, back in the mid-1980's we frequently heard anecdotes about States keeping child support records in shoe boxes. It was no wonder that they had such a poor record of collecting child support.

In response, Congress mandated a statewide computer system, authorized extra Federal funding to develop these systems, and set what we thought was a reasonable timetable—October 1, 1995—for implementation of the system. Now, as the deadline approaches we are told that only one State—Montana—has met this requirement and that we cannot expect many more to comply in the next 6 months.

Are the States to blame for this failure? Only partially. The real culprit is the Bush administration—which waited 4 years after the legislation was signed into law to issue the specifications for this system. Until then, States simply did not know what standards the Federal Government would use to judge whether they met the requirements. In dragging its feet, the Bush administration was both irresponsible and wasteful of our scarce resources.

So, here we are. It's a few days before the deadline and the Republican majority has finally brought to the floor a bill to extend it. I have no doubts about the Senate acting quickly enough on this measure for it to be signed into law by October 1. We have a chance to do the right thing. I urge my colleagues to support H.R. 2288.

□ 1245

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore (Mr. EVERETT). Is there objection to the request of the gentleman from Florida?

There was no objection.

The Clerk read the bill, as follows:

H.R. 2288

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. 2-YEAR EXTENSION OF AUTOMATION DEADLINE.

(a) IN GENERAL.—Section 454(24) of the Social Security Act (42 U.S.C. 654(24)) is amended by striking ''1995'' and inserting ''1997''.

(b) TECHNICAL AMENDMENTS RELATED TO THE REPEAL OF FEDERAL FUNDING.—Section 452 of such Act (42 U.S.C. 652) is amended in each of subsections (d)(1)(B), (d)(2)(A), (d)(2)(B), and (e), by striking ''455(a)(1)(B)'' and inserting ''454(16)''.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

TRUTH IN LENDING ACT AMENDMENTS OF 1995

Mr. LEACH. Mr. Speaker, I ask unanimous consent that the Committee on Banking and Financial Services be discharged from further consideration of the bill (H.R. 2399) to amend the Truth in Lending Act to clarify the intent of such Act and to reduce burdensome regulatory requirements on creditors, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

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

There was no objection.

The Clerk read the bill, as follows:

H.R. 2399

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Truth in Lending Act Amendments of 1995''.

SEC. 2. CERTAIN CHARGES.

(a) THIRD PARTY FEES.—Section 106(a) of the Truth in Lending Act (15 U.S.C. 1605(a)) is amended by adding after the 2d sentence the following new sentence: ''The finance charge shall not include fees and amounts imposed by third party closing agents (including settlement agents, attorneys, and escrow and title companies) if the creditor does not require the imposition of the charges or the services provided and does not retain the charges.''.

(b) BORROWER-PAID MORTGAGE BROKER FEES.—

(1) INCLUSION IN FINANCE CHARGE.—Section 106(a) of the Truth in Lending Act (15 U.S.C. 1605(a)) is amended by adding at the end the following new paragraph:

''(6) Borrower-paid mortgage broker fees, including fees paid directly to the broker or the lender (for delivery to the broker) whether such fees are paid in cash or financed.''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on the earlier of—

(A) 60 days after the date on which the Board of Governors of the Federal Reserve System issues final regulations under paragraph (3); or

(B) the date that is 12 months after the date of the enactment of this Act.

(3) REGULATIONS IMPLEMENTING BORROWER-PAID MORTGAGE BROKER FEES.—The Board of Governors of the Federal Reserve System shall promulgate regulations implementing the amendment made by paragraph (1) by no later than 6 months after the date of the enactment of this Act.

(c) TAXES ON SECURITY INSTRUMENTS OR EVIDENCES OF INDEBTEDNESS.—Section 106(d) of the Truth in Lending Act (15 U.S.C. 1605(d)) is amended by adding at the end the following new paragraph:

''(3) Any tax levied on security instruments or on documents evidencing indebtedness if the payment of such taxes is a precondition for recording the instrument securing the evidence of indebtedness.''.

(d) PREPARATION OF LOAN DOCUMENTS.—Section 106(e)(2) of the Truth in Lending Act (15 U.S.C. 1605(e)(2)) is amended to read as follows:

''(2) Fees for preparation of loan-related documents.''.

(e) FEES RELATING TO PEST INFESTATIONS, INSPECTIONS, AND HAZARDS.—Section 106(e)(5) of the Truth in Lending Act (15 U.S.C. 1605(e)(5)) is amended by inserting '', including fees related to any pest infestation or flood hazard inspections conducted prior to closing'' before the period.

(f) ENSURING FINANCE CHARGES REFLECT COST OF CREDIT.—

(1) REPORT.—

(A) IN GENERAL.—Not later than 6 months after the date of the enactment of this Act, the Board of Governors of the Federal Reserve System shall submit to the Congress a report containing recommendations on any regulatory or statutory changes necessary—

(i) to ensure that finance charges imposed in connection with consumer credit transactions more accurately reflect the cost of providing credit; and

(ii) to address abusive refinancing practices engaged in for the purpose of avoiding rescission.

(B) REPORT REQUIREMENTS.—In preparing the report under this paragraph, the Board shall—

(i) consider the extent to which it is feasible to include in finance charges all charges payable directly or indirectly by the consumer to whom credit is extended, and imposed directly or indirectly by the creditor as an incident to the extension of credit (especially those charges excluded from finance charges under section 106 of the Truth in Lending Act as of the date of the enactment of this Act), excepting only those charges which are payable in a comparable cash transaction; and

(ii) consult with and consider the views of affected industries and consumer groups.

(2) REGULATIONS.—The Board of Governors of the Federal Reserve System shall prescribe any appropriate regulation in order to effect any change included in the report under paragraph (1), and shall publish the regulation in the Federal Register before the end of the 1-year period beginning on the date of enactment of this Act.

SEC. 3. TOLERANCES; BASIS OF DISCLOSURES.

(a) TOLERANCES FOR ACCURACY.—Section 106 of the Truth in Lending Act (15 U.S.C. 1605) is amended by adding at the end the following new subsection:

''(f) TOLERANCES FOR ACCURACY.—In connection with credit transactions not under an open end credit plan that are secured by real property or a dwelling, the disclosure of the finance charge and other disclosures affected by any finance charge—

''(1) shall be treated as being accurate for purposes of this title if the amount disclosed as the finance charge—

''(A) does not vary from the actual finance charge by more than $100; or

''(B) is greater than the amount required to be disclosed under this title; and

''(2) shall be treated as being accurate for purposes of section 125 if—

''(A) except as provided in subparagraph (B), the amount disclosed as the finance charge does not vary from the actual finance charge by more than an amount equal to one-half of one percent of the total amount of credit extended; or

''(B) in the case of a transaction, other than a mortgage referred to in section 103(aa), which—

''(i) is a refinancing of the principal balance then due and any accrued and unpaid finance charges of a residential mortgage transaction as defined in section 103(w), or is any subsequent refinancing of such a transaction; and

''(ii) does not provide any new consolidation or new advance;

if the amount disclosed as the finance charge does not vary from the actual finance charge by more than an amount equal to one percent of the total amount of credit extended.''.

(b) BASIS OF DISCLOSURE FOR PER DIEM INTEREST.—Section 121(c) of the Truth in Lending Act (15 U.S.C. 1631(c)) is amended by adding at the end the following new sentence: ''In the case of any consumer credit transaction a portion of the interest on which is determined on a per diem basis and is to be collected upon the consummation of such transaction, any disclosure with respect to such portion of interest shall be deemed to be accurate for purposes of this title if the disclosure is based on information actually known to the creditor at the time that the disclosure documents are being prepared for the consummation of the transaction.''.

SEC. 4. LIMITATION ON LIABILITY.

(a) IN GENERAL.—Chapter 2 of the Truth in Lending Act (15 U.S.C. 1631 et seq.) is amended by adding at the end the following new section:

''SEC. 139. CERTAIN LIMITATIONS ON LIABILITY.

''(a) LIMITATIONS ON LIABILITY.—For any consumer credit transaction subject to this title that is consummated before the date of the enactment of the Truth in Lending Act Amendments of 1995, a creditor or any assignee of a creditor shall have no civil, administrative, or criminal liability under this title for, and a consumer shall have no extended rescission rights under section 125(f) with respect to—

''(1) the creditor's treatment, for disclosure purposes, of—

''(A) taxes described in section 106(d)(3);

''(B) fees described in section 106(e)(2) and (5);

''(C) fees and amounts referred to in the 3rd sentence of section 106(a); or

''(D) borrower-paid mortgage broker fees referred to in section 106(a)(6);

''(2) the form of written notice used by the creditor to inform the obligor of the rights of the obligor under section 125 if the creditor provided the obligor with a properly dated form of written notice published and adopted by the Board or a comparable written notice, and otherwise complied with all the requirements of this section regarding notice; or

''(3) any disclosure relating to the finance charge imposed with respect to the transaction if the amount or percentage actually disclosed—

''(A) may be treated as accurate for purposes of this title if the amount disclosed as the finance charge does not vary from the actual finance charge by more than $200;

''(B) may, under section 106(f)(2), be treated as accurate for purposes of section 125; or

''(C) is greater than the amount or percentage required to be disclosed under this title.

''(b) EXCEPTIONS.—Subsection (a) shall not apply to—

''(1) any individual action or counterclaim brought under this title which was filed before June 1, 1995;

''(2) any class action brought under this title for which a final order certifying a class was entered before January 1, 1995;

''(3) the named individual plaintiffs in any class action brought under this title which was filed before June 1, 1995; or

''(4) any consumer credit transaction with respect to which a timely notice of rescission was sent to the creditor before June 1, 1995.''.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 2 of the Truth in Lending Act is amended by inserting after the item relating to section 138 the following new item:

''139. Certain limitations on liability.''.

SEC. 5. LIMITATION ON RESCISSION LIABILITY.

Section 125 of the Truth in Lending Act (15 U.S.C. 1635) is further amended by adding at the end the following new subsection:

''(h) LIMITATION ON RESCISSION.—An obligor shall have no rescission rights arising solely from the form of written notice used by the creditor to inform the obligor of the rights of the obligor under this section, if the creditor provided the obligor the appropriate form of written notice published and adopted by the Board, or a comparable written notice of the rights of the obligor, that was properly completed by the creditor, and otherwise complied with all other requirements of this section regarding notice.''.

SEC. 6. CALCULATION OF DAMAGES.

Section 130(a)(2)(A) of the Truth in Lending Act (15 U.S.C. 1640(a)(2)(A)) is amended—

(1) by striking ''or (ii)'' and inserting ''(ii)''; and

(2) by inserting before the semicolon at the end the following: '', or (iii) in the case of an individual action relating to a credit transaction not under an open end credit plan that is secured by real property or a dwelling, not less than $200 or greater than $2,000''.

SEC. 7. ASSIGNEE LIABILITY.

(a) VIOLATIONS APPARENT ON THE FACE OF TRANSACTION DOCUMENTS.—Section 131 of the Truth in Lending Act (15 U.S.C. 1641) is amended by adding at the end the following new subsection:

''(e) LIABILITY OF ASSIGNEE FOR CONSUMER CREDIT TRANSACTIONS SECURED BY REAL PROPERTY.—

''(1) IN GENERAL.—Except as otherwise specifically provided in this title, any civil action against a creditor for a violation of this title, and any proceeding under section 108 against a creditor, with respect to a consumer credit transaction secured by real property may be maintained against any assignee of such creditor only if—

''(A) the violation for which such action or proceeding is brought is apparent on the face of the disclosure statement provided in connection with such transaction pursuant to this title; and

''(B) the assignment to the assignee was voluntary.

''(2) VIOLATION APPARENT ON THE FACE OF THE DISCLOSURE DESCRIBED.—For the purpose of this section, a violation is apparent on the face of the disclosure statement if—

''(A) the disclosure can be determined to be incomplete or inaccurate by a comparison among the disclosure statement, any itemization of the amount financed, the note, or any other disclosure of disbursement; or

''(B) the disclosure statement does not use the terms or format required to be used by this title.''.

(b) SERVICER NOT TREATED AS ASSIGNEE.—Section 131 of the Truth in Lending Act (15 U.S.C. 1641) is further amended by adding after subsection (e) (as added by subsection (a) of this section) the following new subsection:

''(f) TREATMENT OF SERVICER.—

''(1) IN GENERAL.—A servicer of a consumer obligation arising from a consumer credit transaction shall not be treated as an assignee of such obligation for purposes of this section unless the servicer is or was the owner of the obligation.

''(2) SERVICER NOT TREATED AS OWNER ON BASIS OF ASSIGNMENT FOR ADMINISTRATIVE CONVENIENCE.—A servicer of a consumer obligation arising from a consumer credit transaction shall not be treated as the owner of the obligation for purposes of this section on the basis of an assignment of the obligation from the creditor or another assignee to the servicer solely for the administrative convenience of the servicer in servicing the obligation. Upon written request by the obligor, the servicer shall provide the obligor, to the best knowledge of the servicer, with the name, address, and telephone number of the owner of the obligation or the master servicer of the obligation.

''(3) SERVICER DEFINED.—For purposes of this subsection, the term 'servicer' has the same meaning as in section 6(i)(2) of the Real Estate Settlement Procedures Act of 1974.

''(4) APPLICABILITY.—This subsection shall apply to all consumer credit transactions in existence or consummated on or after the date of the enactment of the Truth in Lending Act Amendments of 1995.''.

SEC. 8. RESCISSION RIGHTS IN FORECLOSURE.

Section 125 of the Truth in Lending Act (15 U.S.C. 1635) is amended by inserting after subsection (h) (as added by section 5 of this Act) the following new subsection:

''(i) RESCISSION RIGHTS IN FORECLOSURE.—

''(1) IN GENERAL.—Notwithstanding section 139, and subject to the time period provided in subsection (f), in addition to any other right of rescission available under this section for a transaction, after the initiation of any judicial or nonjudicial foreclosure process on the primary dwelling of an obligor securing an extension of credit, the obligor shall have a right to rescind the transaction equivalent to other rescission rights provided by this section, if—

''(A) a mortgage broker fee is not included in the finance charge in accordance with the laws and regulations in effect at the time the consumer credit transaction was consummated; or

''(B) the form of notice of rescission for the transaction is not the appropriate form of written notice published and adopted by the Board or a comparable written notice, and otherwise complied with all the requirements of this section regarding notice.

''(2) TOLERANCE FOR DISCLOSURES.—Notwithstanding section 106(f), and subject to the time period provided in subsection (f), for the purposes of exercising any rescission rights after the initiation of any judicial or nonjudicial foreclosure process on the principal dwelling of the obligor securing an extension of credit, the disclosure of the finance charge and other disclosures affected by any finance charge shall be treated as being accurate for purposes of this section if the amount disclosed as the finance charge does not vary from the actual finance charge by more than $35 or is greater than the amount required to be disclosed under this title.

''(3) RIGHT OF RECOUPMENT UNDER STATE LAW.—Nothing in this subsection affects a consumer's right of rescission in recoupment under State law.

''(4) APPLICABILITY.—This subsection shall apply to all consumer credit transactions in existence or consummated on or after the date of the enactment of the Truth in Lending Act Amendments of 1995.''.

The SPEAKER pro tempore. The gentleman from Iowa [Mr. LEACH] is recognized for 1 hour.

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

Mr. Speaker, I would like to thank the gentleman from Florida [Mr. MCCOLLUM] for his hard work on this bill. This bill is a testament to his judgment and stick-to-itiveness. I would also like to thank the ranking member, the gentleman from Texas [Mr. GONZALEZ], and the ranking member of the financial institutions subcommittee, the gentleman from Minnesota [Mr. VENTO], who is also the original cosponsor of the provisions included in the regulatory relief bill for all of his efforts in resolving this matter.

This bill was considered as one section of the regulatory burden relief bill that was reported favorably out of the Committee on Banking and Financial Services this past June. The reason for moving this section independently from the regulatory burden relief bill is that the moratorium on class action lawsuits which was passed earlier this Congress (H.R. 1380) expires on October 1, 1995.

In committee consideration the provisions of this bill received widespread support on both sides of the aisle. In addition, in an inverted process manner, extensive negotiations have taken place with the other body and several modifications to the House Banking Committee product have been made.

This bill addresses certain changes to the Truth in Lending Act due to the flood of class action lawsuits that followed the decision in Rodash versus AIB Mortgage Co. This relief is necessary because of the ambiguity surrounding the proper treatment of a number of fees under current law and the extremely low tolerance for lender flexibility in fee disclosure. For example, in the Rodash case the court held that a $22 courier fee is a finance charge under the Truth in Lending Act. Because the creditor had treated the courier fee as part of the amount financed instead of as a finance charge, the court held that the lender disclosures violated the law. And because the courts have held that a loan is rescindable under the Truth in Lending Act for even minor disclosure variance, the borrower has the right to rescind up to 3 years from consummation of the loan.

Hence, numerous class action lawsuits have been filed in the wake of the Rodash decision, which exposes the mortgage industry to extraordinary liability that may threaten the solvency of the industry. Here let me stress that this issue is not a matter of nondisclosure or industry efforts to mischievously mislead borrowers. All fees were disclosed to the consumer in these cases. The issue is whether the fees were categorized in one particular way under one particular statute. The problem is that an honest mistake of no consequence to any of the parties involved has become the subject of shark instincts of the plaintiff's bar.

This Congress, above all institutions in society, has an obligation to respect and advance the rule of law. As a general benchmark, caution should be applied to changing law in such a manner

as to affect existent litigation. But I know of few instances of litigious which reflect more the unnecessarily litigious nature of America at this time. Sometimes a litigant may be right on a small point, but desperately wrong in the big perspective. That is the case here. The bar that has brought this class action effort should be chastised, not rewarded. Out of common sense this Congress must act.

Again, I would like to commend the Members who worked on this time-sensitive legislation.

Mr. Speaker, I yield to the gentleman from Texas [Mr. GONZALEZ], the distinguished ranking member of the full committee.

Mr. GONZALEZ. Mr. Speaker, I commend the authors of this legislation, the gentleman from Florida [Mr. MCCOLLUM] and the gentleman from Minnesota [Mr. VENTO] for their efforts to give the mortgage industry relief without unduly trampling important consumer rights, which is always a difficult project.

I also want to compliment the bipartisan manner in which this compromise was achieved. This process should serve as a model for other legislation, moving through the Committee on Banking and Financial Services and the House as well. Where there is a will on both sides, a consensus can always emerge.

Second, I want to emphasize that this bill is a compromise. It is not a perfect product, but it does address a legitimate concern of the mortgage banking industry about the Truth in Lending Act. In crafting this legislation, pains were taken to ensure that important consumer safeguards were not dismantled. The right of rescission is an extraordinary right that TILA provides for consumers to safeguard their homes. I am pleased that this right was largely preserved and that the consumer will be able to rescind loans where the lender has made an egregious error or in particular circumstances against foreclosure.

I am also heartened that consumers will retain the so-called cooling-off period after refinancing their homes. With this right, consumers can walk away from a bad deal within 3 days.

Mrs. ROUKEMA. Mr. Speaker, I rise today in strong support of this legislation. H.R. 2399 addresses the needed changes to the Truth in Lending Act [TILA] required by the recent court decisions and the unintended exposures for the mortgage industry created by technical violations, without affecting the protections afforded to consumers that the TILA was originally intended to provide. The TILA has become a weapon used against mortgage lenders without justification. Complying with overly complex and often unclear disclosure rules has become overly burdensome and potential liability is a cause of concern. Equally important, such use of this regulation provides no real benefit to consumers, but only results in inefficiency and increased costs.

Specifically, this legislation addresses the eleventh circuit's decision in Rodash versus AIB Mortgage Co., a case involving the Truth in Lending Act [TILA]. The TILA requires lenders to disclose credit terms to borrows in a manner that allows them to objectively compare various credit products. For example, the Truth in Lending Act requires lenders to characterize certain charges associated with a loan as finance charges and requires them to aggregate all such charges into one finance charge to be disclosed at closing. The TILA allows borrowers to rescind transactions even for technical violations of the disclosure provisions of the statute.

On March 21, 1994, the U.S. Court of Appeals for the Eleventh Circuit in Rodash versus AIB, ruled that certain taxes and fees—example, a $20 Federal Express delivery charge—must be characterized as finance charges under the Truth in Lending Act, including some fees that are assessed by third parties other than the lender.

As a result of these technical violations of the Truth in Lending Act, borrowers are able to rescind their mortgages. When a mortgage is rescinded, the borrower is released from the mortgage lien leaving the lender with an unsecured loan, and the borrower is entitled to repayment of interest and all other payments made on the loan.

The eleventh circuit's ruling has sparked numerous class action lawsuits against lenders who have not characterized or disclosed such taxes and fees as finance charges in the past. It is argued that Rodash could have disastrous consequences for both originators of mortgage loans and the secondary market. The potential cost of rescinding all refinanced mortgages made in the last 3 years—the time allowed under the Truth in Lending Act to exercise the rescission right—has been estimated to be as high as $217 billion.

On April 4, 1995, with bipartisan support, the House under a suspension of the rules passed H.R. 1380, the Truth in Lending Class Action Relief Act of 1995. The Senate passed H.R. 1380 by unanimous consent on April 24, 1995. H.R. 1380 imposes a moratorium until October 1, 1995, on certain TILA class action certifications, including Rodash-styled class actions brought in connection with first liens on real property or dwellings that constitute a refinancing or consolidation of a debt.

This legislation that we are considering here today addresses the Rodash problem by exempting a number of charges from inclusion in the finance charge and provides a tiered tolerance approach on finance charge miscalculations. The bill does not extend any exemptions from the right of rescission. This legislation provides retroactive relief from liability for certain nondisclosures. The bill also contains limitations on the liability of assignees and services of home mortgages.

The moratorium expires on October 1, and the Congress must make the needed changes to the Truth in Lending Act.

Mr. MCCOLLUM. Mr. Speaker, the Truth in Lending Act Amendments of 1995 will finally bring an end to the massive potential liability facing the mortgage industry as a result of extraordinary penalties under the Truth in Lending Act [TILA] for technical errors. Recognizing the threat to mortgage lending, we placed a moratorium on class actions for certain technical violations under TILA to give us an opportunity to develop a solution. The Truth in Lending Act Amendments of 1995 provide that solution.

The provisions of the Truth in Lending Act Amendments of 1995, H.R. 2399, were originally reported out of the House Banking Committee as part of the Financial Institutions Regulatory Reform Act of 1995, H.R. 1858. The provisions of H.R. 1858 were explained in House Report 104–193. A number of changes, which are described below, have been made to the provisions.

This bill does a number of important things.

First, it provides retroactive relief to the mortgage industry from the extreme potential liability that was caused by the Rodash versus AIB Mortgage Co. case. This problems, which seriously threatened the viability of residential mortgage lending in this country including the mortgage-backed securities markets, was caused by the ambiguity surrounding the proper treatment of certain charges, and the extremely low tolerance for any error in making disclosures. The current treatment of fees, such as mortgage broker fees, is very ambiguous under current law. Section 106(a) of TILA has been revised to clarify prospectively that the inclusion of mortgage broker fees in the finance charge extends only to borrower paid fees, regardless of whether such fees are paid by the borrower directly to the broker or to the lender for delivery to broker, or whether such fees are paid in cash or financed. Lender paid broker fees, including yield spread premiums and service release fees, will continue to be excluded from the finance charge. It is not fair to subject lenders to extreme penalities for their treatment of these fees—which some are now trying to recharacterize as finder's fees—when the rules were not clear. With this legislation, lenders will now be able to get on with the business of making loans.

Second, on a going forward basis, the bill clarifies the treatment of specific charges such as intangible taxes and courier fees. Costs such as these that are incurred by settlement agents and are passed on to consumers, which are not in fact required by the creditor—whether the creditor has any knowledge of such charges—and are not retained by the creditor are intended to be excluded from the finance charge. This clarification gives creditors greater certainty and provides consumers with more accurate disclosures through uniform treatment of charges. The Federal Reserve is also directed to review the finance charge disclosure and make recommendations to make it more accurately reflect the cost of credit and eliminate any abusive practices that have developed.

Third, recognizing the highly technical nature of the Truth in Lending Act, the bill raises the tolerance level for understated disclosures, going forward, from $10 to $100 for civil liability purposes. Regarding the tolerance related to the award of statutory damages under section 130 of the act, the finance charge will be considered accurate on a prospective basis if the disclosed amount is within $100 of the actual amount; the accuracy tolerance for civil liability on past transaction is set at $200. Overstatements continue to be allowed without imposing liability. For errors which can lead to rescission of the loan, which is a much more extreme penalty, the tolerance is one-half of 1 percent of the loan amount. However, for certain refinance loans where the refinancing borrower did not receive additional new advances from the creditor, as addressed in House Report 104–193 at page 197, the tolerance is 1 percent of the loan amount. In accordance with current Federal Reserve regulations,

money to finance the closing costs of the transaction do not constitute new money.

Fourth, the bill clarifies that loan servicers are not assignees for purposes of truth in lending liability if they only own legal title for servicing purposes.

Fifth, the bill raises the statutory damages for individual actions from $1,000 to $2,000. Section 130(a) of TILA allows a consumer to recover both actual and statutory damages in connection with TILA violations. However, statutory damages are provided in TILA because actual damages, which require proof that the borrower suffered a loss in reliance upon the inaccurate disclosure, are extremely difficult to establish. To recover actual damages, consumers must show that they suffered a loss because they relied on an inaccurate or incomplete disclosure. A number of lawsuits have been filed in which plaintiffs have claims as actual damages the amount of the fees or charges that have been misdisclosed. This is not the meaning of actual damages. The proper meaning of damages is discussed in *Adiel* v. *Chase Federal Savings & Loan Association*, 630 F. Supp. 131 (S.D. Fla. 1986), aff'd 810 F.2d 1051 (11th Cir. 1987).

Sixth, the bill preserves the consumer's 3-day rescission period for all refinance loans with different creditors. As currently set forth in the Truth in Lending Act, this cooling off period expires absolutely in 3 years, after consummation of the transaction or the consumer's sale of the property in cases where the TILA disclosures contained an error in a material disclosure or were not provided to the consumer. Contrary to some court decisions which have allowed this rescission period to extend for as long as 8 years after the loan was closed in the context of recoupment, the existing statutory language is clear, 3-years means 3 years and the time period shall not be extended except as explicitly provided in section 125(f). Section 8 of the bill, which deals with rescission in the context of recoupment, cross-references the 3 year limit set forth in section 125(f).

Moreover, as is currently set forth in the Federal Reserve regulations, when a borrower refinances an existing loan and takes out new money, only the new money is subject to rescission.

I am very proud to have achieved this legislation, which has support from both sides of the aisle, to rectify a serious problem, and preserve meaningful consumer disclosures in the future.

Mr. LEACH. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered.

There was no objection.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. LEACH. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 2399, the bill just passed.

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

There was no objection.

PROVIDING FOR CONSIDERATION OF H.R. 743, TEAMWORK FOR EMPLOYEES AND MANAGERS ACT OF 1995

Mrs. WALDHOLTZ. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 226 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 226

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 743) to amend the National Labor Relations Act to allow labor management cooperative efforts that improve economic competitiveness in the United States to continue to thrive, and for other purposes. The first reading of the bill shall dispensed with. Points of order against consideration of the bill for failure to comply with clause 2(l)(2)(B) of rule XI are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Economic and Educational Opportunities. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Economic and Educational Opportunities now printed in the bill. Each section of the committee amendment in the nature of a substitute shall be considered as read. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 6 of rule XXIII. Amendments so printed shall be considered as read. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentlewoman from Utah [Mrs. WALDHOLTZ] is recognized for 1 hour.

Mrs. WALDHOLTZ. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from Texas [Mr. FROST], pending which I yield myself such time as I may consume.

During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 226 is an open rule, providing for consideration of H.R. 743, the Teamwork for Employees and Managers Act of 1995. The resolution provides for 1 hour of general debate, to be equally divided between the chairman and ranking minority member of the Committee on Economic and Educational Opportunities. The rule makes in order the committee amendment in the nature of a substitute as an original bill for purpose of amendment, with each section considered as read. Further, the rule authorizes the Chair to give priority recognition to members who have had their amendment preprinted in the CONGRESSIONAL RECORD, and the rule provides one motion to recommit, with or without instructions.

The rule also waives clause 2(1)(2)(B) of rule XI, which requires the publication of rollcall votes in committee reports. The Economic and Educational Opportunities Report 104–248 on H.R. 743 contains incorrect information on rollcall votes due to typographical errors during the printing process. The votes were correctly reported in the original report filed with the Clerk. However, a star print—report No. 99–006—has been issued which contains the correct rollcall information.

Mr. Speaker, the workplace model used to craft labor laws of the early 20th century no longer meet the needs and reality of the current marketplace and employer-employee relations. The TEAM Act recognizes that the most effective workplaces are those where employees and employers cooperatively work together, and makes the necessary changes to our labor laws to allow this new workplace dynamic to flourish.

The TEAM Act will help to promote greater employee involvement in the workplace by clarifying that it is not impermissible for an employer to establish or participate in any organization in which employees are involved to address workplace issues such as quality, productivity, and efficiency. These organizations will not have the authority to enter into or negotiate collective-bargaining agreements—all of those rights remain unchanged. The act also specifies that unionized workplaces will not be affected.

Greater employee involvement in the workplace has proven to be an effective tool to increase the job satisfaction each employee derives from the workplace, and brings greater value to the production process. The TEAM Act recognizes that employers and employees can work together based on cooperation, not confrontation.

Mr. Speaker, I urge my colleagues to support the rule for consideration of H.R. 743. This open rule provides for fair debate of the bill and permits Members to offer amendments for consideration by the full House.

Mr. Speaker, I include for the RECORD the following statistical information from the Committee on Rules establishing for the RECORD the openness of the rules process in the 104th Congress:

THE AMENDMENT PROCESS UNDER SPECIAL RULES REPORTED BY THE RULES COMMITTEE,[1] 103D CONGRESS V. 104TH CONGRESS

[As of September 26, 1995]

Rule type	103d Congress		104th Congress	
	Number of rules	Percent of total	Number of rules	Percent of total
Open/Modified-open[2]	46	44	50	75
Modified Closed[3]	49	47	15	22
Closed[4]	9	9	2	3
Totals:	104	100	67	100

[1] This table applies only to rules which provide for the original consideration of bills, joint resolutions or budget resolutions and which provide for an amendment process. It does not apply to special rules which only waive points of order against appropriations bills which are already privileged and are considered under an open amendment process under House rules.

[2] An open rule is one under which any Member may offer a germane amendment under the five-minute rule. A modified open rule is one under which any Member may offer a germane amendment under the five-minute rule subject only to an overall time limit on the amendment process and/or a requirement that the amendment be preprinted in the Congressional Record.

[3] A modified closed rule is one under which the Rules Committee limits the amendments that may be offered only to those amendments designated in the special rule or the Rules Committee report to accompany it, or which preclude amendments to a particular portion of a bill, even though the rest of the bill may be completely open to amendment.

[4] A closed rule is one under which no amendments may be offered (other than amendments recommended by the committee in reporting the bill).

SPECIAL RULES REPORTED BY THE RULES COMMITTEE, 104TH CONGRESS

[As of September 26, 1995]

H. Res. No. (Date rept.)	Rule type	Bill No.	Subject	Disposition of rule
H. Res. 38 (1/18/95)	O	H.R. 5	Unfunded Mandate Reform	A: 350–71 (1/19/95).
H. Res. 44 (1/24/95)	MC	H. Con. Res. 17	Social Security	A: 255–172 (1/25/95).
		H.J. Res. 1	Balanced Budget Amdt	
H. Res. 51 (1/31/95)	O	H.R. 101	Land Transfer, Taos Pueblo Indians	A: voice vote (2/1/95).
H. Res. 52 (1/31/95)	O	H.R. 400	Land Exchange, Arctic Nat'l. Park and Preserve	A: voice vote (2/1/95).
H. Res. 53 (1/31/95)	O	H.R. 440	Land Conveyance, Butte County, Calif	A: voice vote (2/1/95).
H. Res. 55 (2/1/95)	O	H.R. 2	Line Item Veto	A: voice vote (2/2/95).
H. Res. 60 (2/6/95)	O	H.R. 665	Victim Restitution	A: voice vote (2/7/95).
H. Res. 61 (2/6/95)	O	H.R. 666	Exclusionary Rule Reform	A: voice vote (2/7/95).
H. Res. 63 (2/8/95)	MO	H.R. 667	Violent Criminal Incarceration	A: voice vote (2/9/95).
H. Res. 69 (2/9/95)	O	H.R. 668	Criminal Alien Deportation	A: voice vote (2/10/95).
H. Res. 79 (2/10/95)	MO	H.R. 728	Law Enforcement Block Grants	A: voice vote (2/13/95).
H. Res. 83 (2/13/95)	MO	H.R. 7	National Security Revitalization	PQ: 229–100; A: 227–127 (2/15/95).
H. Res. 88 (2/16/95)	MC	H.R. 831	Health Insurance Deductibility	PQ: 230–191; A: 229–188 (2/21/95).
H. Res. 91 (2/21/95)	O	H.R. 830	Paperwork Reduction Act	A: voice vote (2/22/95).
H. Res. 92 (2/21/95)	MC	H.R. 889	Defense Supplemental	A: 282–144 (2/22/95).
H. Res. 93 (2/22/95)	MO	H.R. 450	Regulatory Transition Act	A: 252–175 (2/23/95).
H. Res. 96 (2/24/95)	MO	H.R. 1022	Risk Assessment	A: 253–165 (2/27/95).
H. Res. 100 (2/27/95)	O	H.R. 926	Regulatory Reform and Relief Act	A: voice vote (2/28/95).
H. Res. 101 (2/28/95)	MO	H.R. 925	Private Property Protection Act	A: 271–151 (3/2/95).
H. Res. 103 (3/3/95)	MO	H.R. 1058	Securities Litigation Reform	
H. Res. 104 (3/3/95)	MO	H.R. 988	Attorney Accountability Act	A: voice vote (3/6/95).
H. Res. 105 (3/6/95)	MO			A: 257–155 (3/7/95).
H. Res. 108 (3/7/95)	Debate	H.R. 956	Product Liability Reform	A: voice vote (3/8/95).
H. Res. 109 (3/8/95)	MC			PQ: 234–191 A: 247–181 (3/9/95).
H. Res. 115 (3/14/95)	MO	H.R. 1159	Making Emergency Supp. Approps.	A: 242–190 (3/15/95).
H. Res. 116 (3/15/95)	MC	H.J. Res. 73	Term Limits Const. Amdt	A: voice vote (3/28/95).
H. Res. 117 (3/16/95)	Debate	H.R. 4	Personal Responsibility Act of 1995	A: voice vote (3/21/95).
H. Res. 119 (3/21/95)	MC			A: 217–211 (3/22/95).
H. Res. 125 (4/3/95)	O	H.R. 1271	Family Privacy Protection Act	A: 423–1 (4/4/95).
H. Res. 126 (4/3/95)	O	H.R. 660	Older Persons Housing Act	A: voice vote (4/6/95).
H. Res. 128 (4/4/95)	MC	H.R. 1215	Contract With America Tax Relief Act of 1995	A: 228–204 (4/5/95).
H. Res. 130 (4/5/95)	MC	H.R. 483	Medicare Select Expansion	A: 253–172 (4/6/95).
H. Res. 136 (5/1/95)	O	H.R. 655	Hydrogen Future Act of 1995	A: voice vote (5/2/95).
H. Res. 139 (5/3/95)	O	H.R. 1361	Coast Guard Auth. FY 1996	A: voice vote (5/9/95).
H. Res. 140 (5/9/95)	O	H.R. 961	Clean Water Amendments	A: 414–4 (5/10/95).
H. Res. 144 (5/11/95)	O	H.R. 535	Fish Hatchery—Arkansas	A: voice vote (5/15/95).
H. Res. 145 (5/11/95)	O	H.R. 584	Fish Hatchery—Iowa	A: voice vote (5/15/95).
H. Res. 146 (5/11/95)	O	H.R. 614	Fish Hatchery—Minnesota	A: voice vote (5/15/95).
H. Res. 149 (5/16/95)	MC	H. Con. Res. 67	Budget Resolution FY 1996	PQ: 252–170 A: 255–168 (5/17/95).
H. Res. 155 (5/22/95)	MO	H.R. 1561	American Overseas Interests Act	A: 233–176 (5/23/95).
H. Res. 164 (6/8/95)	MC	H.R. 1530	Nat. Defense Auth. FY 1996	PQ: 225–191 A: 233–183 (6/13/95).
H. Res. 167 (6/15/95)	O	H.R. 1817	MilCon Appropriations FY 1996	PQ: 223–180 A: 245–155 (6/16/95).
H. Res. 169 (6/19/95)	MC	H.R. 1854	Leg. Branch Approps. FY 1996	PQ: 232–196 A: 236–191 (6/20/95).
H. Res. 170 (6/20/95)	O	H.R. 1868	For. Ops. Approps. FY 1996	PQ: 221–178 A: 217–175 (6/22/95).
H. Res. 171 (6/22/95)	O	H.R. 1905	Energy & Water Approps. FY 1996	A: voice vote (7/12/95).
H. Res. 173 (6/27/95)	C	H.J. Res. 79	Flag Constitutional Amendment	PQ: 258–170 A: 271–152 (6/28/95).
H. Res. 176 (6/28/95)	MC	H.R. 1944	Emer. Supp. Approps.	PQ: 236–194 A: 234–192 (6/29/95).
H. Res. 185 (7/11/95)	O	H.R. 1977	Interior Approps. FY 1996	PQ: 235–193 D: 192–238 (7/12/95).
H. Res. 187 (7/12/95)	O	H.R. 1977	Interior Approps. FY 1996 #2	PQ: 230–194 A: 229–195 (7/13/95).
H. Res. 188 (7/12/95)	O	H.R. 1976	Agriculture Approps. FY 1996	PQ: 242–185 A: voice vote (7/18/95).
H. Res. 190 (7/17/95)	O	H.R. 2020	Treasury/Postal Approps. FY 1996	PQ: 232–192 A: voice vote (7/18/95).
H. Res. 193 (7/19/95)	C	H.J. Res. 96	Disapproval of MFN to China	A: voice vote (7/20/95).
H. Res. 194 (7/19/95)	O	H.R. 2002	Transportation Approps. FY 1996	PQ: 217–202 (7/21/95).
H. Res. 197 (7/21/95)	O	H.R. 70	Exports of Alaskan Crude Oil	A: voice vote (7/24/95).
H. Res. 198 (7/21/95)	O	H.R. 2076	Commerce, State Approps. FY 1996	A: voice vote (7/25/95).
H. Res. 201 (7/25/95)	O	H.R. 2099	VA/HUD Approps. FY 1996	A: 230–189 (7/25/95).
H. Res. 204 (7/28/95)	MC	S. 21	Terminating U.S. Arms Embargo on Bosnia	A: voice vote (8/1/95).
H. Res. 205 (7/28/95)	O	H.R. 2126	Defense Approps. FY 1996	A: 409–1 (7/31/95).
H. Res. 207 (8/1/95)	MC	H.R. 1555	Communications Act of 1995	A: 255–156 (8/2/95).
H. Res. 208 (8/1/95)	O	H.R. 2127	Labor, HHS Approps. FY 1996	A: 323–104 (8/2/95).
H. Res. 215 (9/7/95)	O	H.R. 1594	Economically Targeted Investments	A: voice vote (9/12/95).
H. Res. 216 (9/7/95)	MO	H.R. 1655	Intelligence Authorization FY 1996	A: voice vote (9/12/95).
H. Res. 218 (9/12/95)	O	H.R. 1162	Deficit Reduction Lockbox	A: voice vote (9/13/95).
H. Res. 219 (9/12/95)	O	H.R. 1670	Federal Acquisition Reform Act	A: 414–0 (9/13/95).
H. Res. 222 (9/18/95)	O	H.R. 1617	CAREERS Act	A: 388–2 (9/19/95).
H. Res. 224 (9/19/95)	O	H.R. 2274	Natl. Highway System	PQ: 241–173 A: 375–39–1 (9/20/95).
H. Res. 225 (9/19/95)	MC	H.R. 927	Cuban Liberty & Dem. Solidarity	A: 304–118 (9/20/95).
H. Res. 226 (9/21/95)	O	H.R. 743	Team Act	
H. Res. 227 (9/21/95)	O	H.R. 1170	3-Judge Court	
H. Res. 228 (9/21/95)	O	H.R. 1601	Internatl. Space Station	

Codes: O-open rule; MO-modified open rule; MC-modified closed rule; C-closed rule; A-adoption vote; D-defeated; PQ-previous question vote. Source: Notices of Action Taken, Committee on Rules, 104th Congress.

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

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

Mr. Speaker, I rise in strong opposition to H.R. 743 and to rule which provides for its consideration. This bill is nothing more than a thinly disguised attempt to return to the old days of company unions. Supporters of this bill represent it as a means of empowering employees in the 21st century workplace. But, I submit Mr. Speaker, that rather than looking forward, this bill represents a return to the early 20th century when employers controlled both sides of a bargaining table, if indeed such a table existed.

Mr. Speaker, this legislation effectively repeals a worker protection that has been in place for 60 years. In 1935, when the Wagner Act was enacted, the Congress chose to extend a guarantee

of a fundamental principle of democracy to the workplace. That principle, in essence, is the freedom of association, the right of employees to choose their own independent representative to negotiate with an employer over wages, hours, or conditions of employment. Common sense and decency demand no less for the working men and women in this country, most especially as we enter the 21st century.

This democratic principle should serve as a moral compass as we, as a Nation, negotiate our place in the global economy. If we are indeed the greatest democratic Nation in the history of the planet, then how can we deny such a fundamental principle of democracy to our own workers, for are they not the backbone of our country and all it stands for?

Proponents of this legislation claim that in order for business to compete in the new century that new efficiencies must be implemented in the workplace, by establishing work teams or labor-management cooperation programs. They claim section 8(a)(2) precludes such labor-management association. But I would beg to differ. Mr. Speaker, innovations such as employee work teams are already flourishing in the shops, businesses, and factories of this country, in spite of the existence of section 8(a)(2).

In fact, the NLRB has already held, in General Foods, that the employer has the right to set up a method of production which delegated significant managerial responsibilities to employee work teams. And, in the Electromation case, the very case the proponents cite as a powerful example of the need for this change in the law, the court of appeals held that section 8(a)(2) does not foreclose appropriate employee involvement which focused solely on increasing company productivity, efficiency, and quality control.

If one examines the law, one can see that section 8(a)(2) does not prohibit employee involvement, it merely distinguishes between legitimate and illegitimate activity. Section 8(a)(2) prohibits only one form of employee involvement: The employee program which is dominated by the employer and which deals with employees' wages or other terms or conditions of employment. Section 8(a)(2) merely seeks to assure workers that they will have the right to determine who speaks for them and who will ultimately be responsible to them.

Mr. Speaker, if issues were left open by the Electromation case, then let us address those specific issues. If there was a chilling effect on existing employee involvement programs, then let us fix that problem. But H.R. 743 is not a fix: It is, instead, a fundamental change in the rights of working men and women. And it is a change that is unfair and unreasonable and I urge defeat of the bill.

□ 1300

Mrs. WALDHOLTZ. Mr. Speaker, I yield 5 minutes to the gentleman from Wisconsin [Mr. PETRI].

Mr. PETRI. Mr. Speaker, I thank my colleague for yielding me this time.

Mr. Speaker, this rule should be adopted and we should move swiftly to enact the TEAM Act, because it is necessary for us to do that to enable modern business practices to be continued and expanded here in the United States.

We have come a long way since the World War I Henry Ford-style mass production, where you do what you are told and you show up. Henry Ford used to say ''The only trouble I have with employees is that I am hiring their mind along with their hands.'' He just wanted people who would do what they were told and be as productive as possible and not bring all of their abilities to building quality into their product.

We have come a long way from that. To have a sophisticated modern economy, we need to involve employees' abilities as fully as possible in the workplace and in the enterprise in which they are active.

I had a meeting some years ago when we were worried about the Japanese threat, and one of the Japanese businessmen who was there said ''Well, you know, we are going to beat you every time in the marketplace.'' I asked ''Why is that?'' He said ''Because when we compete with an American corporation with 10,000 employees, we are only competing really with 10 or 15 brains. The rest are just doing what they are told. I have 5,000 Japanese employees, and all of their brains are actively working to maximize our quality and our cost effectiveness in the workplace.''

We have changed that here in America. We have got to keep on changing that through employee involvement, employee circles, working to give everyone a greater say in how their jobs are operated and in the goods that they produce and the quality that is built into them. That is what employee involvement is all about.

Unfortunately, under some outdated—in this new world—labor legislation passed in other times, courts have held that employee involvement practices violate legal standards. For example, here is a case of the Donnelly Corp., whose employee involvement program really resulted in a classic catch–22 situation and would be in violation of law if we fail to pass the TEAM Act.

That company had a program which was lauded by the U.S. Department of Labor for its innovations in worker-management relations. But, ironically, as a result of Donnelly's testimony before the Dunlop Commission on the future of worker-management relations as they worked to try to improve our competitiveness and the fulfilling nature of employment in our country, their program is regarded as in jeopardy.

The National Labor Relations Board is challenging the program of the Donnelly Corp. as a violation of section 8(a)(2) of the National Labor Relations Act. Donnelly's program, as I said, was praised for its reliance on the principle that workers, when given the opportunity, make an invaluable contribution to the success of their companies. They do not have to be told what to do. They can decide for themselves. The development of the Donnelly program was directly intended to empower employees and push decisionmaking authority down to the shop floor. Unfortunately, a single labor law professor who heard their innovative story decided to punish them and their employer for the sake of preserving the 1930 style of collective bargaining.

So the TEAM Act would ensure that proceedings like that now involving the Donnelly Corp. before the National Labor Relations Board could not be brought because it would clarify the law and make it clear that employee involvement would not violate section 8(a)(2) of the National Labor Relations Act.

For that reason I would urge adoption of this rule and the passage of the TEAM Act.

Mr. FROST. Mr. Speaker, I yield 3 minutes to the gentleman from New York [Mr. NADLER].

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

Mr. NADLER. Mr. Speaker, I rise to oppose this rule on H.R. 743, the so-called TEAM Act. This bill would be a flagrant violation of the rights of workers and is in absolute disregard of the democratic values of this country.

Sixty years ago, this Nation enacted laws to protect its workers by ensuring their right to have an independent voice in the conditions of their workplaces. Workers were permitted and guaranteed by law the right to have a separate negotiating body on which they could rely in effectively representing their interests. As a result of the efforts of these organized employee representative bodies, or unions, for the first time substantial protection of workers' rights were achieved in this country, and many unfair labor practices and unsafe working environments were addressed and improved, not to mention improvements in wages and hours.

This bill, however, ironically in the name of teamwork, would rob workers of that independent voice and thwart organizing efforts, leaving employees vulnerable to abuse by employers. This bill would give the management under certain circumstances the exclusive authority to set conditions of employment, wages and hours, sole authority to deal with labor disputes and grievances under certain circumstances, authority to select and appoint members of workplace teams, and the authority in some cases to set the agenda and even terminate employees at will. By dictating to workers who will represent

them in discussions concerning the conditions of their workplaces, it strips workers of their basic rights to organize and to be represented independently. This kind of so-called cooperation between employees and employers would put workers in the most compromising position, in effect back where they were before the passage of the National Labor Relations Act in 1935.

This bill is not about teamwork. What it really is about is employer domination and destruction of the rights of workers. This bill fosters the exploitation of workers and denies them a democratic voice in their workplace. The so-called TEAM Act is destructive of the democratic progress this Nation has made, as have been so many of the Republican bills that have come to this floor in this session.

For the sake of fairness and for the preservation of the basic rights of workers, I urge my colleagues to oppose this very reactionary and very misguided legislation.

Mrs. WALDHOLTZ. Mr. Speaker, I yield 5 minutes to the gentleman from California [Mr. CUNNINGHAM].

Mr. CUNNINGHAM. Mr. Speaker, I rise in strong support of H.R. 743, the TEAM Act. Today, an employer who works together with employees to improve work safety, boost productivity or address employee morale, is violating the law. I have got union groups in my particular district. Labor works with management, management works with labor, and it is as it should be. But in all circumstances it does not work that smooth. As a matter of fact, these individuals sit down and they plan the goals, plan how much work is to be done, and the group, labor and management, actually sits down and determines if they want to shut down because they cannot reach their goal or if it is good for business, because they are smart enough to realize it is better to be working than not working, and they work very closely together.

But for management to be able to sit down with workers and organize as far as what is good for that company and be in violation of the law, it is just not good common sense.

Mr. Speaker, the labor unions represent less than 12 percent of the work force in this country. The rest of the work force, over 82 percent, is made up of small and large business in private industry, and the opposite side of the aisle say they constantly represent the worker. If that was the case, they would represent 82 percent of the private enterprise and the unions. But that is not the direction they want to go.

The TEAM Act says simply that an employer can work with employees, period. It does not permit illegal employer unions. It does not affect union shops at all. It does not intrude on collective bargaining. It simply allows employers and employees to work together. That is good common sense. Unfortunately, that does not exist in this body many times.

The TEAM Act has a broad range of support, because happy employees who are involved in their work are unlikely to join labor unions and pay union dues. The TEAM Act is opposed, of course, by organized labor.

Vote ''yes'' on the TEAM Act and oppose weakening amendments and support a strong labor force, both private and union.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentleman from Rhode Island [Mr. KENNEDY].

Mr. KENNEDY of Rhode Island. Mr. Speaker, the Teamwork for Employers and Managers Act is a euphemism. It perverts the notion that labor and management are on the same team, when only the management gets to call the plays.

In my State of Rhode Island, we would call this bill the Waybosset bill. If anybody has even been to Providence, RI, and driven down Waybosset Street, they would know that I mean. it is a one-way street.

That is what we are calling for in this bill, the TEAM Act. It is saying management can choose who they are going to bargain with. That does not sound fair to me. That perverts the whole idea of bargaining. How is labor going to have representation at the table if they cannot even choose their own representatives? This bill says that management is going to decide who represents labor.

My colleagues, just think of what we have already done this session. The Republicans have dismantled OSHA. They have also said that when it comes to worker health and safety, that is voluntary. That is like saying stoplights should be voluntary. How often do you think a manager is going to go into their own workplace and say ''This is unsafe for the workers,'' when in essence they would be criticizing themselves? Managers do not even have to keep track of or records now of their own inspections.

Mr. Speaker, no one should be fooled by the rhetoric here. This TEAM Act is a euphemism. It is nothing more than a one-way street for management to call the plays and expect labor to run their own plays.

Mr. Speaker, I urge my colleagues to reject the TEAM Act.

Mrs. WALDHOLTZ. Mr. Speaker, I yield 5 minutes to the gentleman from Missouri [Mr. TALENT].

Mr. TALENT. Mr. Speaker, I thank the gentlewoman for yielding me this time.

Mr. Speaker, I will agree with one thing my colleague just said, that we ought not to believe the rhetoric that people are saying about this bill. Let me describe what the bill does and why we need it. One of the really important developments, Mr. Speaker, of the last 10 to 15 years in particular has been the development of something called employee involvement or employee teams. There are millions of Americans familiar with it because they are participating in them.

These are a very flexible, diverse kind of way to get employees involved in making decisions which otherwise would have to be made entirely by management. It can cover everything from scheduling decisions to safety to productivity. It can be as formal as a regular safety committee, or as informal as people getting together for a few days to talk about scheduling or talk about how we deal with this problem on the production line. It increases employee satisfaction, it increases productivity, it has made American industry more competitive internationally. It is a good thing, and we have dozens and dozens and dozens of people come and testify and tell us that. And these were employees.

I have been out in shops and touring places in my district, and they all wanted to be able to do this. And the problem is that that form of employee involvement is quite probably illegal under the National Labor Relations Act, because 60 years ago, Congress quite properly outlawed company unions, and the National Labor Relations Board has interpreted these things as to be in effect company unions. Now we need to be able to provide relief to these millions of Americans who are doing something they want to do and helping the economy at the same time.

□ 1315

Now, the arguments against this that we have heard made and are going to be made by the other side is this will hurt union shops, it will circumvent workplaces that are collectively bargained and the proper role of the collective bargaining agent.

The answer to that, the bill exempts workshops that are organized by unions. It does not apply there. We will hear argued that the bill permits company unions. The truth is the bill explicitly prohibits company unions because it says if one of these employee entities has or claims the right to bargain collectively, and that is the essence of a union, an entity that claims the right to bargain collectively, is not covered by the bill. It is not protected by the proviso.

We will hear it is not needed; that, in fact, there is nothing wrong out there; that people are doing this now and are not under threat. Mr. Speaker, there are dozens of cases pending before the National Labor Relations Board in which these arguments are being challenged now, and I do not think the board is wrong in doing that, because under the bipolar world of the National Labor Relations Act as it was passed in 1935, employee relations had to be necessarily adversarial. Either management and labor eyed each other across the bargaining table in an adversarial fashion or the only other model was employers ramming it down the throat of employees. They did not anticipate what would happen 45 or 50 years later

when people would work together and cooperate.

These things are foreign to the scheme of the NLRA as it was passed 60 years ago. That is why we need to update it. Do we really think there is no problem? Well, here is what this Congress said last year when it was controlled by the other side in a committee report on an OSHA bill. ''Substantial uncertainty exists over the impact of the Electromation and DuPont decisions'', and those are the decisions we are talking about, ''on joint safety and health committees''.

In other words, Mr. Speaker, these committees may be illegal under the law. Mr. William Gould, who is the chairman of the National Labor Relations Board, said exactly what I said a minute ago. He said, ''The difficulty here is that Federal labor law, because it is still rooted in the Great Depression reaction to company unions through which employers controlled labor organizations, prohibits financial assistance by employers to any labor organization''. That is his quote, and he meant including any kind of employee involvement. He suggested amendments to the NLRA that allowed for cooperative relationships.

Mr. Speaker, it is possible to have win-win kinds of legislation. It is possible to have legislation which empowers people to do good things. That is what we are trying to do here. I urge the House to consider this dispassionately, to discount the rhetoric against this kind of thing. This is something that people really want. Let us do something people really want rather than allowing them to be bound by the concepts and the laws on those concepts of 60 years ago when the world was a very, very different place than it is now.

Mr. FROST. Mr. Speaker, I yield 4 minutes to the gentleman from Illinois [Mr. DURBIN].

Mr. DURBIN. Mr. Speaker, let me confess at the outset that I come from a union family. My mother, father, two brothers and I all worked for a railroad. We were all proud members of the Brotherhood of Railway Clerks, and that is part of my core value. I believe in unionism.

I believe that labor organizations have an important place in the American economy, but let me tell Members a story; 2 or maybe 3 years ago the Democratic Caucus had a meeting, and we invited in the head manager and the top union representative from the Saturn plant in Tennessee. We have seen all the ads about their teamwork there. These two men came to the stage both wearing khaki pants and a white button-down shirt and a red cardigan sweater. They sat down and started talking about their team concept in building cars, and for the first 10 minutes, I swear, I could not tell which was on the management side and which was on the labor side. It was clearly the best of all possible worlds. Here was a workplace situation where workers were being treated with dignity, brought into the decision process. The kind of team approach which we all hope will become part of American business and the American labor experience.

Mr. Speaker, I can say with some certitude, because I have heard it from those who support this TEAM Act, that this is not an exception at the Saturn plant. In fact, what we are told is that 80 percent of the largest companies in the United States are already doing this; that some 30,000 workplaces across the country have tried these concepts where the workers and the management sit down and work together and it works. The productivity of the workers is shown in the wages and in the quality of the product and the profits for the company, and that is certainly what we all want.

So the obvious question, if this is taking place in so many businesses across the United States, why do we need this law? If Congress is going to spend its time passing laws to enact things that already exist, we are going to have a pretty busy schedule, and there are a lot of things we should be spending our time on and problems that need to be solved.

Well, when we open up the lid and look inside the TEAM Act, we find it is much more than I just described and much more than we heard form the Republicans who are supporting it. It is not a question of employee and employer cooperation. We all want that. What they are trying to do is twofold. First, they have three companies that have gone over the line and pushed it too far. They have cases ending before the National Labor Relations Board. These companies, these special interests, are pushing for this legislation to get them off the hook.

Second, many companies think if they can create this kind of a company union, they can break efforts to organize plants and businesses across the United States by labor organizations. They will come in and say, do not sign up with the international union, we will create our little company union here and, therefore, you will not have to do business with them. It is a way to break down an effort to organize a plant.

Mr. Speaker, I do not think that is a good thing for us to see in this country. The single biggest problem we face in our economy is that working families, middle-class families, are working harder, putting in more hours, going to work, husbands and wives both playing by the rules and beating their heads against the wall. The productivity is up, corporate profits are up, and wages are not up.

Wages are stagnant and people are frustrated and angry and they should be. It is no coincidence we have seen a decline in the size and quality of the middle class in America as we have seen a decline in the size of labor unionism, because those workers no longer have a place at the table in collective bargaining. The TEAM Act is an effort to keep those workers away from the table, put them in little company unions where they can be controlled.

What we need in this country is an honest approach. Collective bargaining. Hard work should be rewarded. People should get a decent paycheck. That is part of the American dream, and it is a darned good reason to vote against the TEAM Act.

Mrs. WALDHOLTZ. Mr. Speaker, I yield 30 seconds to the gentleman from Pennsylvania [Mr. GOODLING,] the chairman of the committee.

Mr. GOODLING. Mr. Speaker, I thank the gentlewoman for yielding me time.

Mr. Speaker, I want to respond to the gentleman from Illinois [Mr. DURBIN] who talked about the beautiful operation going on in union settings between labor and management, and that is true, and that is what we want to do for the rest of the people in the United States. At the present time that cannot happen if you are not a unionized plant. Either management dictates everything or employees dictate everything. They cannot work together as they do in a union setting. That is why the necessity for the legislation that is on the floor today.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentlewoman from New York [Ms. VELÁZQUEZ].

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

Mr. Speaker, I rise in strong opposition to the rule and the bill.

The most important reason workers organize or join a union at their workplace is so that they have some collective clout. Every employee knows that without a union, the employer makes all the rules—pay, hours, overtime, working conditions. The employer owns the job and workers can be fired without cause.

Only the legal protection of the National Labor Relations Act and its 8(a)(2) provision, ensures that people have the right to elect representatives of their own choosing to negotiate on the employees behalf. If we change this critical protection in the law, then democracy fails.

Employers understand this very well. It is no accident that the U.S. Chamber of Commerce and the National Association of Manufacturers support this bill. If these business representatives—who were not chosen by the employees—were interested in employee participation, as they claim, then let them prove it by supporting union organizing efforts by unions of the employees choice. Democracy succeeds when the rights of workers are respected—not eliminated.

I urge my colleagues to defeat this dangerous bill.

Mrs. WALDHOLTZ. Mr. Speaker, I yield 2 minutes to the gentleman from North Carolina [Mr. BALLENGER].

Mr. BALLENGER. Mr. Speaker, I thank the gentlewoman for yielding me time.

Mr. Speaker, I want to make one point about the impact of this bill on union organizing. An employer cannot use a team or committee to interfere with employees' ability to organize or engage in other concerted activities for mutual aid or protection. The law which makes it an unfair labor practice for employers to interfere with, restrain, or coerce employees in the exercise of their rights, guaranteed by section 7 of the NLRA, to organize and bargain collectively through representatives of their own choosing—remains untouched by the TEAM Act. In a recent case, it was found that an employer's promise, the day before a union election, to establish a communications committee to deal with employee grievances was a violation of section 8(a)(1) because it was used as an inducement to persuade employees to vote against the union. This case remains good law even after passage of the TEAM Act.

The bill specifically states that ''it shall not constitute or be evidence of a violation under this paragraph for an employer'' to establish and participate in an employee involvement structure. H.R. 743 also specifically provides in section four that ''Nothing in this Act shall affect employee rights and responsibilities contained in provisions other than section 8(a)(2) of the National Labor Relations Act, as amended.''

Thus, the other protections in section 8(a) of the NLRA which prohibit employer conduct that interferes with the right of employees to freely choose independent representation remain in full force. If employee involvement structures do not prove to be an effective means for employees to have input into the production and management policies that impact them, those employees have every right, and every reason, to formally organize.

Mrs. WALDHOLTZ. Mr. Speaker, I yield 3 minutes to the gentleman from Texas [Mr. SAM JOHNSON].

Mr. SAM JOHNSON of Texas. Mr. Speaker, we are not here to try to undercut unions. On the other hand, I do not want somebody that is elected by a union to come and talk common sense, and you know this TEAM Act is probably one of the most commonsense pieces of labor legislation that this House has ever seen.

The TEAM Act will allow employers and employees to come together and discuss how they as a team, as the bill says, can make their workplace safer, more efficient, and produce a higher quality product, all without the threat of union legal battles. The aim of the legislation is to allow companies to bring their employees into the planning process by giving them a hand in formulating their work policy.

Mr. Speaker, we all know big labor will paint this as detrimental to the American worker. It is simply false. The bill makes it clear that employer-employee organizations may not enter into or negotiate collective bargaining agreements or amend existing collective bargaining agreements.

The real reason that unions are screaming is they are afraid of losing power by allowing employees to work with their employers to solve basic problems without the heavy hand of union interference.

As we prepare our work force for the 21st century, we cannot continue to hold on to obsolete rules that stifle creative solutions to challenges in the workplace, and unions need to change, too. Both employees and employers want the ability to improve their performance and working conditions. The TEAM Act does that while still protecting the rights of the employees.

Do what is right for American workers, support teamwork. Let us vote for this rule and the TEAM Act.

Mrs. WALDHOLTZ. Mr. Speaker, I yield 2 minutes to the gentleman from South Carolina [Mr. GRAHAM].

Mr. GRAHAM. Mr. Speaker, I thank the gentlewoman for yielding me time.

Mr. Speaker, I would like to compliment the gentleman from Wisconsin [Mr. GUNDERSON] on putting this act together. This will revolutionize the way we do business in America, and unfortunately there is some case law out there that stands in the way of businesses being competitive in the 21st century.

□ 1330

The Third District of South Carolina has transformed itself in the last 30 or 40 years from being a district dominated by the textile industry.

When I was growing up, there was a paternalistic society where people were not asked to give their ideas. They were told what to do and when to be there and they were treated like children.

Mr. Speaker, I have seen that industry itself change where now business leaders are looking at their employees as assets and they are asking them: How can we make our product better? They are talking to them about safety in the workplace and about benefit packages.

Mr. Speaker, there is nothing in this bill that prevents people from organizing unions, if they want to. What we are trying to do is to make sure that when employees and employers want to, they can sit down and discuss how to run a business; how to make it better for the employer and better for the employee.

Unless we pass this legislation, there is a legal ruling that will stand in the way of that from happening. If that cannot happen in the Third Congressional District of South Carolina, we are going to be left behind, because employees are assets that have good minds and good hearts. They want to give back to the company. They want to be asked how to do business. They want to be a part of the process.

Mr. Speaker, as I go through my district touring plants, I am now shown the plant by team leaders. They take a lot of pride in what they do. There is dignity in the workplace. This is an absolute, essential piece of legislation to allow American businesses to grow. If we do not pass this, we are going to go back to the time when workers were treated like children and the only people who could talk were unions, and that is not fair.

Mr. FROST. Mr. Speaker, I yield 3 minutes to the gentleman from New York [Mr. ENGEL].

Mr. ENGEL. Mr. Speaker, I rise to urge defeat of the rule and defeat of the TEAM Act.

Mr. Speaker, the continuing assault on the American worker by this Congress continues today with the consideration of the TEAM Act. I strongly urge the defeat of this proposal.

This bill, in my opinion, creates more problems than it solves. The so-called TEAM Act has nothing to do with teamwork, with workplace cooperation, or with empowering employees.

Under the guise of empowering employees, H.R. 743 guts section 8(a)(2) of the National Labor Relations Act, allowing an employer to create an organization of employees, determine its procedures, and select the organization's leaders. The bill would reestablish company unions, because employers could negotiate the terms and conditions of employment with this new organization, so long as the employer does not enter into a new contract.

Mr. Speaker, eliminating the basic right of employees to be represented by their own independent representatives in collective bargaining will not improve the situations of employers or employees. The TEAM Act would turn existing cooperative labor-management groups into adversarial relationships. Undermining the basic rights of employees is not teamwork, but is an attack on basic rights of workers to have independent representation.

The assault on the workers continues in this Congress. It must be stopped. The very first thing we saw at the start of this Congress with the Education and Labor Committee was the elimination of the word ''labor'' in the name of the new committee.

Then we saw an assault on the minimum wage. Not only has the majority refused to raise the minimum wage; they want to eliminate the minimum wage totally. We see the OSHA laws, the safety of the American worker which is so important, they wan to undermine it and eliminate it and scrap it. That continues to march on.

The National Labor Relations Board, we saw in the funding bills, they want to eliminate a lot of moneys to fund that. That is supposed to monitor unfair labor practices.

We talk about Davis-Bacon which is supposed to provide construction workers with a prevailing wage. They want to repeal Davis-Bacon.

Mr. Speaker, this TEAM Act is just another in a set of measures by the majority Republicans in this Congress to try to undermine the well-being of the American worker, to try to assault the American worker. It really ought to be defeated.

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

Mr. Speaker, I urge defeat of the rule and defeat of this bill. This is a terrible piece of legislation. My colleagues have heard the speakers on our side. It would change 60 years of settled law in this country.

Mr. Speaker, I urge the defeat of this rule.

Mr. Speaker, I yield back the balance of my time.

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

Mr. Speaker, I am somewhat disappointed to hear my colleague from Texas urging defeat of this rule, as this is a completely open rule. This rule allows any Member of this House to come forward with any amendment that they feel needs to be discussed by the House.

Mr. Speaker, there are no preprinting requirements. There are no time limitations. This is an open rule. This is the best way to bring debate to this floor.

Mr. Speaker, I would urge my colleagues to support adoption of this rule, despite whatever misgivings they may have to the underlying legislation. I urge my colleagues to support this rule, Mr. Speaker.

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

The previous question was ordered.

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

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

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

The SPEAKER 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 267, nays 149, not voting 18, as follows:

[Roll No. 686]

YEAS—267

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

NAYS—149

Abercrombie	Costello	Gephardt
Ackerman	Coyne	Gibbons
Andrews	Cramer	Gonzalez
Baesler	Danner	Green
Baldacci	de la Garza	Gutierrez
Barcia	DeFazio	Hall (OH)
Barrett (WI)	Dellums	Harman
Becerra	Deutsch	Hastings (FL)
Bentsen	Dingell	Hilliard
Berman	Dixon	Hinchey
Bevill	Doyle	Holden
Bonior	Durbin	Hoyer
Borski	Edwards	Jackson-Lee
Browder	Engel	Johnson (SD)
Brown (CA)	Eshoo	Johnson, E. B.
Brown (FL)	Evans	Kaptur
Brown (OH)	Farr	Kennedy (MA)
Bryant (TX)	Fattah	Kennedy (RI)
Cardin	Fazio	Kennelly
Chapman	Fields (LA)	Kildee
Clay	Filner	Kleczka
Clayton	Flake	Klink
Clyburn	Foglietta	LaFalce
Coleman	Frank (MA)	Lantos
Collins (IL)	Frost	Levin
Collins (MI)	Furse	Lewis (GA)
Conyers	Gejdenson	Lipinski
Lofgren	Obey	Slaughter
Maloney	Ortiz	Spratt
Manton	Owens	Stark
Markey	Pallone	Stokes
Martinez	Pastor	Studds
Mascara	Payne (NJ)	Stupak
Matsui	Pelosi	Thompson
McDermott	Peterson (FL)	Thornton
McHale	Peterson (MN)	Thurman
McKinney	Pomeroy	Torres
McNulty	Poshard	Velazquez
Meehan	Rahall	Vento
Meek	Rangel	Visclosky
Menendez	Richardson	Waters
Mfume	Rivers	Waxman
Mineta	Roybal-Allard	Williams
Minge	Rush	Wilson
Mink	Sabo	Wise
Mollohan	Sanders	Woolsey
Murtha	Schroeder	Wyden
Nadler	Schumer	Wynn
Neal	Scott	Yates
Oberstar	Serrano	

NOT VOTING—18

Bryant (TN)	Miller (CA)	Towns
Callahan	Miller (FL)	Tucker
Jacobs	Moakley	Volkmer
Jefferson	Reynolds	Watts (OK)
Johnston	Tejeda	Young (AK)
Kanjorski	Torricelli	Young (FL)

☐ 1356

Mr. BEVILL and Mr. RICHARDSON changed their vote from ''yea'' to ''nay.''

Mrs. CHENOWETH and Mr. SKAGGS changed their vote from ''nay'' to ''yea.''

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

THE JOURNAL

The SPEAKER pro tempore (Mr. EVERETT). Pursuant to clause 5 of rule I, the pending business is the question of the Speaker's approval of the Journal.

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

RECORDED VOTE

Mr. DREIER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 344, noes 66, answered ''present'' 1, not voting 23, as follows:

[Roll No. 687]

AYES—344

Allard	Bishop	Christensen
Andrews	Bliley	Chrysler
Archer	Blute	Clayton
Armey	Boehlert	Clement
Bachus	Bonilla	Clinger
Baesler	Bono	Coble
Baker (CA)	Boucher	Coburn
Baker (LA)	Brewster	Coleman
Baldacci	Browder	Collins (GA)
Ballenger	Brownback	Combest
Barcia	Bryant (TX)	Condit
Barr	Bunn	Cooley
Barrett (NE)	Bunning	Cox
Barrett (WI)	Burr	Coyne
Bartlett	Burton	Cramer
Barton	Buyer	Crapo
Bass	Calvert	Cremeans
Bateman	Camp	Cubin
Beilenson	Canady	Cunningham
Bentsen	Cardin	Danner
Bereuter	Castle	Davis
Berman	Chabot	de la Garza
Bevill	Chambliss	Deal
Bilbray	Chapman	DeFazio
Bilirakis	Chenoweth	DeLauro

DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Everett
Ewing
Farr
Fawell
Fields (TX)
Flake
Flanagan
Foglietta
Foley
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Gallegly
Ganske
Gejdenson
Gekas
Geren
Gilchrest
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Green
Greenwood
Gunderson
Hall (TX)
Hamilton
Hancock
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefner
Heineman
Herger
Hilleary
Hoekstra
Hoke
Holden
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson-Lee
Johnson (CT)
Johnson (SD)
Johnson, Sam
Jones
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaHood
Lantos
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Livingston
LoBiondo
Lofgren
Longley
Lowey
Lucas
Luther
Manton
Manzullo
Markey
Martini
Mascara
Matsui
McCarthy
McCollum
McCrery
McDade
McHale
McHugh
McInnis
McIntosh
McKeon
McKinney
Meehan
Metcalf
Meyers
Mica
Minge
Mink
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murtha
Myers
Myrick
Nadler
Neal
Nethercutt
Neumann
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Oxley
Packard
Parker
Pastor
Paxon
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Petri
Porter
Portman
Pryce
Quillen
Quinn
Radanovich
Rahall
Ramstad
Rangel
Reed
Regula
Richardson
Riggs
Rivers
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Roybal-Allard
Royce
Salmon
Sanders
Sanford
Sawyer
Saxton
Schaefer
Schiff
Schumer
Scott
Seastrand
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Spence
Spratt
Stearns
Stenholm
Stokes
Studds
Stump
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (NC)
Thomas
Thornberry
Thornton
Thurman
Tiahrt
Torkildsen
Torres
Torricelli
Traficant
Upton
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Ward
Waters
Watt (NC)
Waxman
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Williams
Wise
Wolf
Wyden
Wynn
Young (AK)
Young (FL)
Zeliff

NOES—66

Abercrombie
Ackerman
Becerra
Bonior
Borski
Brown (CA)
Brown (FL)
Brown (OH)
Clay
Clyburn
Collins (IL)
Collins (MI)
Conyers
Costello
Crane
Durbin
Ensign
Evans
Fattah
Fazio
Filner
Funderburk
Furse
Gephardt
Gillmor
Gutierrez
Gutknecht
Hall (OH)
Hastings (FL)
Hefley
Hilliard
Hinchey
Johnson, E.B.
Kennedy (RI)
LaFalce
Levin
Lewis (GA)
Lipinski
Maloney
McNulty
Meek
Menendez
Mfume
Miller (CA)
Mineta
Ney
Pallone
Payne (NJ)
Pickett
Pombo
Pomeroy
Poshard
Rush
Sabo
Scarborough
Schroeder
Stark
Stockman
Taylor (MS)
Thompson
Velazquez
Vento
Visclosky
Woolsey
Yates
Zimmer

ANSWERED ''PRESENT''—1

Harman

NOT VOTING—23

Boehner
Bryant (TN)
Callahan
Fields (LA)
Gibbons
Hobson
Jacobs
Jefferson
Johnston
Kanjorski
Martinez
McDermott
Miller (FL)
Moakley
Owens
Reynolds
Souder
Tejeda
Towns
Tucker
Volkmer
Watts (OK)
Wilson

□ 1414

So the Journal was approved.

The result of the vote was announced as above recorded.

□ 1415

COMMUNICATION FROM THE CHIEF ADMINISTRATIVE OFFICER OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Chief Administrative Officer of the House of Representatives:

HOUSE OF REPRESENTATIVES,
CHIEF ADMINISTRATIVE OFFICER,
Washington, DC, September 22, 1995.

Re: Searcy et al. and U.S., ex rel. *Bortner* v. *Philips Electronics*, et al.

Hon. NEWT GINGRICH,
Speaker, 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 my Office has been served with a subpoena issued by the United States District Court for the District of Columbia.

After consultation with the General Counsel, I have determined that compliance with the subpoena is consistent with the privileges and precedents of the House.

Sincerely,

SCOT M. FAULKNER,
Chief Administrative Officer.

TEAMWORK FOR EMPLOYEES AND MANAGERS ACT OF 1995

The SPEAKER pro tempore (Mr. EVERETT). Pursuant to House Resolution 226 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 743.

□ 1415

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 743) to amend the National Labor Relations Act to allow labor management cooperative efforts that improve economic competitiveness in the United States to continue to thrive, and for other purposes, with Mr. KOLBE in the chair.

The Clerk read the title of the bill.

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

Under the rule, the gentleman from Pennsylvania [Mr. GOODLING] will be recognized for 30 minutes, and the gentleman from Missouri [Mr. CLAY] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Pennsylvania [Mr. GOODLING].

Mr. GOODLING. Mr. Chairman, I yield 5 minutes to the gentleman from Wisconsin [Mr. GUNDERSON], the author of the legislation and a member of the committee.

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

Mr. GUNDERSON. Mr. Chairman, I thank the gentleman from Pennsylvania, Chairman GOODLING, for yielding me this time.

Mr. Chairman, last week we talked about improving the work force through the CAREERS Act. Today we have a chance of improving the workplace. Now, I know we are all busy, we are consumed with reconciliation and everything else, so let us not make this an intellectual debating society. Let us make this as simple as we can.

The facts are that today management in a nonunion setting can tell employees to do whatever they want and it is legal. Today, if management in a nonunion setting sits down and, voluntarily working with employees, reaches a mutual conclusion on how to make changes within the workplace, it is illegal. It is that simple.

Management can do it, but if they work with the employees it is a violation of the National Labor Relations Act. Why is that the case? Take a look at these two lines: The definition of a labor organization under existing law is any organization of any kind in which employees participate and which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment, or conditions of work.

Now, what is 8(a)(2), this whole issue we are talking about; when does an employer dominate a labor organization? It shall be an unfair labor practice for an employer to dominate or interfere with the formation or administration of any labor organization.

Well, if any group that meets to talk about any of these conditions is a labor organization, then you have got a problem if management is involved in any way, shape, or form.

Many people do not remember how labor law was developed in this country 60 years ago. It was actually in 1933 under the National Industrial Recovery Act, during the Great Depression, when Congress created the right for employees to organize and bargain collectively. But in the process of doing that, we found out over the next couple of years that management could create

that collective bargaining unit within the company, and it became what we call sham unions.

So in 1935, to prevent that, we defined what is domination of labor organization to prevent employers from using company unions to avoid recognizing and collectively bargaining with independently organized unions.

Let me read from that report, literally 60 years ago. The object of prohibiting employer dominated unions is to remove from the industrial scene unfair pressure, unfair discussion.

Why are we here this afternoon? Well, in December 1992, the National Labor Relations Board unanimously ruled that Electromation, Inc., from Indiana, had violated section 8(a)(2) of the act. Why? Because Electromation, Inc., had created five what are called action teams between management and employees to discuss, of all things, a nonsmoking policy, absenteeism, internal communications, and the like.

The National Labor Relations Board ruled that these committees were indeed by definition labor organizations under (2)(v), and get this, because the company dictated the size of the action teams, the responsibilities of the action teams, the goals and agendas of the action teams, it was somehow dominating the committees, and therefore it was an illegal company union.

I do not need to tell anyone in this place, and I hope no one in America, about the need for employee-employer joint management and cooperative teams in 1995. Members have all heard about total quality management, they have heard about quality circles, they have heard about quality of life, quality of work programs, self-directed work teams, productivity teams, and all the like. As we try to deal with these issues to be competitive in an international arena, it is essential that in nonunion settings they may occur without being a violation of law.

Every one of us in our district has some kind of company, as small as they are, that try to deal with this today, and they simply do not know they are illegal. So today we bring you H.R. 743. We eliminate no existing language in the National Labor Relations Act, we do not redefine labor organizations, we do not allow sham unions or nonunion collective bargaining and we do not allow employee involvement teams in organized labor workplaces. Rather, we simply say it is not a violation of the law for employees and employers in nonunion settings to work together. That is all this is. Mr. Chairman, I encourage Members' support.

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

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

Mr. CLAY. Mr. Chairman, I rise today to oppose H.R. 743. Not only is this so-called TEAM Act ill-conceived and unwarranted, those problems alone would be sufficient reasons for me to oppose the bill. My opposition goes far deeper. This bill undermines workplace democracy and threatens the very foundation of collective bargaining. I applaud President Clinton for promising to veto this misnamed bill.

H.R. 743 is the latest installment in the campaign by the new Republican majority to eradicate protections afforded our work force. At a time when millions of workers and their families see the real value of their wages declining; at a time when millions of workers and their families struggle to exist on minimum wage pay; at a time when the working poor desperately need help to boost their standard of living, the Republican majority puts forth legislation that is contrary to the needs and aspirations of working families. They promise a tax break for the most wealthy while wiping out the earned income tax credit for the most needy. Today, they call up a bill that will tip the scales of collective bargaining heavily in favor of employers.

Mr. Chairman, proponents of the so-called TEAM Act argue that the bill is needed to promote worker-management cooperation. Who could argue against the goals of greater employee participation and greater cooperation between employers and employees? But, the measure before us runs completely counter to those laudable goals. This so-called TEAM Act would hinder, not foster, development of genuine labor-management cooperation. It places in grave jeopardy the right of workers to organize independently and bargain collectively.

This bill would destroy one of the most essential protections provided under the National Labor Relations Act: the protection against company-dominated, sham unions. As noted labor historian Dr. David Brody has written: ''Abhorrence of company domination is a corollary to the principal of freedom of association central in our labor law.''

Mr. Chairman, no change in the law is needed to promote greater labor-management cooperation. Lawful employee involvement programs are flourishing in both union and nonunion settings. They will continue to flourish without this Congress sacrificing the right of workers to choose their own independent representatives.

My colleagues, you will hear proponents of this legislation complain about the so-called Electromation problem. Do not be confused by their strawman arguments. As Edward Miller, former Chairman of the National Labor Relations Board and a noted management attorney, testified recently before the Dunlop Commission:

> The so-called Electromation problem . . . is another myth . . . it is indeed possible to have effective (employee involvement) programs . . . in both union and nonunion companies without a change in the law. If 8(a)(2) were to be repealed I have no doubt that in not too many years, sham company unions would again recur.

Mr. Chairman, make no mistake about it; H.R. 743 would effectively repeal section 8(a)(2). It would permit management to negotiate with itself while claiming that it is carrying on discussions with representatives chosen not by those they purport to represent, but by management itself.

It is indeed ironic that many of those who today will call for passage of this so-called Team Act opposed the Workplace Fairness Act. They claimed then that it would have upset the delicate balance in our labor laws. How ironic that they would have us consider this bill that without question will upset that balance.

When this bill is open for amendment, I urge my colleagues to support the Sawyer substitute. His proposal truly and fairly responds to legitimate concerns about the legality of employee involvement programs by creating safe harbors for workplace productivity teams. If the Sawyer substitute fails, join me in opposing final passage of this misnamed and blatantly unfair proposal.

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

Mr. GOODLING. Mr. Chairman, I yield 4½ minutes to the gentleman from Illinois [Mr. FAWELL], the subcommittee chairman who had the hearings on this legislation.

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

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

Mr. Chairman, all this bill does is to simply allow teams of employees in a nonunion setting to freely interact with management regarding terms and conditions of their employment. It should be called a Freedom of Employees Act.

The debate today involves the interesting question of why employers are being charged with setting up sham or company unions simply because they are increasingly interacting with new and innovative employee involvement teams.

The basic reason is because of a broad and archaic definition of the words ''labor organization'' passed back in 1935, and the understandable intent of Congress back in 1935 to stop employers from organizing employer-sponsored unions, called sham or company unions, which were all too common before the passage of the NLRA. The story goes like this.

The NLRA was passed 60 years ago and section 8(a)(2) was drafted to make it clear that it is an unfair labor practice for an employer to form a sham union, that is, to dominate or interfere with the formation or the administration of any labor organization or to contribute financial or other support to the labor organization.

Well, so far, so good. However, the drafters of the NLRA also added section 2(5) to that act which defines labor organization so broadly that it includes any group of employees ''which exists for the purpose, in whole or in

part, of dealing with employers concerning,'' among other things, ''conditions of work.''

Since employee involvement teams usually, of course, deal at least partially with conditions of work, the National Labor Relations Board has ruled that such employee teams fit the 1935 definition of a labor organization, if the employer is involved to any significant degree.

Hence, an employer who supports employee involvement teams, in order to product greater workplace quality, healthy and safety or production quotas, for instance, is deemed guilty, ipso facto, of spawning a company union.

What we have here, of course, is a fossilized 60-year-old definition of labor organization colliding head-on with dynamic new concepts of doing business in today's fast evolving, information-centered economy and society.

H.R. 743 therefore says the obvious: that teams of employees which interact with their employer, with the goal of improving quality and conditions of work, are excepted from that 1935 definition of a labor organization. The bill thus allows employees and employers to participate in employer involvement groups in a nonunion setting without that employee team being called a sham union. On the other hand, the bill also makes it clear that no such employee team can claim to be a union or seek authority to be the exclusive bargaining representative of its employees.

H.R. 743 also protects the existing rights of employees to seek formal union organization whenever they may choose. The law also continues to proscribe an employer from creating a sham labor organization, as well as in any way interfering with the right of employees to freely choose union representation.

Mr. Chairman, in the final analysis, one must understand that the world has changed a lot since 1935. Employers no longer rely on top-down decision making. We live in a global economy. And employee involvement teams are obviously not sham unions. Nor should they be looked upon as such, or God help us, regulated and regimented as mini-unions within the nonunion setting, as some suggest. They are teams of employees who, under an infinite number of methods, are freely experimenting, usually quite informally and successfully, with new and exciting ways of pursuing quality, and greater productivity and satisfaction at the place of employment. They were unimagined in the thirties and are a win-win phenomenon in all segments of our industrial policy. This bill is 21st century stuff. It's employees and employers cooperating and doing their thing in the nonunion setting. It is a threat to no one except to those who fear happier and more productive employees.

□ 1430

Mr. CLAY. Mr. Chairman, I yield 3 minutes to the gentleman from Michigan [Mr. BONIOR].

Mr. BONIOR. Mr. Chairman, let me see if I've got this straight. Over the past 9 months, the Gingrich Republicans have voted to make it easier for employers: to ignore the 40-hour work week; to get away with health and safety violations; to ignore environmental safeguards; to ignore the National Labor Relations Board; to raid pension funds; to permanently replace workers; and all in all, to give away the store to special interests and wealthy corporations.

At the same time, they've voted to: put employee pensions at risk; cut job training; slash school-to-work; raise taxes on low-income workers; cut student loans; cut Medicare; and all in all, do everything they could to tip the balance against working families.

And yet today they come to this floor and say they want to promote teamwork in the workplace?

Sure they do, as long as workers agree to play with both hands tied behind their backs.

I say to my friends on the other side of the aisle: Don't come to this floor today and talk about teamwork. Because we all know that under current law employers can already do exactly what you say you're trying to do here today.

They already can set up worker teams.

They already can promote cooperation.

And the vast majority of companies already do.

The only thing corporations can't do today is decide who is going to speak for employees. The only thing they can't do is hand-pick the people who represent employees at the bargaining table.

Because as a nation we have always believed that it was in the best traditions of freedom and democracy that people ought to have the right to elect the people who speak for them.

But under this bill, not only would employers have the right to hand-pick employee representatives, they would have the exclusive right to appoint team members, set their agenda, terminate people at will, bypass democratically elected representatives, and undermine agreements negotiated in good faith.

This bill is nothing but a back-door attempt to silence working people, crush unions, undermine collective bargaining, and give corporations free reign.

But after watching Speaker GINGRICH's top-down assault on working people the past 9 months, it really comes as no surprise that this is your idea of teamwork.

We should be promoting real cooperation in the workplace. This bill not only undermines the traditions that made this country great, it undermines the democratic principles that this Nation was founded upon.

I urge my colleagues to vote against this bill.

Mr. GOODLING. Mr. Chairman, I yield 2 minutes to the gentleman from Texas [Mr. STENHOLM].

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

Mr. STENHOLM. Mr. Chairman, as an original cosponsor of this bill, I am pleased to speak in support of H.R. 743 the Teamwork for Employees and Managers Act. When my colleague from across the aisle, the gentleman from Wisconsin [Mr. GUNDERSON], asked me to sign on this bill, I quickly agreed because I knew the gentleman was sincere in his desire to address this issue in a fair and constructive manner. The ability of our country's work force to successfully compete in the international arena is too important an issue to fall victim to the partisan politics of business as usual.

My own experience as the manager of a rural electrical cooperative in west Texas convinced me of the wisdom of this legislation. Nothing should restrict employers and employees from talking about their workplace and making plans to improve the product or services they offer. The cooperative I managed was far more effective because the employees and I enjoyed open dialog on all matters.

We can argue in this Chamber about the necessity of this measure, but we cannot argue with what we are hearing from the folks working in the factories, shops, and other small businesses back home. Mr. Chairman, employees from the 3M plant in Brownwood, TX, and the Goodyear Proving Grounds in San Angelo, TX, support this measure. It is with these workers in mind that I plan to cast my vote for the future of the American work force and vote for the TEAM Act. They want this legislation.

It all comes down to this: This is not a bill for employers. It is not a bill for employees. It is a bill for employees and employers. In the modern international marketplace, people all across the country are losing their jobs because their employers are trying to stay competitive. We read every week about another 2,000 or 4,000 or 8,500 who have been laid off.

Are employees interested in keeping their company's competitive? Absolutely they are. They have the mortgage and the car payments and the child care and the health care and the groceries to think of. Keeping their company strong means keeping food on their tables. Employees have a vested interest in the passage of this legislation. They want to be part of their future.

Mr. Chairman, confrontation is destroying jobs in America. I urge Members to support this legislation.

Mr. CLAY. Mr. Chairman, I yield 3 minutes to the gentleman from California [Mr. MILLER].

(Mr. MILLER of California asked and was given permission to revise and extend his remarks.)

Mr. MILLER of California. Mr. Chairman, I rise in opposition to the TEAM Act because it would undermine the current successful balance between employers and employees. The National Labor Relations Act was designed to make companies more productive and efficient by ensuring employees independence and freedom, and the National Labor Relations Act is working.

Mr. Chairman, over the last decade American workers have become the most productive workers in the world. In every industry, large and small, American workers today are the most productive in the world. The increased productivity is partially the result of managers and employees working together in teams at companies like Nabisco, Saturn, Boeing, Chrysler, Xerox, Levi Strauss, and United States Steel. All of these companies, and many, many, many more small companies, have successful labor-management teams today under the current law.

The essential ingredient in their success, Mr. Chairman, is the ability of the employees to have an independent voice on issues that impact the conditions of their employment. Because conditions of employment, such as work time, wages, health, safety issues, dramatically impact the lives of the employees. These issues must continue to be left to independent employee organizations to deal with without employer control.

That is what this bill seeks to do, Mr. Chairman, to take away the independence of those employee organizations and insert employer dominance. Where the employer can set up an organization that is the fundamental equivalent of an independent organization, then employees lose that independent voice and, instead, we now have an adversarial system where once again we are dictating top-down from the employer to the lineworkers what is best for them.

Under the TEAM Act, the employers would be free to exclude from a labor-management team individuals who want to express an independent voice through a union. Employers would be able to start up a team whenever they want to stop a union drive. This is not employee empowerment. This is employer domination. Management can now set up worker organizations to deal with productivity and efficiency.

If that is all the Republicans care about, then the current law should not be changed. If they want more, if they want employer domination, then we must change the law. If there is a perception that the law is unclear whether labor-management teams can sometimes deal with the conditions of employment, then those can be dealt with under the Sawyer substitute. But the TEAM Act should be rejected because it ends the cooperative arrangement and it creates the adversarial arrangement.

Mr. Chairman, the fact is, if we look at the Dunlop Report, and we look at the others, the thousands and thousands of American corporations now deal, and workplaces deal, with team relationships with the workers, but they are working with independently chosen worker organizations as opposed to those dominated, and we ought to reject the TEAM Act and reject that kind of one-sided domination of the American workplace.

Mr. GOODLING. Mr. Chairman, I yield 1½ minutes to the gentleman from Michigan [Mr. KNOLLENBERG].

Mr. KNOLLENBERG. Mr. Chairman, I thank the gentleman from Pennsylvania [Mr. GOODLING], the distinguished chairman, for yielding me time.

Mr. Chairman, the TEAM Act is not about the return of company unions, as my colleagues on the other side would like you to think. It is about moving the National Labor Relations Act from the Depression-era 1930's to 1990's. It is about telling American workers they are a valuable resource, and their input is vital to the success of American business. Above all, it is about keeping American companies competitive in the global economy.

Without TEAM Act, we are in effect saying to the American worker, ''we don't believe you can make managerial decisions on how to make a product better.'' We are saying ''work, don't think.''

Mr. Chairman, it is 1995 not 1935. Adversarial labor-management relationships were unavoidable 60 years ago, but today, it is time to move employee relations into the 21st century. Vote for H.R. 743. It is a solid step in the right direction.

Mr. CLAY. Mr. Chairman, I yield 3 minutes to the gentleman from New York [Mr. OWENS].

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

Mr. OWENS. Mr. Chairman, this is not an exercise in conflict resolution for a Sunday school, this is the opening shot in a blitzkrieg against organized labor in America. The gentleman from Georgia, Speaker GINGRICH, has said that politics is a war without blood, and the war is on against labor. The campaign against labor begins here in the context of the move to destroy the National Labor Relations Board, the curtailment of the functions of OSHA and MSHA, the reduction in overtime, and the National Labor Relations Act. There is a whole battle plan where the panzers and the dive bombers and all of that will be released against organized labor.

Organized labor must be wiped out because in this politics war that the Speaker talks about, labor is a strong resisting force. There are not many forces out there that can resist the remaking of America the way Speaker GINGRICH and the Republican majority wants to remake it against organized labor.

The goal is Chinese capitalism. Chinese capitalism means that we have public policies, government policies which control the labor market. They control the workers so that the workers are manipulated for the benefit of the entrepreneurs and the management in order to produce a return suitable to the government and the entrepreneurs and the corporation. That is what we are talking about, a war against labor that begins today.

Mr. Chairman, we have had the guerilla warfare, we have had the sabotage, the black bag stuff in the appropriations bills and the budget bills, now it is open war. This legislation will undermine employee protections in two major ways: One, by allowing nonunion employees to establish sham unions; and, two, by allowing other employees to establish company-dominated alternative organizations while employees are in the process of democratically deciding whether to be represented by a labor organization.

□ 1445

Neither of these possibilities are permitted under current law. You get rid of current law, and the way is open. The points I have raised against the bill I assure you do not overstate the truth. Edward Miller, a former chairman of the National Labor Relations Board, said in testimony before the Dunlop Commission ''If 8(a)(2) were to be repealed, I have no doubt that in too not many years sham company unions would again recur.''

We cannot forget that the collective bargaining brought about by the National Labor Relations Act has helped bring prosperity to the Nation by increasing the wages of workers. Without equality of bargaining position, recurrent business recessions would be aggravated by the depression of wage rates and worker purchasing power.

Mr. Speaker, we cannot allow sham unions to carry the day once more and strip workers of the independence they earned through blood, sweat, and tears. I urge my colleagues to vote against this bill, which gives management an overwhelming advantage over American workers. We do not need Chinese capitalism in America.

Mr. GOODLING. Mr. Chairman, I yield 3 minutes to the gentleman from New York [Mr. HOUGHTON].

Mr. HOUGHTON. Mr. Chairman, I wonder sometimes about the arguments in this House floor. We tend to put such a fine point on our issues. We tend to marshal our forces and it is team A against team B. I hope this is not going to be the case here.

Mr. Chairman, I will say in all candor, and I think I am right, I have probably, with the exception of one or two people, helped organize more unions and helped put more unions into plants than anybody in this House. I believe in unionism. I put them in all the plants that I have had anything to do with and have urged others to do this.

But I find now that all the sudden it is union versus nonunion. It is management versus people, and I think that is a shame.

The argument is that employers can do now what the bill already says. That is true, if it is interpreted properly. But it has not been interpreted properly.

Mr. Chairman, one of the reasons that I have felt that this is so important, because of the concept of working together, we have lost that in this country. I remember when I first started to work, somebody said, ''Do not you forget, just because you are out of management school, that you are going to make the big decisions. You are not. The people on the floor who make the product are going to make the big decisions.''

And so, therefore, I have always realized the potential of bringing people together and working in teams.

If my colleagues would take a look, and I am not going to wax eloquent about this country, but if the value of the currency, if the value of a piece of America is to be solidified and straightened out, it is going to be because of increased productivity and that is going to be because of what we are talking about here.

The role of management is to make decisions, but they cannot make decisions on their own. They must go to a variety of different people, the critical people they must go to. They must go to the people who do the work. That is the critical issue here.

In a union shop, the protection against abuse is the union. In a nonunion shop, the protection here is if a management abuses this privilege, it will become unionized. So, therefore, I think there is sort of a self-correcting process that goes on.

In a company there are stockholders, there is management, there are employees, and there are the unions. Frankly, this is not a stockholder, not a management, not a union. This is an employee's bill. I see it work. I think there is protection here, and I would hope that H.R. 743 would be approved.

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

Mr. HOUGHTON. I yield to the gentleman from Vermont.

Mr. SANDERS. Mr. Chairman, the gentleman from New York [Mr. HOUGHTON] talked about the benefits of people working together, and we are all in agreement on that. But the gentleman cannot deny that over the last 20 years, corporate America has been hitting the working people of this country over the head.

Mr. HOUGHTON. Mr. Chairman, reclaiming my time, I do not have any time to reply. Maybe I can do this individually afterward. I do not agree with that statement.

Mr. CLAY. Mr. Chairman, I yield such time as he may consume to the gentleman from Ohio [Mr. SAWYER].

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

Mr. SAWYER. Mr. Chairman, I rise in measured opposition to H.R. 743.

Mr. Chairman, last year the Dunlop Commission, a bipartisan panel of labor law experts, cited the principal danger of altering section 8(a)(2) of the National Labor Relations Act—that such action might adversely affect employees' ability to select union representation, if they so desire.

This panel went on to reaffirm the basic principle that: employer-sponsored programs should not substitute for independent unions. Employee participation programs are a means for employees to be involved in some workplace issues. They are not a form of independent representation for employees, and thus should not be legally permitted to deal with the full scope of issues normally covered by collective bargaining.

At the appropriate time today, I will offer a substitute which embodies the principal recommendation of this Commission in the area of employee involvement. It is intended to promote workplace cooperation without either jeopardizing workers' rights or leaving open to question the legality of legitimate employee involvement programs under section 8(a)(2).

Mr. Chairman, we have heard a great deal in recent months about laws and programs which were enacted with the best of intentions, but which had—in the view of some—unintended—and serious—side effects. In crafting this law, we must consider not only what we have is the intended good that may come of it, but also what potential dangers it may cause. I urge my colleagues to support my substitute, and to oppose this well-intentioned, but dangerous, bill.

Mr. CLAY. Mr. Chairman, I yield 3 minutes to the gentleman from California [Mr. MARTINEZ].

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

Mr. MARTINEZ. Mr. Chairman, I was interested in what the gentleman from New York [Mr. HOUGHTON], my friend, had to say. And I understand the sincerity. But I say to the gentleman, listen very carefully.

Mr. Chairman, I rise in opposition to this bill.

Mr. Chairman, this bill was written to suppress the rights of workers. What is worse is that the one case that they cite as an example of the need for this legislation, electromation, was one of the most glaring abuses of workers' rights that has come before the NLRB in a long time—so glaring that all five of the Reagan-Bush appointed board members voted against the company, a decision confirmed by the Seventh Circuit Court of Appeals.

There is nothing in the law or the policy of the NLRB that threatens or discourages employers from forming work improvement teams. The law does allow, and there do exist, employee groups for those purposes in both unionized and nonunion workplaces.

This amendment to the National Labor Relations Act, however, would change that and would give employers greater capacity to discourage employees from organizing themselves.

That fits in with the notion that some employers and some Members of this Congress have that unions are inherently evil and must be destroyed.

Mr. Chairman, I was the owner of a small business before coming to Congress—one where I was quite successful, and where I had assembled a cadre of employees with whom I worked closely to ensure that they were successful as well. Before I created that business, I was an ordinary worker—both in union and nonunion settings. As a business owner and as a worker, I recognized the benefits of cooperation in the factory.

Cooperative approaches to day to day work leads to more acceptance of the rules and less contention in the shop.

If workers are offered the opportunity to make suggestions, communicate their concerns, and explore their ideas, both workers and management will benefit.

And, we are told, since the 1970's, the number of cooperative working arrangements that exist in America's workplaces has exploded—over 30,000 employers, 96 percent of the country's largest companies, use some form of teamwork in their operations.

To say that there is a chilling effect on the formation and continued operation of these cooperative working groups because of the very few cases that have arisen in the past 20 years is simply not supported by the facts.

Remember the avowed purposes for this act? Quote ''To protect legitimate employee involvement programs, from governmental interference,'' unquote.

Well, I submit that the bill goes well beyond those purposes.

Legitimate employer involvement programs—those that do not abridge the rights of employees under collective bargaining agreements, are already legal under the National Labor Relations Act.

There is no need for this bill to protect legitimate programs.

Mr. GOODLING. Mr. Chairman, I yield such time as he may consume to the gentleman from Texas [Mr. HALL].

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

Mr. HALL of Texas. Mr. Chairman, I am pleased to rise today in support of H.R. 743, Teamwork for Employees and Managers Act of 1995.

Mr. Chairman, I am pleased to rise today in support of H.R. 743, the Teamwork for Employees and Managers Act of 1995. The TEAM Act will clarify the legal ambiguity surrounding the use of worker-management teams in nonunion companies like many in my district. These teams provide the opportunity for development and improvement through an employee/manager relationship.

Several of my constituents from the Texas Instruments Sherman plant testified in support of this legislation before the Economic and Educational Opportunities Committee. One of those testifying was Mike Mitchell, who stated that ''teaming efforts within our company are merited with improvement strategies and actions resulting in cost savings of literally millions of dollars annually.'' Shane Jackson, another constituent, said, ''Without being able to have our teams, I feel we will cease to be competitive and fade away.''

I personally believe that the teaming concept will result in successful advances and will

enable a company to remain competitive. Teaming does make a difference. Mr. Chairman, I support H.R. 743 and urge my colleagues to approve this legislation.

Mr. GOODLING. Mr. Chairman, I yield 1½ minutes to the gentleman from Nevada [Mr. ENSIGN].

Mr. ENSIGN. Mr. Chairman, I rise to tell a story and to address the last gentleman's comments that in forming these teams, that management would only choose the people that were in support of that management.

Mr. Chairman, when I was in the private sector, the National Labor Relations Board had not interpreted these activities to be violating the National Labor Relations Act. But under current conditions and under the current board, they would interpret this as a violation of the law.

Mr. Chairman, we formed several teams in the company that I was working in. The way that we formed those teams is that management would submit some names to the team and the workers would submit some members to the team. We would vote on those from labor side. We would vote on it from management side, and we got together and we formed some of the most productive teams that helped efficiency, that helped scheduling, that helped all kinds of ways to improve the worker's lives.

Mr. Chairman, I think the bottom line that we have to look at here is who is looking out for the worker? That is the question that we have to ask. Who is looking out for the worker? This bill will help the worker. Period.

That is what we are trying to do here. If I thought that this bill would be against the worker, I would not do it. I would not vote for it. That is why, when I formed the teams in the company that I was working in, I was looking out for what was best for the worker, what was better for the employee, better for the management, and ultimately better for the customer.

Mr. CLAY. Mr. Chairman, I yield 2 minutes to the gentleman from Texas, Mr. GENE GREEN.

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

Mr. GENE GREEN of Texas. Mr. Chairman, I rise today in opposition to the so-called TEAM Act, H.R. 743. This bill amends section 8(a)(2) of the National Labor Relations Act, the portion which prohibits the establishment of company unions, and it eliminates employee protections.

Mr. Chairman, in an earlier life, before I was elected to Congress, I actually helped manage a business. But I was also a union member at the same time. In small businesses, we have been using the team idea for many years. We did not know that is what it was called. But we also recognize that there were protections that were provided by Federal law.

Mr. Chairman, the intent of this legislation may be good, but its impact is to dismantle employee organizations and possibly set up sham unions or sham employee groups. I strongly favor a comprehensive labor reform bill, but not at the expense of the protections of the American workers. We should be fair not only to employers, but also to employees.

My colleague, the gentleman from Wisconsin [Mr. GUNDERSON], wants to resolve the question of whether workplace teams are legal under 8(a)(2). However, there is nothing under the NLRA, or any decision by the National Labor Relations Board or the courts, which prohibits teams or workplace cooperation.

The entire point of the National Labor Relations Act is to encourage employee empowerment. Employee empowerment is a creative and successful way to manage a business and increase productivity, as the gentleman from New York said, if it is done right. But there are no protections in this bill to keep someone from coming in and saying, ''We are going to empower our employees, but we are going to select them. We are going to let them decide, but we are going to select who is going to make the decision on your pay.'' That is not what labor law is about.

Under current law and NLRB decisions, employers are free to use methods of production which rely on work teams. In 1977, the NLRB held that an employer has the right to set up a method of production which delegated significant managerial responsibilities to employee work teams.

This bill is a bill whose time has not come. Under current law and NLRB decisions, employers are free to use employee committees to consider issues. And, again, I support the idea of the team effort, but this bill actually takes away protections that we have enjoyed for 50 years.

Mr. GOODLING. Mr. Chairman, I yield 1½ minutes to the gentlewoman from Kansas [Mrs. MEYERS], a member of the committee.

Mrs. MEYERS. Mr. Chairman, last week I sent around a ''Dear Colleague'' which described a situation which could occur in any small business—an employee made a suggestion about summer hours to her supervisor, and the supervisor though it was a good idea. The supervisor liked the idea, and asked the employee to get a group together to discuss the matter, and found a room for the group to meet.

Unfortunately, under current law, this kind of situation could lead to problems for the employer. We aren't living in a vacuum anymore—globalization has taken over, and we need a team approach in the workplace to meet the challenges of the next century. We can't continue to isolate management and labor, as we have in the past.

This legislation simply allows team participation, on a voluntary basis, in the workplace. It would address the above situation by allowing employees to meet to discuss whether or not changes in the hours of work during the summer months would help them care for their family. It does not allow sham unions to be set up by an employer, and it is not an attempt to undermine legitimate union organization.

Let's give our workers the tools they need to compete and to determine their future. Support this bill.

Mr. CLAY. Mr. Chairman, I yield 2 minutes to the gentleman from North Carolina [Mr. ROSE].

□ 1500

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

Mr. ROSE. Mr. Chairman, I thank the ranking member for yielding time to me.

I come to the floor today to speak in opposition to H.R. 743, the Teamwork for Employees and Managers Act of 1995. Let me begin by saying that I support employee teams. This issue hits close to home for me. I represent a congressional district in a right-to-work State where many companies are on the leading edge of employee-manager teams. I have seen first hand that in the globally competitive economy of the 1990's, employee participation and cooperation in running a business is absolutely essential.

This is true throughout the economy. Statistics show that employees and employers are taking advantage of labor-management cooperative strategies. It is estimated that as many as 30,000 employers have some form of employee team or committee. In fact, 96 percent of large companies have them. Just today I heard from more than three of the major employers in my district who told me that they have long utilized employee teams with great success. After hearing how well these employee teams are working, I was left with a fundamental question: Why do we need to change the law that has allowed employee teams to proliferate so widely throughout the economy? The fact is we don't.

Whether or not this legislation passes, companies will still have the legal right to have a legitimate employee participation organization that deals with issues of productivity and quality. The question we're confronted with today is whether or not we want to expand this capability to allow company dominated committees that could discuss issues involving terms and conditions of employment? In my opinion this would be a mistake. Doing so would allow unscrupulous companies to allow these committees, hand picked by company management, to act as a bargaining agent with their employees. This would be a slap in the face to the working men and women who have already seen their wages and benefits stagnate over the past decade.

During the 104th Congress, I have cooperated with my Republican colleagues on many pro-business initiatives. I have done so because I believe that Congress has too long shackled American businesses with unnecessary and burdensome regulations. However, I

cannot support this attempt to repeal a principle tenet of our Federal labor laws that has served both employees and management well for the last 60 years.

Let's not turn back the clock on 60 years of labor-management relations. Let's not change a law that has allowed employee-management teams to spring up in almost every major company in the country. Let's reject H.R. 743 when it comes before us later today.

Mr. GOODLING. Mr. Chairman, I yield 1 minute to the gentleman from Delaware [Mr. CASTLE], a member of the committee.

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

Mr. Chairman, I rise in support of the TEAM Act, and want to thank Representative GUNDERSON for all his good work on this important legislation.

My colleagues, if we are truly concerned about our ability to successfully compete globally in the 21st century, the TEAM Act should pass. The House passed the CAREERS Act last week which assisted in preparing our national workforce; today, we will pass the TEAM Act which will help modernize the workplace.

Global competition has caused many American companies—including those in the State of Delaware—to abandon top-down decisionmaking in favor of giving employees a greater voice in the company's operations. Unfortunately, employee-employer cooperation is illegal under current law—section 8(a)(2) of the National Labor Relations AcT. The TEAM Act enables our companies to compete in the world marketplace that demands and requires the intellectual engagement of everyone involved—especially the employees. Employee empowerment in the workplace is not just a luxury, but a necessity.

To be sure, America's businesses will face great challenges from our global competitors as we move into the integrated marketplace of the 21st century. We will face these tests head-on. But, we cannot afford to remain encumbered by perhaps the biggest rival of all, Depression-era labor laws that inhibit productivity, cooperation, and the ability to promote employee job security.

Let's pass a commonsense act which will make today's often practiced employee-employer cooperation legal.

Mr. CLAY. Mr. Chairman, I yield 2 minutes to the gentleman from Vermont [Mr. SANDERS].

Mr. SANDERS. Mr. Chairman, a few moments ago my friend, the gentleman from New York [Mr. HOUGHTON], talked about the need of people to work together, and he is right. If this country is going to succeed, we all need to work together. But that is not what is happening in America today. The fault for that is not the working people, it is not the unions, but it is to a very large degree corporate America. It is not working together when companies replace striking workers with permanent replacement workers. And that is happening. That is not working together.

It is not working together when CEO's of large corporations pay themselves now 15 times more than what the workers are earning and give themselves huge bonuses at the same time as they cut back on wages and health benefits for their workers. Corporate profits are soaring. Wages, incomes are in decline. That is not working together.

It is not working together when corporate America says to its workers: Thank you for 30 years of your effort but we are taking the company to Mexico or China because we can get workers there for 20 cents an hour or 50 cents an hour. That is not working together. That is greed.

It is not working together when companies get in new automation and then throw their workers out on the street, as large corporations are doing by the millions all over America, rather than developing a plan to rehire and retrain their workers. It is not working together when corporate America fights those of us who are trying to raise the minimum wage from the starvation level of $4.25 an hour. The only effective way that workers have to protect their interests is to join a union. This law would help weaken unions. It is bad. Let us defeat it.

Mr. GOODLING. Mr. Chairman, I yield 4 minutes to the gentleman from Missouri [Mr. TALENT], a member of the committee.

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

I too want to congratulate the gentleman from Wisconsin [Mr. GUNDERSON] on his fine work on this bill, which is a bill that frankly should be passing more easily than it is evidently going to pass. Let me give a concrete example of why we need this bill. Maybe we need to bring it down to concrete examples.

Suppose there is a workshop today, fairly small size, does not matter, 30 or 40 people. They have been doing a lot of overtime work. They have been busy, which is a good thing. The supervisor goes to the plant manager and says, some of the people are complaining about the scheduling. We are doing all this overtime. It is interfering with people's ability to pick up their kids. Maybe when the day care at the end of the day care day or some people want to go on a couple day hunting trips they have been planning because deer season is starting and some of the people want to get together and talk about it. What are their options under current law? One of them the employers could form a union. They had that option under current law. They would have that option untouched, unchanged under this legislation.

The other is for the manager to decide what he is going to do and just do it. And if he did that, by the way, there is no problem with the National Labor Relations Act. He can be as dictatorial as he wants. There is no problem.

But if the manager says what we hope people would want to say in those circumstances, which is, sit down with a couple of your line supervisors, sit down with these folks and talk it over, come up with a couple of proposals, then come to see me about it and let us see what we can do, he is quite probably violating the National Labor Relations Act and we ought to change that. That is going on in tens of thousands of work places around the country and is quite probably illegal by virtue of several decisions, recent decisions of the National Labor Relations Board. That is why we need this bill.

The argument on the other side seems to be several-fold. I talked about a few of them earlier. One of them is, there is really no problem, we do not need to do anything.

Here is what Chairman Gould, the Chairman of the National Labor Relations Board, appointed by President Clinton 2 years ago said. Let me read this real slowly, specifically addressing this issue. He says: ''The difficulty here is that Federal labor law because, it is still rooted in the Great Depression reaction to company unions through which employers controlled labor organizations, prohibits financial assistance by employers to any labor organization that might affect employment conditions and additionally''—here is what he said the additional problem was—''the term 'labor organization' has been provided with a definition so broad as to include, potentially, employee quality work circles, other employee groups, 'teams,' and the like. Amendments to the NLRA that allow for cooperative relationships between employees and the employer are desirable.''

That is what we are trying to do with this legislation.

People say there is not any problem, take it up with the Chairman of National Labor Relations Board. He says there is a problem and so do the employees and the employers and the consultants who came and testified at these hearings.

The other objection to this was pretty well highlighted by my friend, the gentleman from Vermont [Mr. SANDERS]. He said basically: Look, the employers of this country are big corporations, and they are going after the people, and we cannot trust them. I think there is a mind-set on the part of some of my distinguished colleagues in this body that really we cannot ever have cooperation, that it is a sham, that employees cannot protect their own interests, that the alternative of a union is not good enough for them and that we have to keep people from cooperating like this because really it is not a good thing and it will only result in bad things.

I understand that mind-set and the sincerity of it. It does not reflect modern America. It does not reflect what people want to do. Let us let people do something that has increased employee satisfaction, that has made our economy more competitive with economies abroad and competitors abroad. Let us just allow people to do this without a fear that a 60-year-old statute may come in and stop them from doing

something that they like and that is good for America.

Mr. CLAY. Mr. Chairman, I yield 3 minutes to the gentleman from California [Mr. BECERRA].

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

Mr. BECERRA. Mr. Chairman, let us try to make sure one thing is clear in this debate, both those who support and oppose the bill. No one objects to employee involvement committees. In fact, I think everyone would agree that, if we are going to remain the supreme economic force in this world, we must promote harmony between employees and employers. That is not the issue here.

The issue is how you look at section 8(a)(2) of the National Labor Relations Act. Most folks do not take the time to read it, but if we take a close look, what we will realize is that section 8(a)(2) has been the pillar protecting American workers against sham union companies created by employers. Maybe that is not a problem now, but 60 years ago that was.

Now to eliminate that protection under 8(a)(2) concerns a great number of people, not because we have companies that are doing this the right way with their employees, it is because we still have companies that are not doing it the right way.

Do we need H.R. 743? No, we do not. We do not need H.R. 743 because, as the majority, the sponsors of this bill admit in their own legislation, 80 percent of all large employers are already using employee involvement committees and over 30,000 workplaces already use them.

We have them. They have been growing even after the case that has been cited so often, Electromation, as the cause of H.R. 743. What we do find, however, is that, if we provide an allowance to an employer, he or she may begin to deal with employees on issues of wages, of working conditions, of benefits, health care, for example, that why should the employer go to a union or to employees that want to be unionized when in fact they can create its own committee and claim that it is now dealing with an employee organization. Then we get into the situation of a sham union. That is what concerns so many of us.

We do not need to change section 8(a)(2) to allow for employee involvement committees. We have them. And we have them flourishing even after the Electromation case that is the supposed reason for this legislation. But what we do find is that there is an undercurrent to try to undo the protection for workers.

If a worker knows that there is an employee committee out there, the worker probably wants to participate. But if the worker cannot decide who will serve on that employee committee, cannot decide what the basis of consideration will be for that committee's work and cannot decide when and if someone can be removed because that committee is no longer representing employees, we find ourselves working with not an employee committee but an employer-created employee committee. That is what we want to avoid.

Working men and women have never said: Let us make the decisions for this company. We are the workers. But let us be productive and let us to the degree we can work together in making this company productive.

Do not let section 8(a) go. It has been the pillar of protection for workers against sham unions.

Mr. GOODLING. Mr. Chairman, I yield 1 minute and 30 seconds to the gentleman from Michigan [Mr. HOEKSTRA], a member of the committee.

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

As chairman of the Subcommittee on Oversight and Investigations of the Committee on Economic and Educational Opportunities, this is one of the many areas that we have taken a look at. It is absolutely true that perhaps this was a problem 60 years ago. But today it is not a problem.

Today what we actually need to be doing is updating American labor law to not only enable American corporations and American employees to be competing in 1995, but we need to be laying out and creating the framework that these individuals and these corporations are going to be successful and are going to be creating world class jobs in America in the year 2000 and the year 2010.

Corporations and companies are participating in participative management. They are now doing it at their peril. Corporations in my district have been recognized consistently as being some of the best managed and the most innovative corporations in America. They have been recognized as some of the most innovative and some of the best world class corporations in the world because of this partnership that they have developed between employees and management.

□ 1515

Mr. Chairman, when we go into these corporations, and we talk to management, they would like to do much more, their employees would like to do much more, but they are being constrained by the National Labor Relations Act. We need to make changes. This is a step forward, this is progress, this is going to help corporations and employees around the country.

Mr. CLAY. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, much has been made today about a statement made that was uttered by the Democratic Chairman of the National Labor Relations Board. I would like to read into the RECORD what a former Chairman, Republican Chairman, of the National Labor Relations Board has said, and I quote. He says, and this is Mr. Edward Miller:

> If section 8(a)(2) were to be repealed—

And that is what this legislation would do—

> I have no doubt that in not too many months or years sham company unions would recur again.

He also said, Mr. Chairman, and I quote:

> . . . the so-called Electromation problem . . . is another myth. It is indeed possible to have effective [employee-involvment] programs . . . in both union and nonunion companies without the necessity of any changes in current law.

Mr. Chairman, I think that speaks accurately to this bill today. It tells us why it is not necessary, because it will permit those sham company unions.

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

Mr. GOODLING. Mr. Chairman, I yield myself such time as I might consume.

Mr. Chairman, first of all I would like to indicate that what the whip said and what my good friend from North Carolina said is positively incorrect. There cannot be a cooperative committee at the present time, not particularly because of the law, but because of the interpretation of that law, and we believe that 85 percent of the employees who are nonunion should have the same opportunity to develop a cooperative workplace agenda with management as the other 15 percent do under organized labor.

Now it is very clear at the present time the interpretation is it is legal if employer management calls all the shots in the workplace. That is legal. It is legal if management wants to abdicate their decisionmaking responsibility and have employees call all the shots. That is legal. The interpretation, however, of the board at the present time is it is illegal if management and labor want to cooperate through a committee process to improve the quality, the safety, and the productivity of the workplace.

As it was mentioned before, and I quote Chairman Gould:

> But, whether it be financial or otherwise, assistance to any groups that are involved in employment conditions ought not to trigger an unfair labor practice proceeding under the National Labor Relations Act. Amendments to the act that allow for cooperative relationships between employees and the employer are desirable.

Mr. Chairman, let me emphasize just as much as I possible can that we do not, I repeat we do not, eliminate section 8(a)(2). Section 8(a)(2) is still there to stop sham unions. My colleagues have heard that mentioned over and over again.

Opponents of H.R. 743 argue that the bill would undermine unions or impede the ability of workers to organize. Mr. Chairman, the legislation we are considering today does neither of these things. H.R. 743 is very narrowly crafted to eliminate any threat to the well-protected right of employees to select

representatives of their own choosing to act as their exclusive bargaining agent. As reported by the committee, the bill specifically provides that it does not, I repeat ''not,'' apply in unionized workplaces thus ensuring that unions, and only unions, will speak for employees in those workplaces that are organized. This bill does not create any opportunity whatsoever for employers to avoid their obligation to bargain with unions.

Even in nonunion workplaces, the reported bill contains many provisions designed to protect the right of employees to elect union representation should that be desired. The bill provides that work teams or committees may not negotiate collective bargaining agreements, nor may they act as exclusive representatives of employees. Thus, employees who want independent representation through a union always retain that right no matter how many committees or teams exist in the workplace. No employee is denied the right to democratic representation, as many critics charge, under this bill. Beyond the provisions dealing with the role of employers in workplace organizations, the bill retains every protection in current law designed to safeguard the access of employees to independent representation.

Again, Mr. Chairman, when we look at what is happening with the 15 percent, and I can think of a company in my district where these committees work beautifully, management and labor together, as was mentioned over and other again, and of course they mention many of the big corporations which, in many instances, are unionized; the beauty of that operation is that in the one workplace they even determine, the employee, whether the bike goes out to be sold or not, but for the 85 percent in my area who are not union, they do not have that opportunity. They either have to hope that management gives them total control, or they are stuck with the fact that management legally can have total control.

So I would hope that we would put some of this nonsense to rest and give all 100 percent of our employees an equal opportunity to determine how things will be in their workplace.

Mr. CLAY. Mr. Chairman, I yield 3½ minutes to the distinguished gentleman from Missouri [Mr. GEPHARDT], the minority leader.

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

Mr. GEPHARDT. Mr. Chairman, I rise today to urge my colleagues to strike down the so-called Teamwork Act which in my view would deal a devastating blow to the working people of this country, and bring us back to a time when workers could be legally and openly exploited for the sake of a few corporate dimes,

My colleagues, even if the 104th Congress were to adjourn on this very day, without another vote, I believe this Congress would be remembered as the most antiworker Congress in the history of this country.

The fact is, at a time of declining wages and eroding job security, not only are the Republicans of this Congress failing to address the problem—they are actually making it worse.

They want to shred every last worker and workplace protection and on the alter of trickle-down tax cuts—lavishing more on those who already have the most, and taking it out of the hides of working families.

Why else would they oppose even a small increase in the minimum wage that is designed to make work pay more than welfare?

Why would we gut basic workplace safety laws that have protected tens of millions of workers from dangerous and even life-threatening abuse?

Why else would they cut back on enforcement of crucial wage and hour laws, which prevent hard-working people from being exploited on the job?

It does not take an economist to know that these cuts are regressive and wrong. Just consider this fact:

Corporate profits in the last 3 years have grown faster and larger than probably at any time in our history, and at the very same time wages have been falling by a greater rate than at any time in the last century. But this Republican Congress is not satisfied. They want to pass this so-called Teamwork Act which allows the kind of employer-dominated company unions that deny workers the freedom to represent their own interest fairly and independently.

Mr. Chairman, this bill would let employers and managers at nonunionized companies dictate the terms of all labor-management discussion and negotiations, even though we outlawed that kind of dictatorship 60 years ago because it led to rampant employee abuse and exploitation.

If this bill passes, tens of millions of Americans will be forced to abandon the basic rights and protection of real collective bargaining, and herded into these sham unions. In effect, they will surrender all power and independence to their employers, whether they want to do it or not.

The result would be a damaging downward spiral, and the kind of America we read about earlier in the century in Upton Sinclair's ''The Jungle'': even more of the kinds of workplace atrocities and sweatshop standards that we have strived to eliminate for nearly a century.

The Republicans will tell us that we need this legislation to get workers and managers to cooperate. But the fact is, hundreds of leading corporations, unionized or not, are models of cooperation already. We do not need this to get cooperation, and how can there be cooperation if one side has all the power, all the prerogatives, and all the authority?

Does anyone really believe that multinational corporations do not have enough power now? Or that workers' interests do not need to be defended or protected?

This bill should not be called the Teamwork Act, it should be called the Unfair Play Act.

If it was not clear already, it should be painfully clear today: the Republican agenda is an extreme agenda—a partisan package of perks for the few and punishment for the many. I say to my colleagues, if you're a corporate giant or a millionaire stock speculator, then you're in luck. But if you're a hard-working American family who's struggling to survive, then these kinds of actions are an absolute nightmare.

Let us stop this wrong-headed bill, and let us get back to preserving our basic commitment to the hard-working families of this country. They are the backbone of this country, they made this country great, and it is time to stand with them and fight for them rather than trying to erode the hard-earned rights that they have worked for all these years.

I urge my colleagues to defeat this bill.

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

The CHAIRMAN. The gentleman from Missouri is recognized for 30 seconds.

Mr. CLAY. Mr. Chairman, today we have heard that section 8(a)(2) is a product of the 1930's that needs to be updated. In fact, section 8(a)(2) dates from the 1770's, not the 1930's. It stands for the basic democratic principle that representatives should be responsible solely to those they represent. That principle is as valid today as it was in 1776 or in 1935, and I urge defeat of this bill.

Mr. POMEROY. Mr. Chairman, I rise today in strong opposition to the so-called TEAM Act.

Proponents of the TEAM Act claim that employer-employee cooperation is the objective of their legislation. But as even the supporters of the bill state, 80 percent of America's largest corporations already utilize employer-employee teams to improve workplace productivity. That fact is, current law allows the creation of employee involvement programs to explore issues of quality, productivity, and efficiency.

So if teamwork is the goal, then this legislation is simply redundant. Unfortunately, the details of this legislation reveal that its effects are much more serious.

The TEAM Act would fundamentally undermine the rights of workers by allowing companies to hand-pick employee representatives of their workers. The problem with such a situation is obvious to anyone who has ever held a job. All of us have known coworkers whose sole mission in life is to ingratiate themselves with the boss. In North Dakota, we call them brown-nosers.

Whatever you call them, these people are the obvious choice of employers to represent the workers. Why? Because they are beholden to and serve the interests of the boss. I do not know of a workplace in America that would freely elect a patsy of the employer to represent their economic interests.

So I urge my colleagues to vote for the Sawyer amendment, which clarifies the legitimate function of employee involvement programs to improve quality, productivity, and efficiency. But vote against this bill and preserve the right of workers to freely assemble, elect their own leaders, and promote their own economic interests.

Mr. SKAGGS. Mr. Chairman, I urge my colleagues to defeat this bill and protect the right of working Americans to elect their own representatives to provide fair and independent representation at the bargaining table.

Working people have not always enjoyed an independent voice on the job in this country. Until the passage of the National Labor Relations Act [NLRA] in 1935, workers were not guaranteed the right to organize, the right to bargain collectively, or the right to engage in peaceful strikes and picketing.

Employers effectively fought off the attempts of their employees to form independent unions by setting up sham unions. Sham unions were employee groups set up and controlled by management. The purpose of the sham unions was too give employees the false impression that management was bargaining in good faith with its employees.

Under these conditions, true arms-length bargaining between workers and management was not possible. The result was chaos in employee-employer relations. The economy and the social fabric of the country was torn apart by strikes and violent clashes between workers and management.

Senator Wagner of New York, who sponsored the NLRA, understood this. He believed that both the American economy and American society would improve if industrial relations were based on the same values as our democratic system of government. His vision was a system of collective bargaining in which workers and management would sit down as equal parties, each capable of protecting themselves from intimidation.

Wagner believed that ''the greatest obstacle to collective bargaining was employer dominated unions.'' To remove that obstacle, section 8(a)(2) of the NLRA makes it illegal for employers to ''dominate or interfere with information or administration of any labor organization or contribute to financial or other support to it.''

This protection has ensured that working people can elect their own representatives and organize without worrying about employer infiltration or meddling. It has given employees confidence that their interests are truly being represented in negotiations with management. The resulting peace between workers and management has contributed to the stability of the Amercan economy and to the prosperity that we have enjoyed since the Great Depression.

This measure risks undermining these fundamental protections in the NLRA by removing legal barriers which prevent companies from forming their own unions. it would amend section 8(a)(2) to allow employers to establish or participate in any organization or entity of any kind, in which employees participate, to address a range of issues including workplace conditions. The employee participation committees set up by employers could then be used by unscrupulous managers to bypass legitimate worker representative organizations.

There is nothing now in the NLRA that prevents employers and employees from working together in teams or legitimate cooperative arrangements as long as these arrangements do not act as a bargaining agent for workers. In other words—contrary to the claims of the supporters of this bill—there is nothing in the NLRA preventing management from setting up partnerships with labor to develop innovative and effective ways to improve workplace conditions and increase productivity. In fact, The National Labor Relations Board [NLRB], ruled in 1977 that employers have the right to set up work teams as administrative subdivisions if management decides that these units are ''the best way to organize the work force to get work done.''

The supporters of this legislation say that we need these reforms in labor law to deal effectively with the global economy of the 21st century. They say that we need to reform labor law to make it possible to have effective programs to involve employees in workplace initiatives. But in fact nothing in the current labor law invalidates employee participation in worker-management teams. The best proof of this is the number of employee involvement programs flourishing today. In fact, employee involvement is practiced in 96 percent of large firms today.

Just to make sure there was no question about this, the gentleman from Ohio, [Mr. SAWYER] offered his proposal to make more explicit that it is lawful to organize employee groups to address competitiveness issues. Unfortunately, the Sawyer amendment was defeated.

If the TEAM Act really is not about teamwork, why is it being pushed by the Republican leadership? The truth is that the Republicans do not really want to take us forward, they want to take us back in time. They want to give employers much of the power they had 60 years ago to enable them to break the efforts of workers to organize and have a voice to negotiate fair wages and decent working conditions.

If this measure ever became law, it would threaten to overturn the system of workplace democracy that has promoted industrial peace and economic prosperity for three generations in America. Senator Wagner said it best, ''The right to bargain collectively is at the bottom of social justice for the worker * * * The denial or observance of this right means the difference between despotism and democracy.''

The Republican leadership has initiated an all out assault on working American families. They have pushed legislation through this Congress to undercut health and safety regulations in the workplace. They have cut pension protection activities and wage and hour enforcement operations. Now they want to bring back company unions. Enough is enough. I urge my colleagues to vote against this authorization measure.

Mr. HOYER. Mr. Chairman, I rise in support of the Sawyer substitute to the TEAM Act which is before us today.

Over the past two decades, the American workplace has undergone significant changes. One of the most important of these is the recognition that often, company employees are the best experts on increasing efficiency, improving product quality, and implementing new, innovative ideas. If America is to compete in the global marketplace, management and labor must work together to tap this built-in reservoir of knowledge, using it to strengthen our Nation's economy, generate fair profit, and create jobs.

And across this country, companies are doing just that. More than 30,000 employers have instituted employee involvement plans, including more than 96 percent of large firms. Employee recommendations on a wide range of issues, both large and small, are contributing to company productivity, workplace safety, employee satisfaction, and the bottom line.

The authors of the TEAM Act state that companies are confused about what sort of employee involvement is permitted under the law. The TEAM Act authors ask Congress to legalize employee involvement. Clearly, employee involvement is currently legal. In fact, employee involvement is breaking out all over.

The TEAM Act would undermine, not improve, employee involvement in company decisions. Under the TEAM Act, employers would be permitted to establish company-controlled employee organizations. Not only does this fly in the face of 60 years of labor law, company control of these organizations contradicts the very premise of employee involvement: That the employees, who know the workings of the company as well as management, ought to be respected as full partners in efforts to improve them.

The TEAM Act is unnecessary and unwise. In attempting to address confusion in the area of what employee involvement teams are acceptable, it undermines the right of employees to select their own representatives in employer-employee bargaining situations. The Sawyer substitute, which I support, would clarify the range of acceptable employee involvement practices while preserving the spirit and the letter of employee self-representation. I urge my colleagues to vote yes on the Sawyer substitute.

Mr. CONYERS. Mr. Chairman, I grew up in a family that strongly supported the notion that working people ought to be able to join a union and have collective bargaining to determine their wages, benefits, and working conditions.

My father rose through the ranks of the United Automobile Workers, and when he retired, he was an international representative for the Chrysler Department at Solidarity House in Detroit, MI. So for me, nothing could be clearer, than the myriad problems that are presented with this legislation we are debating today. I have little inclination to further weaken the rights of America's working men and women, in terms with their relationship with their employer.

Proponents of this measure claim that the bill will promote a team-like relationship between management and labor. This legislation will not promote cooperation between management and labor, but rather undermine independent representation in the workplace.

This bill will create an unfair balance of labor relations in favor of management. Management will be able to determine the employees representative, write organization bylaws, and establish the organization's mission, jurisdiction, and function. This will take working Americans back 60 years, to the days when company unions were legal. In 1935, Congress enacted the provision of the National Labor Relations Act which specifically prohibited against employer-dominated worker organizations. We saw firsthand the dangers of company unions—we cannot afford to see them again.

The enaction of this bill would be devastating to the state of the American work force. While productivity and corporate profits are up, wages for the majority of American workers continue to decline. Workers must take on second and third jobs just to provide for their family the same as they did 20 years ago. The Team Act would further limit the workers' voice during bargaining, leaving union and nonunion workers in worse shape. It is no wonder that this bill has virtually no support from workers—it is unfair and undemocratic.

I ask that two letters be included with my comments. These letters are from people who certainly understand the potential dangers of this legislation. One is from Joseph Lyscas, from Shopmen's Local Union No. 508, of the International Association of Bridge, Structural and Ornamental Iron Workers Union, in Dearborn Heights, MI. The other letter is a gentle reminder of the president of local 26, of the United Food and Commercial Workers, Mr. James Franze.

I urge my colleagues to reject this unfair legislation.

SHOPMEN'S LOCAL UNION NO. 508,
INTERNATIONAL ASSOCIATION OF BRIDGE, STRUCTURAL AND ORNAMENTAL IRON WORKERS, AFL–CIO,
Dearborn Heights, MI, September 26, 1995.

Representative JOHN CONYERS, Jr.,
House of Representatives, Washington, DC.

HONORABLE JOHN CONYERS, JR.: As a strong supporter of yours for years, we are requesting that you vote no on H.R. 743. Teamwork For Employees and Managers Act of 1995 (''Team-Act'') on Wednesday, September 27, 1995.

H.R. 743 is another union busting scheme designed by the Republican House Leadership. Section 8(A)2 of the National Labor Relations Act prohibits employer-dominated worker organizations. The Team-Act would change Section 8(A)2 by allowing management to create the types of employer-dominated entities. The original law was designed to prohibit, specifically ''Company Unions''. It would not foster cooperation, but would perpetuate dysfunctional work relationships, and would threaten basic collective bargaining rights. In short, the legislation would limit the basic worker rights of independent employee representation.

The Team-Act promotes a brand of ''Company Unionism'' that was outlawed over sixty (60) years ago. This legislation will not promote cooperation between management and labor, but rather undermine independent representation in the workplace.

We have every confidence you will vote no on H.R. 743 and do what is right for Michigan's working families.

Sincerely yours,

JOSEPH F. LYSCAS,
Business Agent,
Shopmen's Local Union No. 408.

LOCAL 26, UNITED FOOD & COMMERCIAL WORKERS, AFL–CIO,
Detroit, MI, September 22, 1995.

Congressman JOHN CONYERS,
House of Representatives, Washington, DC.

DEAR CONGRESSMAN CONYERS: The 2500 members and registered voters of UFCW Local 26 strongly urge that you and your colleagues protect independent representation in the workplace and vote against H.R. 743, the TEAM Act, when it comes to the House floor Wednesday, September 27. UFCW Local 26 and the UFCW International, which represents 1.4 million members, will be watching to see how you vote on this crucial legislation.

Sincerely,

JAMES V. FRANZE,
President.

Mrs. SMITH of Washington. Mr. Chairman, I am glad that the Congress is taking up the issue of high performance teams in the workplace. I have had an opportunity to work with some of the most knowledgeable people on this subject, the hardworking members of the AWPPW. These hardworking men and women have forged good teamwork relations at the James River's Camas mill to boost production, cut costs, improve working conditions and move their company into a better competitive position. Because they are unionized, the National Labor Relations Act allows them to form teams to improve their working conditions and improve their company's competitive standing.

Hundreds of thousands of American workers are denied the benefit of becoming involved in the decisionmaking process in the workplace because the National Labor Relations Act does not recognize their right to take part in the team process because they are not a part of a union. Every American, union member or not, should have a fundamental right to be more than a worker for their company. They deserve the right to be part of the success of that company. The Team Act will allow them to do so by giving employers and employees the right to address critical issues in the workplace and an ad hoc or more formal basis. We cannot miss this opportunity to empower employees by giving them a voice in the workplace through employee involvement in high performance teams.

The Team Act is not a tool to be used to deprive workers of their fundamental right to be represented by a union and people of their choice. The Petri amendment assures us that teams cannot be formed in union shops without the consent of the union. Many workers I know have welcomed the formation of teams. No longer must they wait the next collective bargaining round to recommend better safety measures or work processes. No longer must they struggle through the bureaucracy of their union or the bureaucracy of their company to better their lives and the productivity of their workplace. Now, because of labor's involvement, the Petri amendment guarantees organized labor's rights will not be diminished in union shops. I believe that it is the intent of the Team Act to promote better efficiency and cooperation in the workplace. We can do this with labor and management working together.

Mr. MARTINEZ. Mr. Chairman, I rise in opposition to this bill.

Mr. Chairman, this bill was written to suppress the rights of workers. What is worse is that the one case that they cite as an example of the need for this legislation, electromation, was one of the most glaring abuses of workers' rights that has come before the NLRB in a long time—so glaring that all five of the Reagan-Bush appointed board members voted against the company, a decision confirmed by the Seventh Circuit Court of Appeals.

There is nothing in the law or the policy of the NLRB that threatens or discourages employers from forming work improvement teams. The law does allow, and there do exist, employee groups for those purposes in both unionized and nonunion workplaces.

This amendment to the National Labor Relations Act, however, would change that and would give employers greater capacity to discourage employees from organizing themselves.

That fits in with the notion that some employers and some Members of this Congress have that unions are inherently evil and must be destroyed.

Mr. Chairman, I was the owner of a small business before coming to Congress, one where I was quite successful, and where I had assembled a cadre of employees with whom I worked closely to ensure that they were successful as well. Before I created that business, I was an ordinary worker, both in union and nonunion settings. As a business owner and as a worker, I recognized the benefits of cooperation in the factory.

Cooperative approaches to day-to-day work leads to more acceptance of the rules and less contention in the shop.

If workers are offered the opportunity to make suggestions, communicate their concerns, and explore their ideas, both workers and management will benefit.

And, we are told, since the 1970's the number of cooperative working arrangements that exist in America's workplaces has exploded, over 30,000 employers, 96 percent of the country's largest companies, use some form of teamwork in their operations.

To say that there is a chilling effect on the formation and continued operation of these cooperative working groups because of the very few cases that have arisen in the past 20 years is simply not supported by the facts.

Remember the avowed purposes for this act? ''To protect legitimate employee involvement programs, from governmental interference.''

Well, I submit that the bill goes well beyond those purposes.

Legitimate employer involvement programs, those that do not abridge the rights of employees under collective bargaining agreements, are already legal under the National Labor Relations Act.

There is no need for this bill to protect legitimate programs.

This bill, I submit, protects illegitimate programs, those that are the equivalent of company unions about which my father and many other fathers warned us.

Company unions formed and nurtured by employers who would emasculate their workers and keep them in substandard workplaces, with no benefits.

Another avowed purpose is to preserve existing protections against deceptive and coercive employer practices but there is nothing in the bill that protects employees at all.

The third purpose says it all: ''To allow legitimate employee involvement programs, in which workers may discuss issues involving terms and conditions of employment, to continue to evolve and proliferate.''

Whenever employees meet with employers to discuss terms and conditions of employment, there is the potential for conflict.

As a worker, the employee wants more pay or more benefits as a condition of continued employment.

Management, on the other hand, wants to keep its labor costs low.

That is the nature of the workplace.

To say that management should be able to form teams, select the members of those teams, both management and worker members, and set the agenda for the team, this is

clearly a company union that Senator Wagner argued so forcefully against at about the time I was born.

The conditions have not changed in my lifetime.

The Wagner Act has stood the test of time, it has enabled both management and labor to meet and negotiate on a level playing field.

Rather than empowering employees to cooperate with management, this TEAM Act will drive a wedge between management and labor and will, I predict, lead to the greatest labor strife we have had since the Second World War.

This is a bad bill, vote against it.

Mr. VENTO. Mr. Chairman, I rise in strong opposition to the pending legislation. H.R. 743 is an unneeded intrusion into worker-management relations that so corrupts the negotiation process to make it virtually meaningless.

Once again, the Republican majority party in this House seeks to roll back the rights of working men and women and once again they claim that that is not the case.

The proponents of H.R. 743 claim that this legislation is needed to overturn a National Labor Relations Board decision. However, the facts indicate that this legislation is not needed. Such organizations continue and the number of businesses utilizing them is growing. As the statement of findings in this very legislation points out, employee involvement programs have been established by over 80 percent of the largest employers in the United States. In addition, such activities are ongoing today and the Court of Appeals decision, which upheld the NLRB, specifically stated that its ruling ''does not foreclose the lawful use of legitimate employee participation organization.'' However, these communication activities must not and should not interfere with the National Labor Relations Act.

Unfortunately, the real effect of this legislation is to permit employers to impose on their employees worker representation organizations under the employers' control. This bill harkens back to the earlier history of company-controlled unions. These organizations can then be used to impede employee efforts to organize or undermine the authority of an existing union. In essence, this proposal will destroy the fragile balance between employee rights to organize and bargain collectively and employer-employee communications.

American businesses and workers face many challenges in the international marketplace. In order to remain competitive, a spirit of cooperation between employers and employees must be the hallmark of operations. However, the reestablishment of these corporate unions will not accomplish that goal. Instead these employer dominated unions would drive a wedge into employer-employee relations, co-opting the formal tenants of the National Labor Relations Act in the name of harmony. In the end hurting working families and creating mistrust.

Mr. Speaker, in a 1989 joint session of the House and Senate, the American people heard Lech Walesa, then chairman of Solidarity, speak about the long and successful struggle of the Polish workers against the totalitarian, communist regime in Poland and the victory of democracy in all of Central Europe. In that moving address, Chairman Walesa thanked the American people and Congress for our support and assistance. He spoke of the United States as a beacon of freedom for working men and women worldwide. He spoke of the moral support that Americans provided. He spoke of President Bush, speaking in Gdansk in front of the Fallen Shipyard Workers Monument, and sending a message to Polish workers that the American people strongly supported their right to organize and to oppose company and party controlled unions.

Today, the Republican majority, with this legislation, is dimming the American beacon of freedom and the rights of American working men and women, setting back what has offered hope around the world to working families. By enshrining business controlled unions with a congressional seal of approval, the Republicans are seeking to stifle American working men and women and to deny them the right to legitimate union representation. I urge my colleagues to reject this bad retrenchment in workers rights and to respect the rights of the millions of working families we in Congress represent. I urge the defeat of H.R. 743.

Mr. STOKER. Mr. Chairman, I rise today in strong opposition to H.R. 743, the Teamwork for Employees and Managers (TEAM) Act. Under the current Republican leadership in the Congress we have been faced with an unprecedented amount of legislation that negatively affects the rights of working Americans.

Unfortunately, in the rush to pass legislation implementing the Republican ''Contract With America,'' there has been little time to analyze and consider the implications of these bills. From challenges to collective bargaining rights in the repeal of section 13(c) of the Federal Transit Act to efforts to weaken workplace safety requirements in H.R. 5, the Unfunded Mandates Reform Act, a clear pattern has emerged that is clearly hostile to the American worker.

Today, the House is considering H.R. 743, the ''Teamwork for Employees and Managers Act.'' This measure is designed to amend section 8(a)(2) of the National Labor Relations Act (NLRA) to greatly expand employers' abilities to establish employee involvement programs. Section 8(a)(2) of the NLRA states that it is an unfair labor practice for an employer to dominate or interfere with the formation or administration of any labor organization. This provision protects employees from the practice of an unscrupulous employer attempting to create company, or sham, unions, although H.R. 743 does not state an intent to repeal the protection provided by section 8(a)(2), H.R. 743 would undermine employees protections in at least two key ways. First, the bill would permit non-union employers to establish company unions. Second, it would allow employers to establish company-dominated alternative organizations designed to undermine employee self determination. Unfortunately, the amendment of section 8(a)(2) represents a clear and unrestrained attack on the working men and women of this country.

Mr. Speaker, the scope of this legislation is tremendous, H.R. 743 would be applicable to approximately 90 percent of all American workers. The large reach of this bill will ensure that two sets of workplace rules are established, one for unionized firms and another for non-unionized firms. Under current law, this two-tier set of rules is not permissible or desirable. We should maintain our current commitment to employee independence and democracy protected by section 8(a)(2). We should not enact laws that experience has demonstrated would simply be disadvantageous to the Nations working people and workplace democracy.

Contrary to the claims of the new Republican majority that the amendment of section 8(a)(2) will result in cost savings and increased efficiency, the majority's real objective is to take away from the American worker the rights and privileges they have worked so hard and so long to achieve. I have been a consistent and steadfast supporter of greater flexibility and improved management techniques in the workplace. To be more competitive and effective in domestic and international markets industry should strive to incorporate innovative thinking. But the price for this innovation should not be the basic rights of American workers. Under current law, the creation of employee involvement programs that explore issues of quality, productivity, and efficiency, with the appropriate precautions is not only permissible but is strongly encouraged.

Section 8(a)(2) in no way prohibits employee involvement; the law merely establishes a single ground rule by making it unlawful for an employer to involve employees in dealing with wages or other terms of employment through an employer-dominated employee organization or employee representation plan. Employer-dominated representation in dealing with employment conditions is thus the only form of employee involvement prohibited by section 8(a)(2). All other types of employee involvement programs, including for example work teams, quality circles, suggestion boxes, or other communication devices are entirely lawful under current law. The fact is that H.R. 743 goes well beyond its legitimate objectives, and ignores the fact that a less intrusive means to achieve the same goal exists now.

Mr. Speaker, there is no doubt that section 8(a)(2) now under attack has helped maintain a workplace environment conductive to progress in the areas of job security, fair wages, and working conditions for thousands of America's union and non-union workers alike. H.R. 743 is a one-sided bill which, if amended as proposed, would tilt the scales in the favor of any anti-union employer that wants to exploit this proposed legislation. This legislation overturns well settled labor law. The delicate balance between labor and management that has been fashioned over the years will be upset by this legislation, because it gives employers the ability to control all aspects of workplace decisionmaking.

Beyond the fact that the section 8(a)(2) has been good for America, it has also proven to be the right thing to do. The rights of workers to choose whether or not to—and how to—organize themselves is essential to the American labor force. The rights of union and non-union workers to choose their representatives is fundamental. With limited opportunity for debate and hearings this amendment of the section 8(a)(2) is clearly an unjustifiable circumvention of the procedures of the U.S. House of Representatives. This attempt to short circuit the process can only have one result, the compromise of not only the rights of American workers but also the rights of the entire American public.

Mr. Speaker, in closing, H.R. 743 reflects my colleagues' desire to sacrifice the interests and obligations of this country to the working men and women of America in exchange for

short-term gain and inequality. I urge my colleagues to vote against this bill.

Ms. PELOSI. Mr. Chairman, I rise today to oppose this legislation. This legislation will actually legalize employer domination of worker organizations and represents a return to the bad old days of company unions.

Under this bill, corporate chieftains would be entirely free to create, mold, and terminate employee organizations dealing with wages, benefits, and working conditions. This bill allows management to select employee representatives, determine the employee organization's governing structure, and establish the employee organization's mission. Where is the worker's voice?

Furthermore, the bill gives employers the unfettered right to fashion employee organizations to the employer's own liking, and to disband them if and when the employer chooses.

Mr. Speaker, when the National Labor Relations Act became law, it stood for the fundamental proposition that representatives of working men and women should be exclusively responsible to those they represent. If they are responsible to management, they cannot be an independent voice for workers.

In a Congress where the majority party has attempted to eliminate OSHA and defund the NLRB, H.R. 743 represents yet another attack on our Nation's working people.

I urge my colleagues to honor their working constituents and vote ''no'' on H.R. 743.

Mr. BROWN of California. Mr. Chairman, I rise today in strong opposition to H.R. 743, the so-called TEAM Act.

Although the bill's name appears to promote collaboration between labor and management, in reality I believe that it would undermine the right of workers to form their own independent organizations.

I support the idea of creating workplace productivity teams. It's clear that such labor-management cooperation is necessary so that American workplaces continuously improve and increase productivity and worker satisfaction. However, I strongly believe that such teams should be convened through the chosen organizations of workers.

As the TEAM Act stands, I am afraid that it would cause unnecessary friction in labor-management relations in our Nation. Employers would be given carte blanche to pick and choose which employees will serve on employer created committees, control the agenda, and basically gag employee rights to represent themselves freely and independently. In effect, this bill would return the American worker to an era governed by employer dominated ''company'' unions.

The guaranteed protection of workers' rights to form independent labor organizations is essential both to guarantee that employees enjoy the democratic right to choose their own representatives, and to assure that a chosen employee representative is accountable only to the union he/she represents.

When it originally enacted the National Labor Relations Act [NLRA] in 1935, Congress made a pact with American workers. In this pact Congress declared, in no uncertain terms, that when it came to balancing the interests of employers and workers it should not be one sided. A specific prohibition against employer dominated worker organizations was thus included as a cornerstone of the NLRA.

The fact is that real labor-management cooperation is designed to promote quality and productivity, and Congress has long recognized that to allow employers to completely dominate workers is fundamentally antidemocratic and contrary to basic American values and beliefs.

Mr. MORAN. Mr. Chairman, I agree that we need to give businesses the flexibility to creatively address the problems that occur in today's workplace. Unfortunately, this legislation's bottom line is that management will have carte blanche authority to create, mold, and terminate employee organizations dealing with issues such as wages and benefits.

The amendment that I offer does not affect the tens of thousands of currently existing employee involvement groups. It does require that groups formed to discuss terms and conditions of employment be democratically elected.

Employee involvement groups have been successful at developing creative solutions in a flexible environment. Such issues as wages and benefits, however, deserve a higher level of scrutiny. My amendment provides that higher level of scrutiny. If management wants to create a group to discuss such issues, it can not pick the employees' representatives.

The National Labor Relations Act does not allow these groups to discuss terms and conditions of employment. The TEAM Act would abolish this restriction and allow employee involvement groups to address any topic. The Sponsors of this bill will tell you that this change is necessary to remove an obstruction to greater productivity, and that without it's removal American businesses will fall far behind their foreign competitors.

This portion of the National Labor Relations Act was enacted in 1935 to abolish sham unions. Sham unions flourished in the 1920's and 1930's, but they are not a thing of the past. The courts in this country see dozens of sham union cases each year. The statute we are replacing today is the only mechanism preventing the formation of sham unions.

Former NLRB Chairman Miller, now an attorney representing management interests, recognized this. He said ''If [this section] were repealed I have no doubt that in not too many months or years sham company unions would again recur.''

As the Congress proceeds to change labor law, we must not deprive workers of the basic right of choosing their own representatives. My amendment allows employee involvement groups to discuss these issues, and it guarantees fairness by requiring elections.

Ms. BROWN of Florida. I rise in opposition to the Teamwork for Employers and Managers [TEAM] Act. The so-called TEAM Act is anything but a team act.

This one-sided bill would dramatically tip the scales in management's favor by allowing them to create, mold and terminate employee organizations at will. The result would be devastating for workers in existing unions.

The TEAM Act would, by allowing company unions, deny fundamental democratic rights that employees currently enjoy, both union and nonunion workers.

The employee organizations created by management under TEAM Act would be under the total control of management, allowing them complete control over the workers in the employee organization.

Under TEAM Act, any understanding between employers and employees would not be legally binding, so the employer could rescind any agreement at their discretion.

Mr. Chairman, this is a bad bill. I urge my colleagues to vote against the TEAM Act.

Mr. TORRES. Mr. Chairman, the so-called TEAM Act would deny employees one of their fundamental rights under the National Labor Relations Act, which is the right to be represented by their own, independent representatives, who are accountable only to the employees, in their dealings with management regarding the terms and conditions of their employment.

This right has been established through a historic process of workers struggles. This right, which would now be abrogated by the TEAM Act has been a cornerstone in the legislation which as provided industrial democracy and true teamwork since its enactment.

This legislation, if enacted, would return this country to the laizze-faire, industrial practices of the 1920's and 1930's, in that it would open the doors for companies to form ''company'' associations whenever they felt the need to do so.

Feeling confident of their vote majority in the House of Representatives, the Republican leadership, with this legislation, is continuing its assault upon the institutions and protections of working Americans.

Current efforts to correct deficiencies in H.R. 743, specifically the Petri amendment perpetuate the antiworker democracy provisions of the TEAM Act, and leaves in place the anticollective bargaining implications of H.R. 743.

This legislation will provide valuable assets to those who seek to teardown the legal protections which have provided a level playing field in the area of worker and management relations.

This legislation is one more effort by the new Republican majority to dismantle protections which have been established over the past sixty years for working Americans. This legislation is a key plank in the Republicans radical and revolutionary efforts to bring down working American's wages and benefits, to compete with Third World economies.

The Team Act is bad legislation, will be used against the legitimate democratic rights of American workers, will further the polarization of employees against employers. It is written in words which appear to represent the needs of workers, but in fact is a trojan horse which will further dismantle working American's protections and rights.

For the sake of balance and fairness in the American workplace, I urge you to defeat this bad bill.

Mr. LIPINSKI. Mr. Chairman, I rise today in opposition to H.R. 743, the so-called TEAM Act. This bill would fundamentally change the National Labor Relations Act by amending section 8(A)(2), which makes employer-dominated workplace committees illegal.

Supporters of the TEAM Act claim that this bill is necessary for businesses to encourage employee involvement in labor-management work teams. There is no doubt that teamwork is key to successful efforts to design, manufacture, and deliver new and improved products and services. However, close to 30,000 employee involvement programs already exist in businesses throughout the Nation. There is nothing in the law that prevents employers from forming cooperative labor-management committees.

What section 8(A)(2) does prohibit is an employer organization that dominates or interferes with an employee organization that deals

with the employer on terms and conditions of employment. This restriction is a fundamental feature of American labor law, established to ensure employee independence and freedom. By removing the protection of section 8(A)(2), employers would be able to form employee organizations that would address terms and conditions of employment, such as wages, hours, and work conditions. Employers would also be able to select its leaders and dictate exactly which issues would be discussed.

In effect, employees would lose their democratic rights in the workplace. Their right to organize would seriously be impeded. Under employer-dominated organizations, they would no longer be able to chose their own representatives. They would not even be able to decide which issues of concern would be discussed. This is not employee involvement—it is employer control.

By allowing employer dominated employee organizations, the TEAM Act will simply place yet another barrier between employers and workers who want to have a true voice on the job. Only when employee representatives are free from employer manipulation are the interests and concerns of the represented thorougly and adequately voiced.

The TEAM Act is an unwarranted piece of legislation that will once again silence workers, bringing back sham company unions to the American workplace. We cannot afford to regress back to the days when workers had no rights. Please join me in opposition to H.R. 743, the TEAM Act. Thank you.

Mr. ROEMER. Mr. Chairman, I rise in opposition to H.R. 743, the Teamwork for Employers and Managers Act. This legislation grew out of a 1992 National Labor Relations Board decision involving the Electromation case in Elkhart, Indiana, which is located in my District. It was this case that refocused attention on the National Labor Relations Act and employee involvement programs. Sponsors of legislation argue that it is this case that clearly points out the need for change in the current law.

The Electromation case arose when new management of the company decided to alter wage increases for employees. Within 2 weeks of the changes, a group of employees submitted a petition to management protesting the loss of benefits while at the same time, employees sought to form a union to represent their interests. In response to the employees' action, the company formed five Action Committees and selected the employees who were to serve on the committees and decided the areas of each committee's jurisdiction. The company established the size, responsibilities and goals of each committee and decided when the committees would meet. The committees had no authority to implement decisions, rather, they could only draft proposals for management's acceptance or rejection.

The case went before the National Labor Relations Board, which was composed of 5 members appointed by President Reagan and Bush. The board unanimously decided that the company had violated Section 8(a)(2) of the National Labor Relations Act which prohibits an employer from dominating or controlling the employee representatives who deal with management on employee wages or other terms of employment. In 1994, the U.S. Court of Appeals for the Seventh Circuit unanimously affirmed the NLRB's decision.

Mr. Chairman, the proponents of H.R. 743 maintain that Section 8(a)(2) prevents or inhibits its cooperative labor-management efforts to make the workplace more productive. There is nothing in the current law that prohibits legitimate labor management cooperation. In fact, there are tens of thousands of these labor-management cooperation programs in existence today. The proponents argue that a change in the law is necessary to enable employers to establish work terms or legitimate labor management cooperation programs.

As the minority views in the Committee's report on H.R. 743 so clearly point out, ''we believe that this Nation must prosper in an increasingly competitive and information driven economy where, at every level of a company, employees must have an understanding of, and a role in the entire business operation. Moreover, in order to deal with the globally competitive economy of the 21st Century, it is important that U.S. workplace policies reflect a new era of labor-management relations—one that fosters cooperation, not confrontation''.

H.R. 743 does not promote an atmosphere of cooperation in the workplace. Rather, it would undermine the rights of workers and the efforts to achieve real ''teamwork'' in the workplace. I urge my colleagues to vote against this legislation.

The CHAIRMAN. All time for general debate has expired.

The Committee amendment in the nature of a substitute printed in the bill shall be considered by sections as an original bill for the purpose of amendment, and pursuant to the rule each section is considered read.

During consideration of the bill for amendment the Chairman of the Committee of the Whole may accord priority in recognition to a Member offering an amendment that has been printed in the designated place in the CONGRESSIONAL RECORD.

Those amendments will be considered read.

Clerk will designate section 1.

The text of section 1 is as follows:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Teamwork for Employees and Managers Act of 1995''.

The CHAIRMAN. Are there any amendments to section 1?

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. SAWYER

Mr. SAWYER. 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. SAWYER: Strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Teamwork for Employees and Managers Act of 1995''.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) the escalating demands of global competition have compelled an increasing number of employers in the United States to make dramatic changes in workplace and employer-employee relationships;

(2) such changes involve an enhanced role for the employee in workplace decisionmaking, often referred to as ''Employee Involvement'', which has taken many forms, including self-managed work teams, quality-of-worklife, quality circles, and joint labor-management committees;

(3) Employee Involvement programs, which operate successfully in both unionized settings, have been established by over 80 percent of the largest employers in the United States and exist in an estimated 30,000 workplaces;

(4) in addition to enhancing the productivity and competitiveness of businesses in the United States, Employee Involvement programs have had a positive impact on the lives of such employees, better enabling them to each their potential in the workforce;

(5) recognizing that foreign competitors have successfully utilized Employee Involvement techniques, the Congress has consistently joined business, labor and academic leaders in encouraging and recognizing successful Employee Involvement programs in the workplace through such incentives as the Malcolm Baldrige National Quality Award;

(6) most employers who have instituted legitimate Employee Involvement programs have done so in order to enhance efficiency and quality rather than to interfere with the rights guaranteed to employees by the National Labor Relations Act; and

(7) the prohibition of the National Labor Relations Act against employer domination or interference with the formation or administration of a labor organization has produced some uncertainty and apprehension among employers regarding the continued development of Employee Involvement programs.

(b) PURPOSES.—The purpose of this Act is—

(1) to protect legitimate Employee Involvement programs against governmental interference;

(2) to preserve existing protections against deceptive, coercive employer practices; and

(3) to promote the enhanced competitiveness of American business by providing for the continued development of legitimate Employee Involvement programs.

SEC. 3. EMPLOYER EXCEPTION.

Section 8(a)(2) of the National Labor Relations Act is amended by striking the semicolon and inserting the following:

'': *Provided further,* That it shall not constitute or be evidence of an unfair labor practice under this paragraph for an employer to establish, assist, maintain, or participate in—

''(i) a method of work organization based upon employee-managed work units, notwithstanding the fact that such work units may hold periodic meetings in which all employees assigned to the unit discuss and, subject to agreement with the exclusive bargaining representative, if any, decide upon conditions of work within the work unit;

''(ii) a method of work organization based upon supervisor-managed work units, notwithstanding the fact that such work units may hold periodic meetings of all employees and supervisors assigned to the unit to discuss the unit's work responsibilities and in the course of such meetings on occasion discuss conditions of work within the work unit; or

''(iii) committees created to recommend or to decide upon means of improving the design, quality, or method of producing, distributing, or selling the employer's product of service, notwithstanding the fact that such committees on isolated occasions, in considering design quality, or production issues, may discuss directly related issues concerning conditions of work: *Provided further,* That the preceding proviso shall not apply if—

''(A) a labor organization is the representative of such employees as provided in section 9(a);

''(B) the employer creates or alters the work unit or committee during organizational activity among the employer's employees or discourages employees from exercising their rights under section 7 of the Act;

''(C) the employer interferes with, restrains, or coerces any employee because of the employee's participation in or refusal to participate in discussions of conditions of work which otherwise would be permitted by subparagraph (i), (ii), or (iii); or

''(D) an employer establishes or maintains an entity authorized by subparagraph (i), (ii), or (iii) which discusses conditions of work of employees who are represented under section 9 of the Act without first engaging in the collective bargaining required by the Act: *Provided further,* That individuals who participate in an entity established pursuant to subparagraph (i), (ii), or (iii) shall not be deemed to be supervisors or managers by virtue of such participation.''.

□ 1530

Mr. SAWYER. Mr. Chairman, the proponent of the Teamwork Act has stressed today how important it can be to long-term competitiveness. I completely agree. It is important to repeat again, though, that managers and employees can presently exchange ideas on efficiency, productivity, or other competitiveness issues.

However, I understand the argument that discussions of improving workplace output may be tied to those subjects which employers and employees cannot currently talk about outside of the collective-bargaining process, subjects like wages and hours and other terms and conditions of work.

For that reason, Mr. Chairman, I rise today to offer a substitute to H.R. 743 which would clarify that a team's discussions of competitiveness issues are absolutely legal, even if its members from time to time talked about conditions of work that were directly related to the team's primary task of improving competitiveness. Sometimes, Mr. Chairman, they are simply inextricable in the modern workplace.

I believe it provides employers with areas of far greater legal certainty and would protect both workers' rights and the vast majority of more than 30,000 employee involvement structures in America today. My substitute bill would not apply to unionized workplace, but the purpose of 882 is really to protect workers who do not have that kind of representation. It is nonunion members who lack that strength who are the workers most threatened by the prospect of company unions.

My substitute embodies the principal recommendation on the issue of workplace cooperation of a bipartisan panel of labor law experts headed by President Ford's Labor Secretary, John Dunlop. In its final report, the Dunlop Commission recommended that nonunion employee participation programs should not be unlawful simply because they involve discussions of terms and conditions of work or compensation, where such discussion is incidental to the broad purposes of those programs.

H.R. 743 would undoubtedly allow these discussions as well. I take no issue with that. Unfortunately, it would also allow conditions of work to be the sole focus of workplace teams, and this simply goes too far. It would give a few perhaps unscrupulous employers a powerful tool to undermine employee efforts to obtain independent representation. This is not just my view. The Dunlop Commission also concluded that employee participation programs, and I quote, ''are not a forum of independent representation for employees and thus should not be legally permitted to deal with the full scope of issues normally covered by collective bargaining.'' I recognize that the legality of some teams under current law is not entirely clear.

I also understand the desire of employees to have greater certainty about the legality of their terms, so I offer this substitute in an attempt to provide statutory guidance to the NLRB, which defines areas in which workplace discussions of conditions of work should be legal and appropriate, and can be.

Mr. Chairman, some of the members of the team coalition are, of course, interested in how their particular member companies would benefit if the TEAM Act passed. They have no particular reason to be concerned with potential abuse by less principled employees. I am first to concede that those who are the strongest advocates for this measure are well intentioned. They have no reason to be concerned with those abused by less principled employees, but we must be. That is why this debate cannot be about individual cases or individual companies.

The central question is not whether some good things might happen if the TEAM Act is passed. Good things would happen. That is very clear. Good things are happening now under current law in over 30,000 workplaces across the Nation. The central question which my substitute seeks to address is whether we can promote workplace cooperation in a way that will not invite the kind of abuse that gave rise to this law 60 years ago.

This measure ought to be looking toward the future, and not simply back 60 years. I believe that we can, so I offer this substitute as an attempt. I urge my colleagues to support it.

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

Mr. Chairman, this amendment has a surface appeal until one just centers upon what this issue is all about. One has to begin with the assumption that there is no reason at all why, in the nonunion setting, employee teams cannot talk to their employers on any subject. On any subject. That also includes terms and conditions of employment. We cannot define terms and conditions of employment when we come right down to it.

The National Labor Relations Act has, from time to time, in construing conduct under union law, pretended to unions that workplace health and safety, rewards for efficiency and productivity, work assignments, compensation, work rules, job descriptions and classifications, production quotas, use of bulletin boards, workloads, scheduling, changes in machinery, discipline, hiring and firing, promotions and demotions, these are all conditions, terms and conditions of work. There are many, many more.

What the amendment is now basically trying to do is to come in and, from my viewpoint, produce many union restrictions and constrictions upon the exercise of the rights of free people as employees to simply negotiate and interact with their employer. They can do that now. As has been said, it is flourishing rather well. The problem is there are corporations like Polaroid, Donnelly, others that have been named, the best employers in America, who are being dragged before the NLRB, and because, unfortunately, there is an interpretation that there were terms and conditions of employment, when some team of employees was interacting with the employer, bango, that is an unfair labor practice: ''You cannot do that, only unions can do that.''

But look, these employees obviously can opt to join a union, to petition for a union in the workplace. If those employee groups are not working, if they are not going well, if the employer is being a dictator, if he is taking advantage of the people, we have not gotten rid of the sham corporation law. We have not repealed 882. We have only tried to carve out an exception, which is common sense, to say that when employers and employees, and it is really a bill of rights for employees, that when they get together and say, ''Yes, why don't we sit down with the head of the department and try to work something out,'' that they can do it.

My good friend, the gentleman from Ohio [Mr. SAWYER] who has an all-American name and is an all-American person, and a fine person, what he is doing here, he is going to start saying, ''There are going to be certain types of these groups. If it is entirely employee-controlled, OK, you can do anything you want, but if it is a supervisory-managed work unit, watch out, watch out. But what we are going to do, we are going to let you occasionally discuss conditions of work when it might be relevant to the subject matter,'' you see.

Here we go. Who is going to supervise this? I suppose the National Labor Relations Board now? Are we going to get all kinds of new rules and regulations? What are we doing? Stop and think of what we are doing. We are now saying, let us say a group of women who get together and they want to call upon a department head and sit down and work with them, they would say no. Now see what we are doing? We are beginning to restrict, constrict, dictate. We are going to have amendments that say ''There have to be elections, too.''

What, NLRB elections to determine whether an ad hoc business employee group can get together? These groups' common goal, they are up one month, they are gone the next month. You have changing membership, you have changing chairmen or chairwomen. This is completely impractical. It guts the bill, because nobody in business would want to have this legislation. They are better off now, at least as long as they do not get caught, and so far the NLRB has zeroed in on major targets. But as has been said, it is otherwise flourishing. It is flourishing because it is cooperation.

The CHAIRMAN. The time of the gentleman from Illinois [Mr. FAWELL] has expired.

(By unanimous consent, Mr. FAWELL was allowed to proceed for 2 additional minutes.)

Mr. FAWELL. Mr. Chairman, what we have right now is cooperation. It is there. It is working. Congress should not get in the way and screw things up and start micromanaging. It is employees and employers working together. It can happen. If it does not work out, they can go and a union will be organized, as has been said. If they bungle the job, then we will find employees that are dissatisfied. However, we ought not to go down the slippery slope of trying to now move into the nonunion setting and start micromanaging with all kinds of laws. We will equal the volumes, and the volumes by the thousands, that are already there in the National Labor Relations Act in regard, correctly, in regard to your basic formal unions.

That is why, I would say to the gentleman from Ohio, I cannot accept the amendment. I know it is offered with the very best of intentions, but it would destroy the genius of what is happening right now of this cooperation, this working togetherness, no bounds, anything they want to talk about; it is there, and the last thing we should do is to regulate it.

Mr. SAWYER. Mr. Chairman, will gentleman yield?

Mr. FAWELL. I yield to the gentleman from Ohio.

Mr. SAWYER. Mr. Chairman, I thank the gentleman from Illinois, the chairman of the subcommittee, for yielding to me.

Mr. Chairman, the gentleman has said repeatedly that employees cannot, under current law, discuss any of these topics with their employers. The truth of the matter is that any employee can come together in groups or individually and discuss these matters with their employers. What is prohibited is for the employer to dominate the employee organization in lieu of a labor organization. That is the difficulty.

The CHAIRMAN. The time of the gentleman from Illinois [Mr. FAWELL] has expired.

(By unanimous consent, Mr. FAWELL was allowed to proceed for 1 additional minute.)

Mr. FAWELL. Mr. Chairman, I would tell the gentleman, as soon as the employee group begins to interact with the employer, the law also states ''* * * if the employer supports, financially or otherwise, as well as dominates.'' All the employer has to come into the picture and that employee team becomes a sham union, unless the employee just sits there and does nothing. But if he supports, financially or otherwise, or if he dominates, and ''dominates'' has been construed to mean if the employer has, basically, the right to tell these employees what to do; of course, the employer is still the employer.

I simply want to stress that the last thing in the world we should begin to do is to try to create little miniunions within the nonunion setup, and destroy what is a valuable revolution and dynamic change taking place in America.

Mr. SANDERS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, my friend, the gentleman from Illinois, just used the expression, he said ''the genius of what is happening.'' I think that is what he said. I am a little confused.

My understanding is that what is happening in the economy today is that the real wages of American workers are plummeting. Real wages have gone down by 16 percent since 1973. My understanding of what is going on in the economy today is that the new jobs that are being created are low-wage jobs, part-time jobs, temporary jobs, often without benefits. My understanding of what is going on in the economy today is that while corporate profits are soaring, and the incomes of the chief executive officers are now 150 times what the workers are making, more and more companies are taking our jobs to Mexico and to China.

I would like to ask my friend, the gentleman from Illinois, tell me, what is the genius of all of that?

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

Mr. SANDERS. I yield to the gentleman from Illinois.

Mr. FAWELL. Mr. Chairman, I would tell the gentleman, I was referring to the employee teams and their ability to cooperate with the employers and to be able to take over many of the operations which, normally speaking, in a top-down old-fashioned concept of employment, are vanishing.

If we want an opportunity to have a turnaround, I do not agree with all the gentleman's conclusions, by any means, but the genius of what is occurring is employer-employee cooperation, where employees are increasingly taking over responsibilities in terms of efficiency, in terms or productivity, that they have never had before. That is the genius.

Mr. SANDERS. Reclaiming my time, Mr. Chairman, obviously, all of that is not working. Twenty years ago, as the gentleman knows, this country led the world in terms of the wages and benefits our workers received. With all of that genius, with all of that so-called worker-management cooperation, does the gentleman know what place our workers are now in the industrialized world? We are in 13th place. We are falling behind much of Europe and Scandinavia.

I would argue that if there is any reason that workers have enjoyed decent benefits, decent working conditions, and decent workers in this country, it is because they have had unions. The evidence is pretty clear that this team effort will make it harder for workers to join unions.

Mr. FAWELL. If the gentleman will yield further, there is nothing in this legislation that would proscribe in any way the right of these employees, if they are not in accord with the policies of the employer, to go ahead and petition for the formation of a union.

We do nothing whatsoever to proscribe that. All that we try to do is to say that all that is occurring out here right now is lawful, because there is this ancient definition of a labor organization that was created back in 1935, when women were not even a part of the work force. They are a vital part of employee teams today that are doing things that in the 1930's were not even contemplated.

Mr. SANDERS. Mr. Chairman, reclaiming my time, the gentleman is aware that this TEAM Act takes place within the context of a savage assault on labor unions throughout this country.

Mr. FAWELL. I certainly would not agree with that conclusion.

Mr. SANDERS. The gentleman is aware that time after time when workers form unions, companies refuse to negotiate a first contract. The gentleman should be aware that workers all over this country are being fired as they try to organize unions. The gentleman should be aware in an unprecedented way, when workers now go out on strike, they are being replaced by permanent replacement workers. The gentleman knows all of that. And the gentleman knows right now that workers in unions are under assault, that companies are hiring consultants to break unions, to decertify unions, and this TEAM Act takes place within that context.

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

Mr. SANDERS. I yield to the gentleman from Wisconsin.

Mr. GUNDERSON. Mr. Chairman, I appreciate the gentleman yielding, because I think everybody ought to understand that if there is any attempt by any management of any company anywhere in America at any time to in any way to interfere with an attempt to collectively bargain and organize that work force, it is a violation of section 8(a)(1) of the law today, and this bill does not touch that in any way, shape, or form. That is law at 3:45 in the afternoon, and it is going to be law when this bill passes.

The CHAIRMAN. The time of the gentleman from Vermont [Mr. SANDERS] has expired.

(By unanimous consent, Mr. SANDERS was allowed to proceed for 2 additional minutes.)

Mr. SANDERS. Mr. Chairman, my friend from Wisconsin makes the point about it being illegal to try to impede the creation of a union. But that gentleman's party has supported, as I understand it, a 30-percent cut in the funding of the National Labor Relations Board, the one Board in this country that exists to try to protect workers. So it is very clear where our friends on the other side are coming from.

Mr. GUNDERSON. If the gentleman will yield further, first of all, me, I voted no on the appropriation bill.

Mr. SANDERS. Mr. Chairman, reclaiming my time, the problem is, this stuff does not come out of the blue. The gentleman's party has supported a 30-percent cut in the funding of the NLRB, which would make that organization overwhelmed, without staff, and powerless to protect workers. Now the gentleman walks in and says ''oh, this TEAM Act is innocuous.''.

Mr. GUNDERSON. If the gentleman will yield further, the gentleman is not a Democrat. He happens to be, I think, a socialist, right?

Mr. SANDERS. I am an independent.

Mr. GUNDERSON. Then the gentleman does not have a party.

Mr. SANDERS. I am with the majority of Americans.

Mr. GUNDERSON. That is true at the moment, and I appreciate that. But would the gentleman suggest that because the Democrats have supported tax increases in the past, that we can never talk about the Democrats without calling them big spenders and tax increasers?

Mr. SANDERS. I missed the point my friend is making.

Mr. GUNDERSON. The point is because somebody decided that they were going to make some tough calls to try to balance the budget, the gentleman is saying we have no credibility on labor law.

Mr. SANDERS. Mr. Chairman, reclaiming my time, what I am saying is we have to look at this legislation within the context of everything else that is happening in this session. The gentleman, I hope, who is an honorable man, would recognize that probably never before in the modern history of this country has there been such an assault on the rights of working people and the needs of working people as is taking place in this Congress.

Mr. LEVIN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I have been listening to this discussion, and I just want to comment about the reality on the ground. Labor management relations are changing in this country. If you go to virtually any plant in the district I represent, you see that.

I think there are more auto-related plants in my district than perhaps any other in the country. When you go into these plants, you see a partnership. You see management and labor which has moved away from an adversarial relationship into teamwork. You do not need to change the present law for management and labor to act differently than was generally true 40 or 50 years ago, even 30 years ago, when there was a much more adversarial relationship. The word team means that in reality on the shop floor.

Mr. GUNDERSON. Mr. Gunderson, will the gentleman yield?

Mr. LEVIN. I yield to the gentleman from Wisconsin.

Mr. GUNDERSON. Mr. Chairman, so would the gentleman say then that there was no basis for the Electromation case?

Mr. LEVIN. Mr. Chairman, reclaiming my time, the basis for it there was there was an intervention by management far more into the workplace than simply being a partner.

Mr. GUNDERSON. But does the gentleman understand what the National Labor Relations Board ruled was the domination of Electromation in that case? The fact is they said the action committees agendas only were such things such as nonsmoking and interoffice communications; that that was, according to the national labor relations board, quote-unquote, dominating, and therefore that was a violation of 8(a)(2). Is the gentleman saying that is not a problem?

Mr. LEVIN. Mr. Chairman, reclaiming my time, I will say, because when you look at the environment, the entire context of that case and what was involved there, it was far more than a discussion of smoking. That is what that case is about. That was not the role of the employer in that case. That case was decided under conservative administrations. What they said was they wanted to make sure that the thrust of 8(a)(2) remained, and that was that employers did not set up nor actively participate in the creation of employee organizations. Now, that is what the essence of that case was about. You are taking that case and trying to exaggerate it and twist it out of shape. That is what you are doing. You are using it as a smoke screen in order to make much more basic changes.

Now, what disturbs me is, look, the Dunlop Commission worked on this for months and months and months. They had representatives of management and labor on it. They are unanimously opposed to what you are doing, as I understand it.

Mr. GUNDERSON. If the gentleman would yield on that, if you read the Dunlop Commission, you will find out they clearly support changes in 8(a)(2). What they would like is also in addition to that some amendments only making union organization easier at the same time. I would urge the gentleman, if he wants to be credible, to offer an amendment on the other half of the Dunlop Commission.

Mr. LEVIN. Reclaiming my time, I fully understand that was a discussion. They thought that you should take the developing reality within the workplace and have the law encompass that. What the gentleman is doing is taking one piece of it, and you are excluding the rest of it. I just wanted to tell you, as I understand it, and the gentleman has to face this, that the commission unanimously opposes what the gentleman is doing.

Mr. GUNDERSON. I do not agree with that at all.

Mr. LEVIN. I tried to reach Dr. Dunlop this morning and he was not there. That is my understanding. I will get a statement from them as to what they think about what the gentleman is doing.

What disturbs me is I think what the gentleman is doing in the name of teamwork, the gentleman is polarizing. That is exactly what the gentleman is doing. He is taking a burgeoning and I think a constructive development in our society, and that is a less adversarial relationship on the workshop, and is bringing up this idea in the most adversarial way, the most polarizing way. It is absolutely contrary to the spirit of the Dunlop Commission.

The CHAIRMAN. The time of the gentleman from Michigan [Mr. LEVIN] has expired.

(By unanimous consent, Mr. LEVIN was allowed to proceed for 2 additional minutes.)

Mr. LEVIN. Mr. Chairman, the minority report says that the members of the commission, including three former Secretaries of Labor, several scholars, the chief officer of Xerox, and a representative of the small business community, unanimously oppose enactment of this bill.

I would like to see any different statement from Dr. Dunlop. My guess is you cannot get that.

Mr. GUNDERSON. If the gentleman will yield further, I think if you would ask the gentleman from Ohio [Mr. SAWYER], he would be the first to tell you, because when we were talking about this, he was trying to confirm what I said, and that is that the Dunlop Commission is very specific in their recommendations. They wanted modifications in 8(a)(2). They also wanted changes in labor law.

Mr. LEVIN. Mr. Chairman, reclaiming my time the gentleman made my point. What they did was to come up with what they thought was a balanced comprehensive approach. The gentleman is picking one piece of this. They have stated, as I understand it, they are opposed to this bill. They are. It is contrary to what they were striving to do. Instead of the gentleman trying to promote more of this teamwork, what the gentleman is going to do is to promote more conflict. What the gentleman is trying to do is to allow employers essentially to move in more easily to make it more difficult for labor organizations to essentially organize workers. I think that is a sad mistake.

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

Mr. LEVIN. I yield to the gentleman from Missouri.

Mr. CLAY. Mr. Chairman, I thank the gentleman for yielding. Let me say, to come to this floor and suggest that all this decision was about at the NLRB was about nonsmoking is ridiculous and it is trite. Let me tell you that the circuit court upheld the NLRB decision, and this is why. They said that the company posted a memorandum to all employees.

The CHAIRMAN. The time of the gentleman from Michigan [Mr. LEVIN] has again expired.

(By unanimous consent, Mr. LEVIN was allowed to proceed for 2 additional minutes.)

Mr. LEVIN. I yield to the gentleman from Missouri.

Mr. CLAY. Mr. Chairman, the circuit court said that the employees announced the formation of the following five action committees: One, absenteeism infractions; two, no smoking policy; three, communication network; four, pay progression for premium positions; and attendance bonus programs.

That my friend, is setting conditions, work conditions, terms of conditions and pay. So it was more than a team.

Mr. LEVIN. Mr. Chairman, reclaiming my time, I think the gentleman is using the nonsmoking as a smoke screen. The gentleman really is. It is too bad that the gentleman's side is taking one piece of Dunlop and leaving the rest of it. It is a disservice. It is another example, I think, of your extremism. There is no need to do this. We ought to try to work within the spirit of the Dunlop Commission.

The gentleman is polarizing, and I do not know why he is doing it. I do not think you are going to get this through the Senate, and if it were to happen, it would not be signed. Why is the gentleman bringing it up?

I am not on the committee that has jurisdiction, but I urge that the gentleman from Wisconsin [Mr. GUNDERSON] go back to the drawing board, and that you sit down, instead of in a polarized way, Republican against Democrat, you try to sit down and talk about what is good for amicable relations between management and labor, what is good on the work floor of Ford and Chrysler and GM. You go there and ask them. And there is not a single person, I think, of the plant managers who would say what you are doing is a good idea. They say work together, instead of adversarially. You are trying to tilt this balance. You are using the 21st century as an excuse to undo the work that happened in and the progress that was made in the 20th century.

Mr. Chairman, I urge that we reject the gentleman's proposal.

Mr. TALENT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, my friend from Michigan, Mr. LEVIN, accused us of polarizing this debate, just after our friend from Vermont spent 4 or 5 minutes talking about sustained assaults on the rights of the working men and corporations busting unions, and yet we are polarizing the debate. Let me in the interests of trying to maybe nonpolarize this debate ask my friend, the sponsor of the amendment, to enter into a colloquy with me. I have a couple questions about the amendment.

Mr. SAWYER. Mr. Chairman, I am happy to respond to questions.

□ 1600

Mr . TALENT. I know the gentleman has worked hard on this and he has a substitute which does change the existing law, so I assume he agrees that something does need to be done to existing law; is that right?

Mr. SAWYER. Mr. Chairman, if the gentleman will yield, indeed.

Mr. TALENT. So those and other colleagues on the other side of the aisle who spend a lot of time in general debate saying we do not need to do anything, the gentleman would disagree with that?

Mr. SAWYER. Mr. Chairman, if the gentleman will continue to yield, my view is if there are areas of uncertainty within the interpretation of 8(a)(2) as it currently exists, that recognizing the changes that have taken place in recent years in the American workplace and the kind of cooperation we are all trying to nurture, that the law ought to recognize those changes and encourage them.

Mr. TALENT. So the gentleman agrees with Chairman Gould who says amendments to the NLRA that allow for cooperative relationships between employees and the employers are desirable. There is a need to do something. I hope in the interest of not polarizing this we can establish a consensus that there is a need to do something.

Mr. SAWYER. Mr. Chairman, indeed, and I agree with the Dunlop Commission that we ought to facilitate that growth of employee involvement. But I also agree with Chairman Gould when he argues that he does not support the TEAM Act because it does not contain the basic safeguards against company unions that he feels are absolutely necessary.

Mr. TALENT. Mr. Chairman, I appreciate the fact that the gentleman and I disagree on what ought to be done, and he thinks the bill does some things it should not do. I want to get into that and ask him a question.

I have read the gentleman's substitute. I gave an example before of what is really going on out there in the workplace. So let us suppose, and I will give the gentleman a hypothetical just to explore the differences between the gentleman's substitute and the bill we are working on.

A supervisor goes to the plant manager and says people are upset because they are working a lot of overtime. The schedules, they say, are not right. They want some changes so they can get to the day care centers, a couple of guys have hunting vacations planned. What shall we do? The manager says, well, I would like you to sit down and work with them and then come to me with a proposal. Why do we not want them to be able to do that?

Mr. SAWYER. Mr. Chairman, if the gentleman will continue to yield, I do want them to do that. In fact, my substitute permits that.

Mr. TALENT. Mr. Chairman, the gentleman will agree that scheduling is a term and condition of employment; is it not?

Mr. SAWYER. Indeed, Mr. Chairman.

Mr. TALENT. The gentleman's substitute prohibits those kinds of discussions about terms and conditions of employment.

Mr. SAWYER. Mr. Chairman, only when it is exclusively the subject of those terms and conditions of employment and the organization is dominated by the employer instead of representative of employees.

Mr. TALENT. And under the current law there is no question if that supervisor goes out there and says, OK, Bill and Bob, let us talk about it and sit down and Jane. And, by the way, we better get Mel and Fred, because I know they are upset about this too. That is dominating because the supervisor is involved in choosing which employees are involved in the discussion; is that not right.

Mr. SAWYER. Indeed.

Mr. TALENT. So under my hypothetical the gentleman's substitute would make that situation illegal.

Mr. SAWYER. Mr. Chairman, the employer cannot go out and name the members of the employee participation team because that includes domination in matters of terms and conditions of employment.

The fact of the matter is, that is precisely the kind of condition that the Dunlop Commission urged be exempted from the changes that they recommended in 8(a)(2).

Mr. TALENT. Mr. Chairman, reclaiming my time, I thank the gentleman for his candor and his attempt to work this out. He has been nonpolarizing from the beginning. He is offering, I think, a realistic substitute. I think the problem with it, he is trying to confine the literally hundreds of thousands of workplace situations into a code of federally prescribed mandate that simply does not comport with the reality in the workplace today.

There are a whole lot of situations where people want to talk about terms and conditions that have impact upon them. Maybe safety. Scheduling is a classic thing. Vacations. The gentleman has just said his substitute would make that illegal.

Why should we say to those people the only way they can talk this over with management and have them respond and try to work this out is if they decide they want to go out and form a union?

Mr. Chairman, I think the problem here, and we have heard it in a couple of the speeches before this interchange that the gentleman and I have had is,

there is a mindset on the part of some on the other side of the aisle.

The CHAIRMAN. The time of the gentleman from Missouri [Mr. TALENT] has expired.

(By unanimous consent, Mr. TALENT was allowed to proceed for 2 additional minutes.)

Mr. TALENT. Mr. Chairman, there is a mindset on the part of some on the other side of the aisle that in the first place all the employers out there are trying to bust all the unions. There are bad employers and there are also bad unions. That is why we have this law. There are some employers, some unions that would try to act in an unfair manner. that is why we have the National Labor Relations Act. I do not think most employers or most unions are out to do anything except to conduct their business or the unions to try to represent people.

There is also a mindset, frankly, that people cannot protect themselves; that employees cannot make choices on their own; that even though the law gives them the right to pick a union if they want to, gives them the right to organize and have formal collective bargaining, and nothing in this act changes that, that that is not adequate enough safeguard; that they are going to be so influenced by an employer and an employee sitting down and talking over these kinds of things, that they cannot freely exercise their right to have a union, if they feel that that is necessary in order to protect their rights in the workplace.

Mr. Chairman, it is a kind of patronizing attitude. It was the attitude that dominated in the 1930's. It simply does not describe reality today, and now I would be happy to yield to the gentleman now.

Mr. SAWYER. Mr. Chairman, if the gentleman will continue to yield, I thank the gentleman and appreciate his kind words and would reciprocate them.

I want to emphasize that as long as employees voluntarily interact with employers, there is no difficulty today and it is not my intent to provide any difficulty into the future. It is only when employers dominate the employee participation in employee involvement teams that we run into difficulty under the broadest interpretation of current law for the last 60 years, and really flies in the face of the recommendations of the Dunlop Commission.

Mr. TALENT. Mr. Chairman, reclaiming my time, and in closing, I want to say the gentleman has with great candor admitted, first, we have to do something or these teams around the country are in danger under current law. So all the argument we heard before that we do not have to do anything, we have now established a kind of consensus on both sides of the aisle that, yes, indeed, we do need to do something. And, also, the hypothetical I gave before, where people want to talk about scheduling would be illegal under the gentleman's substitute.

Mr. GENE GREEN of Texas. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I want to thank my colleague from Ohio for his amendment and his hard work and dedication, not just today but through the committee process. My colleague from Missouri, who his point was that we need to change, well, granted, there are wrinkles in the problem, but this bill is like using a canon to deal with something that a BB gun could address.

The Sawyer amendment clarifies that a workplace team creates an improved competitiveness is not prohibited under the National Labor Relations Act even if its members occasionally discuss conditions of employment, such as wages and hours and working conditions. The amendment is a good faith effort to meet the concern of the majority, no matter how unfounded those concerns may be.

The Sawyer substitute specifically protects three types of teams: Self-directed teams of employees, supervisor-managed work teams focused on improving specific production processes, and broad or ad hoc teams of employees and managers. The gentleman from Iowa's amendment is designed to create a safe harbor for employers genuinely concerned about their ability to create team systems for work organizations.

Mr. Chairman, this amendment is a good compromise, and it should have been adopted in committee, but, a I recall, it was defeated on a party line vote. The Sawyer substitute would protect those employers truly concerned with teamwork and employee involvement and will assure American workers' rights and retain their right of legitimate employee representation. That is why I urge an aye vote.

Mr. Chairman, like I said, I like the idea, as a manager of a business, of the team aspect, but, again, we need to look at it in comprehensive form. This needs to be addressed, but I would hope that somewhere in the next year we would look at comprehensive labor law reform. This is one part of it, but there needs to be more to it than just this one issue. I would hope we might be able to address it later on or maybe even just put this bill off until we can address it comprehensively, and I would hope that would happen.

Mr. GOODLING. Mr. Chairman, I move to strike the requisite number of words and rise in opposition to this amendment.

First, I have to take a minute, I suppose one might say it is not relevant to this legislation, but then, I think, in my estimation, 50 percent of what the minority leader said was really not relevant to this legislation. I do want to take him to task on one area. He was talking about trickle down tax cuts. Had nothing to do with this legislation.

I simply want to say, as I have said over and over again, usually it is taking from the poor giving to the rich, is the way it is analyzed, but I want to again say, is a $500 credit toward long-term care insurance trickle down tax cut? Is it taking from the poor and giving to the rich? It is the No. 1 issue on the minds of all senior citizens, including those who are soon to be senior citizens. Is a $500 credit toward home care? Where do they want to be? Where do your loved ones want to be? They want to be at home. That is not trickle down tax cut.

Is a $5,000, up to $5,000 credit available for adoption trickle down? I would say it is not trickle down at all. We get into this pro-life, pro-choice debate all the time. Here we are giving people who could adopt children an opportunity to do that and provide excellent homes.

Is a $145 credit toward eliminating the marriage tax penalty trickle down? I would hardly think so. Is an IRA for the spouse that stays at home with the family trickle down? I would hardly think so.

Mr. Chairman, I moved to strike the last word primarily because I wanted to applaud the gentleman for recognizing there is a problem with current law, notwithstanding what some on the other side of the aisle have argued. However, the substitute attempts to micromanage employee involvement when the goal of the TEAM Act is the exact opposite. It is both overly prescriptive and too narrow to give comfort to employers and employees who want the flexibility to develop innovative solutions to workplace decision-making.

For example, in supervisor managed work units, the substitute allows managers and employees to participate in meetings with employees but only if all employees in the unit participate. Is that overly prescriptive? I would certainly think so. What if someone is out sick? And only if conditions of work are discussed on occasion.

Similarly, the substitute seems to allow committees established to address issues related to productivity or quality, but these committees may only address directly related conditions of work and only isolated occasions. I hate to think of the rules and regulations that will be promulgated if something of this nature gets downtown.

The substitute seems to give with one end and take away with the other. For example, one provision of the substitute seems to address self-directed work teams, which are already legal under current law. However, a second provision provides that even self-directed work teams are illegal if the employer creates or alters the work unit or committee during organizational activity among the employer's employees.

What constitutes altering a work unit or organizational activity? What ensures the employers are on notice that such activity is occurring? It is certainly not very well explained, in my estimation, by the substitute.

Mr. Chairman, the major problem with the substitute is that many of the

strategies used by companies to involve employees in workplace decisionmaking would remain illegal. For example, a committee set up to address how the use of flexible scheduling could meet the needs of working parents or one established to discuss how to better match productivity increases with employee bonuses would fail to pass muster.

Far from clarifying the legality of employee involvement, Mr. Chairman, the substitute draws an artificial line restricting what teams can and cannot talk about and how they can and cannot be structured. It also raises a host of new legal terms which each will be subject to years of litigation in the courts. This substitute does not address the problem and, in fact, I believe, will further complicate the legal questions.

Mr. Chairman, I would like to read a letter I received from IBM, Texas Instruments, and Motorola.

We write to you as former winners of the Malcolm Baldrige National Quality Award to express our unequivocal support of H.R. 743, the Teamwork for Employees and Managers Act of 1995.

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

(By unanimous consent, Mr. GOODLING was allowed to proceed for 1 additional minute.)

Mr. GOODLING. Mr. Chairman, continuing to quote:

This important legislation, which will be considered by the House of Representatives would eliminate legal barriers that currently restrict employees and employers from working together as partners to meet the challenges of today's competitive global markets.

As you may be aware, the Malcolm Baldrige National Quality Award was created by Congress to recognize U.S. companies dedicated to the principle of quality in manufacturing, service, and small business. The Baldrige Award recognizes, among other criteria, excellence in human resources, development and management. Key aspects include work and jobs that allow: First, employee opportunities for initiative and self-directed responsibility; second, flexibility and rapid response to changing requirements; third, effective communications across functions and units.

□ 1615

You can see that the Baldrige criteria strongly promotes teamwork and employee involvement. The continuing success of companies like ours, and other Baldrige Award winners, is dependent on the development of these innovative and team environments.

Mr. ROEMER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, some years ago a book was written by Thomas Kuhn, and it was entitled, ''The Structure of Scientific Revolutions.'' Now, you might say, what does science have to do with the discussion of the TEAM Act and labor and management and business and government and employees and CEO's?

In this book, Kuhn writes very forcefully about how paradigm shifts take place in science from Einstein to new scientists, though people talk about issues in brandnew ways and develop new models to move the Nation forward in science.

Mr. Chairman, I think that is what the American people voted for in elections, to move toward new ideas and not always use the same terminology, resort to the same fights in Congress that we have over the past decades. Let us move toward new ideas.

I think that some people in this Chamber are trying to work in that direction. Now, I disagree with the TEAM Act here today, because it uses the same ideology, the old words, the old fights, that we have used over the last 25 years. It does not encourage this teamwork and cooperation and innovation and creativity that we are seeing in the workplace today.

Mr. Chairman, I may be naive, but in Indiana, in my district, when I go and visit my businesses, almost any time I can when I am back home, I see these businesses, already developing these employee teams. They are working on productivity. They are working on morale. They are working on cutting down the number of defects on the assembly line. They are working on computer teams. They are teaching courses in the classroom in the businesses on blueprint plans, on algebra, on a host of things to make the worker a better worker and work with the management to do that.

Now, I think this act takes us back 20 years. It says: Let us continue to have a fight, management versus labor, worker versus CEO.

Another book written just recently by Hedrick Smith, called ''Rethinking America'', says very forcefully we are doing these things. We are spending 8 hours now in the U.S. Congress talking about old ideas, rather than moving forward on new ideas that Smith talks about in his book, whether it was Peterson at Ford company, he started these employee circles, working in innovative ways on the assembly line to cut down on defects, to cut down on inefficiencies, to stop the assembly line if it needed to be stopped in midday.

But here in Congress, we resort to fights. We resort to partisanship. We resort to old terminology, rather than the new paradigms and models that people like Kuhn and Hedrick Smith are pushing us toward in the new century.

A lot has been said about the Electromation case. That took place in my district. That took place right in the heart of my district. That case is not based upon a nonsmoking committee. That case is not based upon worker wages, per se. That case is not based upon absenteeism committees. It is based upon the circuit court's decision that said, ''Companies organizing committees and creating them through nature and structure and determining their functions, that is the problem. It cannot be created and dominated by one side or the other.''

That is not teamwork. That is not cooperation. If an employer comes to the workplace and to the floor of the workplace and says, ''Harry, Betty, Joe, Tom, Sally, you are on the committee. We are going to schedule this. We are going to determine what is best for the workplace.'' That is not teamwork. That is the old idea of teamwork, not the new century and the 21st century idea of teamwork.

If we are going to beat the Japanese and the Germans in the workplace, if we are going to be in the international competitive forefront, if we are going to have the best jobs and we do create the best product in America and we are going to win this race, we have to not talk about the ideas in this old, old-modeled way, but push this country forward in new ideas and cooperation.

Now, the Electromation case did not address what is going on in America today, and that is so much innovation. That is so much creativity. That is these new teams in union shops and in nonunion shops working together.

Mr. Chairman, I would encourage us in Congress to encourage this kind of cooperation in the workplace and to see that America, not a Democratic proposal or a Republican proposal, but American workers and CEO's move forward in this environment.

Mr. GUNDERSON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I think we all have a problem. That we are convinced we are bipartisan and the other guys are not. My suggestion to my friends on the other side of the aisle is that I think we are all nonproductive. We are operating a 1935 labor law. We are trying to take the most noncontroversial aspect of 1935 labor law and bring it at least into the 1990's, if not the 21st century. And you would swear we are trying to eliminate the act.

So if we cannot do this, we can quickly understand why it is going to be another 60 years before we get any modernization of American labor law here.

Mr. Chairman, there is a problem with that. There is a problem with that because, frankly, in the last session of Congress it was my friends on the Democratic side who said we had to have these very kind of joint labor-management teams to deal with OSHA, to deal with safety committees that, frankly, under the language of the substitute that is in front of us would be illegal.

So what has changed between last session and this session, except that the Republicans are in control now and we brought the bill up?

The problem with this amendment, and the gentleman from Ohio deserves a lot of credit, because to be honest, he is one of the few Members in the Congress who has sincerely and legitimately tried to find a middle ground on this issue. I think he is as disturbed as

I am by the fact that we are making no progress in modernizing our labor law and that the labor management relations in this country are growing more confrontational, not more cooperative. I think the amendment is a sincere attempt by the gentleman to try to find that middle ground.

Mr. Chairman, the reason that I have to oppose the amendment is because the amendment creates the same ambiguity that we are trying to solve with the major bill.

The reason we are here is because of the definition of the National Labor Relations Board of what ''dominating'' means. The problem with the amendment is that it uses such words as it is OK if it is only done on occasion, and that it is only if periodic meetings of all employees, or he goes on and says that it can be done company wide, but only if it is on isolated occasions.

Now, all that does is guarantee full employment for labor lawyers. Mr. Chairman, if we do nothing today, if my colleagues decide to kill the bill because they want to get a nice star on their labor voting record, go ahead and vote against the bill. But for gosh sakes, do not, when we leave here today, say that the one thing we did on Wednesday afternoon was guarantee full employment for labor lawyers. None of us wants that, and unfortunately, that is what the substitute does.

Mr. Chairman, I encourage my colleagues on both sides of the aisle to vote as they must for political reasons on final passage, but we all ought to agree that in the process we are not going to give full employment to labor lawyers.

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

Mr. GUNDERSON. I yield to the gentleman from Indiana.

Mr. ROEMER. Mr. Chairman, I would say to the gentleman from Wisconsin [Mr. GUNDERSON], the gentleman started his discussion on this matter by saying that we needed to update a 1935 law. Certainly, because a law is old does not mean that it is bad. But certainly we should look at how many times this law has been abused or how many cases are filed per year or how it is being interpreted throughout the years.

Mr. Chairman, the gentleman from Wisconsin would probably agree that there are, what, about 12 violations brought before the National Labor Relations Board each year?

Mr. GUNDERSON. Mr. Chairman, reclaiming my time, I do not know the number. I am not going to try. I do not agree or disagree. I yield to the gentleman from Indiana on that.

Mr. ROEMER. Mr. Chairman, if the gentleman would continue to yield, the number is 12 per year. We have hundreds of thousands of businesses in the United States of America. Twelve violations. Twelve cases are brought before the board each year. Three were then determined that the companies need to be disbanded. Now, is that a reason, whether a law is from 1935 or 1965 or 1985?

Mr. GUNDERSON. Mr. Chairman, reclaiming my time before I run out, because I know both sides are trying to expedite the debate, the only people that are going to contest a case up to the NLRB are going to be large enough companies with in-house corporate counsel that they can do it.

Frankly, I do not care about them. That is not why I am here today. I am here today because every one of those small businesses that everyone talks about, when we go in and tell them that they are violating the National Labor Relations Act by having that voluntary team that is in existence today, they say, ''Fine, we will eliminate it,'' because they are not going to hire the lawyers to contest the case.

Mr. ROEMER. Mr. Chairman, if the gentleman would yield further, but it is the small businesses that are already doing this.

Mr. KILDEE. Mr. Chairman, I move to strike the requisite words.

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

Mr. KILDEE. I yield to the gentleman from Vermont.

Mr. SANDERS. Mr. Chairman, I wanted to say a brief word to set the record straight. The gentleman from Pennsylvania [Mr. GOODLING] a few moments ago was critical of the statement of the gentleman from Missouri [Mr. GEPHARDT] talking about trickle-down tax breaks. I think we should set the record straight, not to deter from the debate.

Mr. Chairman, half of the tax breaks in the Republican proposal will go to people earning $100,000 a year or more. A quarter of the tax breaks go to people making $200,000 a year or more. The upper income 1 percent get more tax breaks than do the bottom 60 percent.

Recently, the Republicans have proposed a $23 billion cutback on the earned income tax credit, which hits the working poor and at the same time, several months ago, proposed to eliminate the corporate minimum tax, so that the largest corporations in America will pay nothing in taxes.

Mr. Chairman, it sounds to me like the gentleman from Missouri [Mr. GEPHARDT] was right and this is a trickle-down tax break.

Mr. KILDEE. Mr. Chairman, reclaiming my time, I believe that the bill introduced by the gentleman from Wisconsin [Mr. GUNDERSON] will really make it more difficult to form real labor unions.

Mr. Chairman, my dad belonged to a company union back in the 1930's, and all we got out of that, I got one tube of Ipana toothpaste and a couple of free movies and my dad got low wages and speedups in the GM factories.

My dad was one of the mildest men I ever met. I never heard my dad swear once in his life; a kindly gentleman. But during one of those speedups when we had company unions, my dad had his work sped up several times. Finally, he came home and told my mother, ''I cannot keep it up.'' My dad was older. ''I cannot keep that work up.''

The next day he went to work under that company union arrangement and he got his production out. The boss came over and counted the number of pieces he had put out. He took out the famous pink slip to write it out under that company union. My dad, that mild-mannered person, removed has glasses and laid them on the machine. He said to the boss, ''Bob,'' the boss's name was Bob Schoars, ''Bob, if you sign that pink slip, they are going to carry one of us out of here, because I have 5 children at home to feed and I am going to fight for my job.''

That was a mild-mannered person who went to mass every Sunday, and when he retired, every day. A mild-mannered person driven to that. When the UAW came in, things changed. My dad got justice on the job.

Mr. Chairman, that is the difference. I think this bill will lead to really, in effect, company unions rather than real unions that brought justice to the Kildee family. My mother died last year at age 94, and from 1937 on, my mother prayed for Walter Reuther and the UAW every day of her life.

☐ 1630

As a matter of fact, Friday—and I invite some of my colleagues over there—Friday, President Clinton is honoring Walter Reuther for what he did.

We need real labor unions in this country. We do not need something that can lead again to that type of situation, company unions, that my dad had to work under and gave me one tube of Ipana toothpaste.

Mr. WHITE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I yield to the gentleman from Pennsylvania [Mr. GOODLING].

Mr. GOODLING. Mr. Chairman, was it politically stupid to say $200,000? Of course, it was politically stupid to say that. That has nothing to do with where the money went. The first 30 percent goes to $30,000 and below, much of which goes to $18,000 and below. The next 30 percent goes to $50,000 and below, and the next 30 percent goes to $75,000 and below. So debunk that nonsense.

Ms. WATERS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the Sawyer substitute amendment, and in strenuous opposition to the so-called TEAM Act.

This bill is a power grab. It is an attempt by the Republican majority—on behalf of their company benefactors—to further tilt the power balance in favor of employers over employees.

Labor relations in this country are predicted on a balance of power between workers and owners. That balance has been severely undercut in recent years. The legislation before us would exacerbate that situation.

This bill is designed to solve a problem that doesn't exist. The bill's sponsors say employer-employee teams are threatened under current law. However, the law clearly permits suggestion box procedures, staff meetings about issues of quality or customer care, the delegation of managerial responsibilities to employee work teams, and direct contact concerning all terms and conditions of employment.

The National Labor Relations Act does prohibit employer-controlled units from representing workers in discussions of the terms and conditions of their employment. This is a fundamental right of all American workers.

This bill would take that away. Despite the success thousands of U.S. employers have had destroying unions, intimidating workers, and exporting U.S. jobs to Third World countries for cheap labor—they want more. This bill will take away one more basic worker right.

The Sawyer substitute would clarify some of the law in this area. It would allow companies to engage in certain types, with their workers, of activities that can improve productivity.

This amendment is necessary to address erroneous claims of the bill's supporters that legitimate activities are currently threatened. Of course workers should help management improve production techniques. Of course workers have a lot to offer their companies to make the workplace more efficient.

However, what must not happen, is to allow companies to undermine fundamental labor law to make it easier to establish company unions. Collective bargaining, the right for workers to freely elect their representatives is a basic American right.

Just because one political party—one which represents the most conservative, antiunion businesses—comes to power in one election, is no reason to throw out 60 years of labor law. If anything, this Congress should be considering legislation to enhance workers' ability to represent themselves. Workers rights have deteriorated badly. This bill would only make matters worse.

Let's not turn our back on America's workers. Let's defeat this mean-spirited power grab by corporate special interests. Support the Sawyer substitute.

And while I am standing here, Mr. Chairman, let me just say that I do not know if those on the other side of the aisle have any real credibility in talking about the rights of workers. I am sick and tired of workers right here in this Congress of the United States coming to Members to try and get someone to act on their behalf because they are being treated badly.

We have wiped out the lowest paid workers down in the folding room. Now I am told that, and I am absolutely disturbed by it, our own clerks and people who work here for us hours into the night, for long hours, are being told they cannot use their compensatory time. Too bad if they have to work overtime until the end of the year, they cannot use it. That is wrong.

Our employees right here need protection. And let me tell Members, this gentlewoman will continue to force the other side of the aisle to deal with what they are doing to their own employees. We know that we are not covered by the labor laws until January. So they can wipe people out now before January comes. They can take away their compensatory time. They can treat them badly. They can fire them. They will not be able to bargain or negotiate.

But let me say, if they want credibility in talking about worker rights and what should happen, treat their own employees right first, and then perhaps someone will believe them.

Mr. GOODLING. Mr. Chairman, I ask unanimous consent that all debate on this amendment and any amendments thereto end in 10 minutes, 5 minutes on either side.

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

Mr. TRAFICANT. Reserving the right to object, I would like my opportunity to speak, Mr. Chairman. I have been here for about an hour. There are only two other Members here.

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

Mr. TRAFICANT. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

Mr. TRAFICANT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I do not believe that the gentleman from Pennsylvania [Mr. GOODLING] and the gentleman from Wisconsin [Mr. GUNDERSON] are trying to screw anybody.

I did vote for the tax cuts. I am a Democrat that supports tax cuts. I do not want to see those tax cuts be directed, though, in a mean-spirited way. I am going to support the substitute. But I would just like to say this. Most of the jobs we are talking about seem to be going to Mexico anyway. Most workers have a Gatling gun pointed to their head anymore with these trade agreements.

The reason for the law that exists now is to protect workers from company unions. That is one fact. I know the big heavy hitters here are off in their own world. From 1983 to 1993, there were only 17 cases where employer-created organizations were ordered to disband; 10 years, only 17. That would seem to some on this side of the aisle as the good news. The bad news is that nearly all of them were ordered to disband because their purpose was to thwart the creation of a union.

With that in mind, I do not know how this substitute is going to fare, but I have an amendment. I am getting calls from Democrats saying that they wish I would not offer my amendment because it improves the bill. The Democrats do not trust the legislation, and the Republicans do not want it to be micromanaged.

Now somewhere this bill is going to go to the White House, and everybody keeps telling me what the White House is going to do. The White House is making more deals than Monte Hall, and I do not know what the White House is going to do. After NAFTA and GATT, I do not know if I would trust them to do something on this.

The Traficant amendment says that whoever these representatives are from the employees, they would be elected in a secret ballot and, second of all, they would be of fair and equal representation on that team.

Clear and existing labor law covers that provision. Section 302 of the 1947 Taft-Hartley Act allows multiemployer pension funds to be administered by a joint labor-management board of trustees so long as both sides are equally represented; both sides equally represented is what we should be talking about here.

I know the nature of the gentleman from Ohio. He is not trying to hurt anybody. I am going to support his substitute. I do not know if that substitute is going to pass. I doubt it from the position taken by the majority party here.

But let me say this: All the Democrats think the White House is just going to carry the banner of all these labor practices. We still do not have a striker-replacement law, and we had a Democrat House, a Democrat Senate, and Democrat in the White House. Now we are doing it through Executive order. Come on now, this is JIMMY from Ohio. After NAFTA and GATT, this is going to be put on the table in the negotiation process. If not this, support my amendment. We should be considering improving this bill in the event that all of these well-wishing, big Democrats over at the White House just decide to make another damn deal with the American workers.

Mr. VISCLOSKY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of the Sawyer substitute and in strong opposition to the TEAM Act, H.R. 743.

The Sawyer substitute specifically clarifies that the National Labor Relations Act allows the creation of workplace teams to improve competitiveness. The substitute ensures that employers will be able to get full, cooperative benefit from the ingenuity and skill of employees so that—together—both will prosper.

The fundamental difference between the Sawyer substitute and the TEAM Act has nothing to do with the legality of employee involvement programs and labor-management cooperative efforts affecting company performance and

productivity. Under the Sawyer substitute, employee representatives must be independent of the employer and cannot be dominated by the employer during discussions on terms and conditions of employment. This is an important difference and my colleague from Ohio, Mr. SAWYER should be commended for his excellent amendment.

Predictably, the TEAM Act is just the latest assault on the rights of men and women across the Nation, who work hard and play by the rules. It would allow employers to handpick and control employees to represent other employees in discussions over terms and conditions of employment. This legislation flies directly in the face of the problems middle-class Americans face every day to make ends meet, educate their children, afford health care, and pay the mortgage.

The American people are angry because in spite of being proud citizens of the world's only superpower, they are working harder, longer, and better for less money while the national economy continues to grow all around them. For people in the northwest Indiana district I represent, this means a 20-percent decrease in wages. It just doesn't make any sense that people are getting paid less to produce more. Instead of addressing this very real problem, the TEAM Act takes another swipe at the American worker.

Robert Kuttner lists the essential facts that every Member of this body should pay close attention to.

Productivity is rising, but the median wage is declining. Between 1989 and 1993, productivity per hour rose about 1.2 percent a year, while the median wage declined about 1 percent a year. In 1995, productivity has been increasing at about twice the rate of pay and benefits to workers.

In 1979, median household income was $38,250. In 1993, adjusted for inflation, it was $36,250. During the same period, the economy grew by 35 percent.

It's clear that the typical American family—the backbone of our Nation—has been passed over by the wave of economic growth and wealth they worked so hard to create. This is a crisis that threatens the American way of life.

The falling living standards of the typical American family is mirrored by a decline in union membership. Since 1978, the absolute number of union members has been falling. Today, union members represent only 15.5 percent of the work force.

I know there are people in this Chamber who see organized labor as an inconvenient hurdle to the creation of wealth. You're wrong. Unions want wealth created and have fought to ensure that workers share in the prosperity they create. Unions have boosted wages, improved working conditions, and improved the quality of life for every American—whether they belong to a union or not. Without unions the American middle class we all talk so much about would be smaller and poorer.

The TEAM Act is a direct assault on unions and organized labor's ability to bargain collectively. Workers and unions want their companies to profit and grow so that they can continue to share in the wealth. It is preposterous to claim otherwise.

If you think the American workers are overpaid, defeat Sawyer, vote for TEAM, and deal another ace to the employer's stacked hand.

I urge my colleagues to pass Sawyer and support America's working families.

Mr. CLAY. Mr. Chairman, I move to strike the requisite number of words.

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

Mr. CLAY. Mr. Chairman, I rise to support the substitute offered by my colleague, Mr. SAWYER. While I question the need for this legislation, the Sawyer substitute is a sensible alternative that respects workplace democracy and genuine collective bargaining. It helps to clarify the legitimacy of employee involvement programs.

Supporters of this TEAM Act claim that existing law restricts the ability of employers to delegate decisions affecting matters such as productivity and quality to their employees. And yet, they cannot cite a single ruling that section 8(a)(2) imposes such limitations. That's because no such administrative or judicial interpretation exists. Nevertheless, to remove even the slightest doubt as to what is permissible under section 8(a)(2), the Sawyer substitute expressly provides that employers may delegate such decisions to their employees.

This bill's supporters claim that section 8(a)(2) discourages employers from forming new employee involvement programs. But the they contradict themselves by admitting that more than 80 percent of large employers and tens of thousands of small employers develop new employee involvement programs every day. Obviously, those conflicting propositions cannot both be true.

Mr. Chairman, H.R. 743 is not some benign proposal designed simply to encourage methods of work organization in which teams of employees develop new methods and ideas for improving the workplace. This misnamed bill has nothing to do with teamwork or genuine employee involvement in decisions affecting productivity and quality. This bill stands for employer domination and dominion over the workplace.

Finally, Mr. Chairman, this bill's supporters claim that the Sawyer substitute is fundamentally flawed because it does not allow employers to create, mold, and terminate employee organizations to deal with wages, benefits, and working conditions. Do they mean to suggest that the interests of employers and the interests of workers, as they relate to wages, benefits, and working conditions, are identical? Our labor laws have long recognized that those interests conflict. The fundamental purpose of section 8(a)(2) is to allow all employees—union and nonunion—to speak for themselves, free from employer domination. The Sawyer substitute acknowledges that purpose.

Mr. Chairman, in closing, I commend my colleague, Mr. SAWYER for crafting this sensible alternative to what is otherwise a bad bill. This substitute encourages employee involvement programs without trampling on the fundamental rights of workers. I urge my colleagues to support this substitute.

Mr. Chairman, I yield to the gentleman from Ohio [Mr. SAWYER].

Mr. SAWYER. Mr. Chairman, I thank the gentleman from Missouri for yielding to me.

I just want to take these few brief moments in closing to thank the chairman of the committee, the gentleman from Pennsylvania [Mr. GOODLING], to thank both the gentleman from Missouri and the gentleman from Illinois and particularly to thank the gentleman from Wisconsin for his work on this measure.

There are some on this side who disagree with what the gentleman has done in his proposal. But I think few disagree with what we are confident are the sound intentions of broadening employee involvement in the American workplace.

□ 1445

I thank him for his kind words to essentially the same effect on my behalf.

In the end let me just mention three basic ideas. Some think that the law needs to be changed, and some have suggested that it does not. But I would suggest that, if it does need to be changed, it is because employers, not employees, employers, have sensed an uncertainty in the interpretation of a 60-year-old law in a new setting and a new environment. Any need to change arises from that uncertainty, and so it is the goal of the Sawyer amendment to end any conceivable uncertainty by creating safe havens that make it absolutely sure that employers can establish, assist, maintain, and participate in any employee-involvement program for the purpose of improving design, quality, or methods of producing, distributing, or selling a product or service, and additional discussion of related terms and conditions of employment are not in evidence of a violation of 8(a)(2), and it does so by creating broad descriptions of the full range of circumstances in which that kind of employee-employer discussion can take place and not limit them in arbitrary ways.

While there may be disagreement about that, I can express that as the clear goal, and to move beyond some of the hidebound language of the last 60 years, and to use terminology describing those that are quite straightforward, are grounded in common sense in straightforward dictionary meanings, not arcane or esoteric terms. Many of the terms are easily understood. Employee-managed work units, discussed, work responsibilities, design quality production issues are clearly understood. I would admit that some of these words might require interpretation and over time acquire interpretation, and I suspect that those are terms like isolated occasions indirectly related, but that is important in evolving new law and not simply returning to the old.

In the end, Mr. Chairman, let me just suggest that the fundamental difference between Sawyer and the TEAM Act, as it was originally introduced, is that under TEAM employers control who speaks for workers; under Sawyer, nonunion employer representatives are responsible for those whom they represent. Under TEAM employees have a protected right to speak for themselves only if they form a union, and Sawyer protects the basic democratic right of nonunion workers to represent themselves.

In the end, Mr. Chairman, just let me simply add we probably crossed the Udall threshold. Everything that has been said, that needs to be said, has been said, and finally, perhaps, everyone has said it.

Mr. WELDON of Florida. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the original TEAM Act language and in opposition to the proposal of the substitute offered by the gentleman from Ohio [Mr. SAWYER].

One of the things that has really hit home to me over recent years is things change. Things are always changing, and all aspects of our society are in a constant state of dynamic flux, and growth, and development, and one of those areas is in the area of employer-employee relations.

The model of employer-employee relations that existed, that grew out of labor disputes that occurred in the 1930's in this country, is no longer applicable. We have competitors on the international scene today who do not have unions in their country, but have very, very robust work forces, and we have to, as a nation, evolve and develop methods of competing on that international landscape within the constraints of what our system is like here in the United States, and I think the original language of H.R. 743 meets that requirement in that it allows these teams to develop in the workplace that allow employees to get together, and set some standards and enable the operation that they are working in to be as efficient as possible, and I spoke on this floor this morning about a particular instance which I think is really a hallmark of how successful this can be, and I talked about a company, a major corporation in the United States, that had an employee that was accounting for 73 percent of the defects within their organization, and he was clearly the most affected one, and in the old model he probably would have been fired. But this company set up a team, and they developed ways to help him to be more efficient and to deal with the problem of the large number of defective products that he was producing in their operation, and the amazing end of the story is this guy ended up working with his employees and adjusting the work environment to ending up being their most successful employee in the organization, and it clearly shows that this act is worker-friendly, it helps our businesses to be as competitive and effective as they possibly can be, and it also, when we look at the case of Joe, how he was able to be the best that he could be.

I think this is an act for the 1990's. It is the kind of legislation that we need to help us move into the next century and continue to be the world's most productive nation in the world, and with that I again reiterate my support for the original language.

The CHAIRMAN. The question is on the amendment in the nature of a substitute offered by the gentleman from Ohio [Mr. SAWYER].

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

RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 204, noes 221, not voting 9, as follows:

[Roll No. 688]

AYES—204

Abercrombie	Foglietta	McNulty
Ackerman	Forbes	Meehan
Andrews	Ford	Meek
Baesler	Fox	Metcalf
Baldacci	Frank (MA)	Mfume
Barcia	Frisa	Miller (CA)
Barrett (WI)	Frost	Mineta
Becerra	Furse	Minge
Beilenson	Gejdenson	Mink
Bentsen	Gephardt	Mollohan
Berman	Gibbons	Moran
Bevill	Gonzalez	Murtha
Bishop	Gordon	Nadler
Boehlert	Green	Neal
Bonior	Gutierrez	Oberstar
Borski	Hall (OH)	Obey
Boucher	Hamilton	Olver
Brewster	Harman	Ortiz
Browder	Hastings (FL)	Orton
Brown (CA)	Hefner	Owens
Brown (FL)	Hilliard	Pallone
Brown (OH)	Hinchey	Pastor
Bryant (TX)	Hoke	Payne (NJ)
Cardin	Holden	Pelosi
Chabot	Houghton	Peterson (FL)
Chapman	Hoyer	Peterson (MN)
Clay	Jackson-Lee	Pickett
Clayton	Jacobs	Pomeroy
Clement	Johnson (SD)	Poshard
Clyburn	Johnson, E. B.	Quinn
Coleman	Johnston	Rahall
Collins (IL)	Kanjorski	Rangel
Collins (MI)	Kaptur	Reed
Condit	Kelly	Regula
Conyers	Kennedy (MA)	Richardson
Costello	Kennedy (RI)	Rivers
Coyne	Kennelly	Roemer
Cramer	Kildee	Rose
Danner	King	Roybal-Allard
de la Garza	Kleczka	Rush
DeFazio	Klink	Sabo
DeLauro	LaFalce	Sanders
Dellums	Lantos	Sawyer
Deutsch	Levin	Schroeder
Dicks	Lewis (GA)	Scott
Dingell	LoBiondo	Serrano
Dixon	Lofgren	Sisisky
Doggett	Lowey	Skaggs
Doyle	Luther	Skelton
Duncan	Maloney	Slaughter
Durbin	Manton	Smith (NJ)
Edwards	Markey	Spratt
Engel	Martinez	Stark
Eshoo	Martini	Stockman
Evans	Mascara	Stokes
Farr	Matsui	Studds
Fattah	McCarthy	Stupak
Fazio	McDermott	Tejeda
Fields (LA)	McHale	Thompson
Filner	McHugh	Thornton
Flake	McKinney	Thurman
Torres	Walsh	Wilson
Torricelli	Ward	Wise
Towns	Waters	Woolsey
Traficant	Watt (NC)	Wyden
Velazquez	Waxman	Wynn
Vento	Weldon (PA)	Yates
Visclosky	Williams	Young (AK)

NOES—221

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

NOT VOTING—9

Bilbray	Moakley	Solomon
Bryant (TN)	Reynolds	Tucker
Jefferson	Schumer	Volkmer

□ 1710

Mr. BARTLETT of Maryland and Mr. LEWIS of California changed their vote from ''aye'' to ''no.''

Mrs. CLAYTON and Messrs. GEJDENSON, HOKE, GIBBONS, FORBES, and ENGEL changed their vote and ''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. Are there further amendments to section 1?

Mrs. ROUKEMA. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in strong support of the TEAM Act, and would like to commend Congressman GUNDERSON, Chairman GOODLING, and Subcommittee Chairman FAWELL for their continued efforts in bringing this bill to the floor. As a member of both the subcommittee and full committee, I can tell you that legislation aimed at increasing employer-employee cooperation has been in the works for years, and I am happy to say that today we finally have the opportunity to make this small but significant change in workplace policy.

Mr. Chairman, as I just alluded to, the TEAM Act is long overdue legislation. For 60 years, the National Labor Relations Act has played a critical and necessary role in protecting the rights of employees from being exploited by their employers. And, in 1995, it plays just as important of a role in ensuring that these rights continue to be protected, which is why employees have the ability to collectively bargain. But, times have changed, Mr. Chairman.

In this global economy, it is imperative for there to be greater dialog and interaction between employer and employee. Considering that a company's employees are closest to production, it is essential that employers have the opportunity to discuss with them circumstances which impact efficiency and productivity and that make a company better-equipped to compete in today's international market.

It is time that we recognize this, and the TEAM Act is an important step in this direction.

What the TEAM Act does is amend section 8(a)(2) of the National labor Relations Act to make employee-involvement committees legal in nonunion settings. These committees would be able to discuss issues of mutual interest such as quality and health and safety, but they could not ''have, claim, or seek authority to be the exclusive bargaining representative of the employees or to negotiate or enter into collective bargaining agreements * * *''

What this means is that an employee-involvement committee cannot assume the role of a union. And, in numerous rulings over the years, the National labor Relations Board has ruled various employee involvement committees to be illegal because they violated section 8(a)(2) by seeking to be the exclusive bargaining representative.

In union settings, if an employer sought the formation of an employee-involvement committee, he would have to consult the operating union and seek its approval. So, the union has the final say and can veto the employer's request, thereby preventing the creation of such a committee. And, no one can honestly believe that a union would allow the establishment of an employee-involvement committee which could potentially undermine the union's collective bargaining powers.

Unfortunately, unions too readily assume that, if an employer is involved in setting up an employee-involvement committee, then he or she will only seek to dominate and take advantage of employees. This argument might have been 100 percent valid 60 years ago, which is why the National Labor Relations Act is so proscriptive, but it is certainly not the case today.

The bottom line is that the National Labor Relations Act is so broadly written and so widely interpreted so as to deem illegal anything that remotely resembles a labor organization. The TEAM Act seeks to reconcile this ambiguity by permitting some employer-employee cooperation in nonunion settings.

Mr. Chairman, it is time we stop assuming that an employer's main function is to control and restrict the rights of the people who work for him. Maybe 60 years ago, but not now. A tremendous amount can be gained when employers and employees work as a team. And, if we continue to prevent this increased dialog from taking place, we are placing U.S. companies and businesses at a significant competitive disadvantage as we enter the 21st century.

I urge my colleagues to support this important legislation.

The CHAIRMAN. Are there further amendments to section 1? If not, the Clerk will designate section 2.

The text of section 2 is as follows:

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) the escalating demands of global competition have compelled an increasing number of employers in the United States to make dramatic changes in workplace and employer-employee relationships;

(2) such changes involve an enhanced role for the employee in workplace decisionmaking, often referred to as ''Employee Involvement'', which has taken many forms, including self-managed work teams, quality-of-worklife, quality circles, and joint labor-management committees;

(3) Employee Involvement programs, which operate successfully in both unionized and nonunionized settings, have been established by over 80 percent of the largest employers in the United States and exist in an estimated 30,000 workplaces;

(4) in addition to enhancing the productivity and competitiveness of businesses in the United States, Employee Involvement programs have had a positive impact on the lives of such employees, better enabling them to reach their potential in the workforce;

(5) recognizing that foreign competitors have successfully utilized Employee Involvement techniques, the Congress has consistently joined business, labor and academic leaders in encouraging and recognizing successful Employee Involvement programs in the workplace through such incentives as the Malcolm Baldrige National Quality Award;

(6) employers who have instituted legitimate Employee Involvement programs have not done so to interfere with the collective bargaining rights guaranteed by the labor laws, as was the case in the 1930's when employers established deceptive sham ''company unions'' to avoid unionization; and

(7) Employee Involvement is currently threatened by legal interpretations of the prohibition against employer-dominated ''company unions''.

(b) PURPOSES.—The purpose of this Act is—

(1) to protect legitimate Employee Involvement programs against governmental interference;

(2) to preserve existing protections against deceptive, coercive employer practices; and

(3) to allow legitimate Employee Involvement programs, in which workers may discuss issues involving terms and conditions of employment, to continue to evolve and proliferate.

The CHAIRMAN. Are there amendments to section 2?

If not, the Clerk will designate section 3.

The text of section 3 is as follows:

SEC. 3. EMPLOYER EXCEPTION.

Section 8(a)(2) of the National Labor Relations Act is amended by striking the semicolon and inserting the following: '': Provided further, That it shall not constitute or be evidence of an unfair labor practice under this paragraph for an employer to establish, assist, maintain, or participate in any organization or entity of any kind, in which employees participate, to address matters of mutual interest, including, but not limited to, issues of quality, productivity, efficiency, and safety and health, and which does not have, claim, or seek authority to be the exclusive bargaining representative of the employees or to negotiate or enter into collective bargaining agreements with the employer or to amend existing collective bargaining agreements between the employer and any labor organization, except that in a case in which a labor organization is the representative of such employees as provided in section 9(a), this proviso shall not apply;''.

AMENDMENT OFFERED BY MR. MORAN

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

The Clerk read as follows:

Amendment offered by Mr. MORAN: Page 7, line 16, strike ''employees'' and insert ''representatives of employees, elected by a majority of employees by secret ballot,''.

□ 1715

Mr. MORAN. Mr. Chairman, I had the Clerk read the entire amendment because it is so short. It is very simple: It says that if you are going to have employee representatives, those people ought to in fact be representative of the employees. The only way that you can get fair representation is through a democratic process.

Mr. Chairman, if you are going to have legitimate representatives of employee groups, then they ought to be elected. I cannot think of any other legitimate way to decide who ought to represent a group of individuals than through the democratic process. All this amendment does is to say that for employee representatives, they will be chosen through a democratic process by the employees themselves. That is all it does.

I agree that we ought to have more creativity and flexibility in the workplace to deal with the advances in technology and the globalization of our economy. The problem is that this legislation's bottom line, if it is not corrected by this amendment, will give carte blanche authority to management to create, to mold, and to in fact terminate employee organizations dealings with issues such as wages and benefits, the guts of employee-management relationships.

The amendment I offer does not affect the tens of thousands of currently existing employee involvement groups. It does not affect them at all. It does require that when groups are formed to discuss the terms and conditions of employment, that they be democratically elected, and that is the whole purpose for this bill, because currently the National Labor Relations Act precludes employee groups from being able to determine the wages and conditions of employment.

If you are going to get into that area, then the people that you negotiate with ought to be truly representative of the work force.

Employee involvement groups have been successful at developing a number of creative solutions in a flexible environment, but they have not to date dealt with wages and benefits. That issue deserves a higher level of scrutiny. This will provide that higher level of scrutiny. It will make sure that the only people who are representing the employees are not the teacher's pet types of individuals who in fact are not representative. Some of them may be; some of them, we are sure, will not be. The only way to determine if they are representative is to let the employee choose them, and that is what this amendment does.

The TEAM Act abolishes the restriction in the National Labor Relations Act that restricts these employee involvement groups to discussing the terms and conditions of employment. We are told that this is not an obstruction to anything that currently exists within the workplace on the one hand by management. We are told by labor unions that all this is is an attempt to create sham unions.

You cannot have it both ways. It will in fact be a confirmation that they are sham unions if the employee representatives are not democratically selected.

Mr. Chairman, this part of the National Labor Relations Act was enacted in 1935 specifically to abolish sham unions. They flourished in the 1920's and 1930's. They are not entirely a thing of the past now. The courts in this country see dozens of sham union cases each year.

The statute we are replacing today is the only mechanism that prevents the deliberate formation of sham unions. The National Labor Relations Board former chairman, Edward Miller, now an attorney representing management interests, recognized this. He said, ''If this section were repealed, I have no doubt in not too many months or years sham company unions would again occur. As the Congress proceeds to change labor law in such a profound fashion, we should not deprive workers of the basic right of choosing their own representatives.''

My amendment allows employee involvement groups to discuss these conditions. It guarantees fairness by requiring democratic elections. It is a simple amendment. It makes common sense. I think it is the only way that Members in good conscience should support the kind of bill we are considering today.

Mr. WELDON of Florida. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I think one of the mistakes this body has made for a very long time is that they do not look at what is going on out there in the marketplace. They make a decision as to what they think would be best, and then try to force that decision on the marketplace.

I know in my particular circumstances, in my district I have a very large employer that has a very long track record of having a very successful experience with teams. They have many different divisions and they have many different departments within each division. In most of these places they have teams. In some of the offices, the teams are actually elected, and some of them they are not, they are decided by acclamation.

I think it would be a mistake for us to come along and say in this TEAM Act that you have to do it the way we think it is done best. In our legislation, we do not mandate it, and I personally believe it would be a mistake in this particular circumstance to make a change like this.

I think the businesses that are working with this concept have devised a variety of different ways to make it work most successfully within the teams. The whole concept of this is that you get away from an adversarial environment where everybody is kind of coming together and everybody is giving their input into the process. Usually it is extremely democratic. If it is not, you do not get the level of satisfaction, the high level of satisfaction and the high level of morale that these teams have shown repeatedly in business after business that it works so well in.

For us here in Washington to say no, no, no, you have got to do it a certain way, I think it would be in my opinion a real mistake. The teams that are working in the businesses in my district, it is very, very democratic. In some instances it is by election, in some instances it is the whole department working together as a team. So to have an election is kind of ludicrous, where everybody in the office is taking part in the decisionmaking process.

So I respectfully rise in opposition to my good colleague's amendment, and I would encourage my colleagues to vote against the Moran amendment.

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

Mr. WELDON of Florida. I yield to the gentleman from Virginia.

Mr. MORAN. Mr. Chairman, I would like to ask the gentleman, since he has emphasized the point that most of these teams are in fact democratically elected, what is wrong with ensuring that they all be democratically elected? Apparently, it would not change most of the structure of these team units.

Mr. WELDON of Florida. Mr. Chairman, reclaiming my time, the point is basically this. In some of the teams it is everybody. So the point of having an election is unnecessary. In some of the teams it is by acclamation. To have the NLRB making sure that all of these teams are elected, considering how politicized the NLRB is, I think would be a very, very big mistake.

We have businesses that are thriving using this technique. They are becoming more and more competitive. The business I am referring to would have had to have laid 1,000 people off, more than they ended up having to lay off because of the defense cutbacks, were it not for the fact they were able to dramatically expand their international sales. One of the ways they have been able to maintain a high level of productivity and efficiency is through the implementation of these team concepts.

For us to interject another regulation and another level of Federal bureaucracy into the process I think would be a grave mistake. I understand the good gentleman's legitimate concern to make sure it is a Democratic process, but I respectfully rise in opposition.

Mr. MORAN. Mr. Chairman, if the gentleman would yield further, I would inform the gentleman there is no mention of a Federal bureaucracy in the amendment. The amendment simply says that they would be representatives of employees elected by a majority of employees by secret ballot. A very simple amendment.

Mr. WELDON of Florida. Mr. Chairman, I agree. You know how that would be enforced, through the NLRB.

Ms. HARMAN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of the Moran amendment and in opposition to the bill in its present form.

The Moran amendment highlights what is wrong with this bill—the bill permits company domination of cooperative workplace organizations, including, most importantly, the selection of the members of these organizations.

Proponents of the bill insist that the Moran amendment is unnecessary—that nothing in the bill precludes the election of employee members to these organizations.

Yet nothing in the bill guarantees the democratic election of worker representatives. Without the amendment, companies can organize, hand-pick, and set the agenda for employee representation committees and then portray the committees as legitimate employee involvement. That is wrong.

If the Moran amendment is unnecessary, then this bill is unnecessary. For nothing in section 8(a)(2) of the National Labor Relations Act precludes employee involvement in workplace organizations that discuss productivity, efficiency, and safety and health. Nothing in current law and in current NLRB

decisions prevents workers and management from addressing and responding to the internationally competitive business environment.

Proponents of the bill argue that the NLRB's decision in the case of Electomation, Inc. caused a ''chilling effect'' on employee involvement programs, yet the data indicate the contrary. In the 2½ years since the decision, employee involvement programs have continued to grow at a healthy pace, especially in small firms.

To the extent that the Electromation ruling may have clouded the law, the Sawyer amendment, which I also support, clarifies it. But, in my view, the unanimous decision in the Electromation case by a Reagan-Bush appointed NLRB and a Seventh Circuit U.S. Court of Appeals panel clearly distinguishes the facts in that case. Perhaps that is why the National Association of Manufacturers testified in September, 1994 before the Commission on the Future of Worker-Management Relations that it did not see the need for, and did not propose or support, legislative changes to section 8(a)(2).

Mr. Chairman, workplace cooperation is certainly critical to our Nation's ability to compete in the next century. But such cooperation is already possible, indeed, it is flourishing under current law. The key to the success of this cooperation is true independence and freedom of association and representation. It is anathema to our Nation's core values to suggest that company domination of such workplace organizations is the path we must follow to be competitive in the future.

Employees and employers can work together now, without Congress resorting to legislation legitimizing company dominated and controlled unions.

I urge support of the Moran amendment and defeat of the bill in its present form.

Mr. FAWELL, Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I also have to oppose the amendment, the concept of introducing an election into this area of voluntary employee teams. Again, I would ask that one stop and recognize that all of what is happening right now in the nonunion sector, where you have obviously all these thousands and thousands of employee teams to which reference has been made, and what we would be doing now is to introduce the concept of an election, and that in turn raises all kinds of questions.

You see, we would begin to now restrict and to regulate that which is totally, freely functioning right now. Questions would abound. How would the employer determine who is being represented and gets to vote in the secret ballot election? What management members of the team also represent the employees? If so, would they have to be elected? How long would the campaign period have to be before the election? How would the employer determine whether employees represent other employees? Would the NLRB conduct the election? If not, who would police it to make sure the ballot is truly secret and there is no coercion?

One can go on and on and on.

□ 1730

We must remember that workplaces continuously form numerous teams; some are permanent, some are just ad hoc, performing a wide variety of tasks, and of a very temporary nature. Teams can be formed to address emergency situations, such as determining scheduling and job responsibilities. Membership changes continuously.

Mr. Chairman, this introduces a morass of problems which, understandably, upon first blush, especially if one is not familiar with the National Labor Relations Act and the National Labor Relations Board, it introduces all kinds of problems. It sounds good. I know the gentleman's intentions are good, but, once again, we have a good thing going, it is flourishing, and we ought not to do harm. We should follow the Hippocratic oath and first do no harm. This would do a lot of harm.

Mr. ABERCROMBIE. Mr. Chairman, I move to strike the requisite number of words.

Mr. CLAY. Mr. Chairman, I ask unanimous consent that we limit debate on each of the amendments, including this one, to 10 minutes, to be equally divided between both sides, 5 minutes each, and permission to roll the votes.

The CHAIRMAN. The Chair would state it is not possible in the Committee of the Whole to get permission to postpone votes.

Will the gentleman from Missouri [Mr. CLAY] withhold his request until the gentleman from Hawaii has completed his statement and renew the request at that time.

The gentleman from Hawaii [Mr. ABERCROMBIE] is recognized for 5 minutes.

Mr. ABERCROMBIE. Mr. Chairman, I find this a profoundly sad day. We are talking here, and actually having people stand up on the floor of the House of Representatives, the people's House in the United States of America and saying that if the Moran amendment passes we will be introducing the concept of elections to working people with respect to who might represent their positions as to the terms and conditions of their activities in the workplace.

That is what the whole collective bargaining idea has been about. Yes, it probably is strange to some of the people in this body, I am sorry to say, that workers might have an idea about who could represent them; that the condescending patronizing idea that possibly workers know what is good for them and can organize themselves accordingly some people still find strange.

Mr. Chairman, what I find strange is I know that my mother was fired from her job for marrying my father. My mother. This is not ancient history. My mother was fired from her job teaching in Buffalo, NY, for marrying my father. And I remember her saying to me when I first got involved with organizing labor, that all she could do was go to the principal's office, then go to see the superintendent of schools and stamp her foot. There was nothing she could do. It was the depression and the assumption was that if a woman married, then it was up to the husband to provide and she lost her job. No recourse.

I do not know what team was involved there. I do not know what organization got put together by management in Buffalo, NY, during the depression.

What about all these mergers and layoffs? Is there a team put together to discuss what the compensation for Ted Turner is going to be? I know he got on television and said he was never going to starve again. Well, I am certainly very happy about that, but I do not know if any team got together to discuss it. I know that with virtually every merger that takes place in this country, thousands of people are laid off of their jobs. Has it been discussed with them? Is that a concept? Yes, in this private sector out there, which is a nonunion sector right now, I guess it does strike people strange that people might want to organize.

Let us go over what the Moran amendment says. It says that employee involvement groups that discuss the terms and conditions of employment must be elected by the employees. This is the United States of America. I do not think we would find this strange in the Solidarity movement in Poland. I think we are suggesting the same thing in Burma. I think we are suggesting the same thing all over the world and yet we want to take it away from ourselves?

Mr. Chairman, we have to vote on this. This is going to make a statement for all of us in here as to whether or not we believe that the working people of the United States of America are not only capable of making decisions about the terms and conditions of their life and their workplace, but that we, in fact, as Americans, proud Americans, free men and women, are encouraging that and supporting that. That has made the difference for labor and management in terms of freedom and democracy in this country ever since this Congress, this House of Representatives, this legislative body, this national representative body said that organizing for collective bargaining purposes was a fundamental right of working men and women in this country.

To vote against the Moran amendment is to say that we oppose free elections by free men and women with respect to the conditions of work that they want to endure or undergo. Of course they can speak with management. Will they discuss the salaries and compensation of management?

Will that be part of the team effort? I doubt it. It has not been that up to this time.

Mr. Chairman, what I say is if we are in favor of men and women being able to determine the terms and conditions of their work in a cooperative setting, then allow them to elect the people who are going to represent that point of view. To do anything less is to undermine the very basis of collective bargaining in this Nation.

Miss COLLINS of Michigan. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of the Moran amendment that would require that employee representatives who discuss the terms and conditions of employment with management be elected by fellow employees. The so-called TEAM Act would amend section 8(a)(2) of the National Labor Relations Act to allow employers to establish, finance, maintain, and control employee-participation committees to deal with workers regarding their wages, hours, and other conditions of employment. Mr. Chairman, it seems to me that the employees would be the best source for information when it comes down to their working conditions.

Mr. Chairman, this TEAM Act, if passed in present form, would violate the fundamental notions of democracy which underlie our Nation's system of labor relations. It seems to me that my colleagues on the other side of the aisle believe that workers must not be allowed to choose their own representatives but have them dictated by their respective company. This is a prime example of a Contract on America and its workers.

Mr. Chairman, this TEAM Act also gives unscrupulous employers a powerful weapon for undermining union organizing drives in nonunion workplaces. Whenever an employer gets wind that workers are considering joining a legitimate labor union, it would be an easy matter to establish a phony company-dominated employee-participation committee as a device for suppressing the ability of workers to have meaningful, independent representation.

Mr. Chairman, the TEAM Act is a radical piece of legislation that would allow employers to dictate to workers who will represent them in discussions concerning basic conditions of employment. By doing this, it would rob workers of their right to have their own independent voice. This in turn will inevitably undermine their ability to act collectively to maintain a middle-class standard of living.

Mr. Chairman, I urge all my colleagues to support the Moran amendment.

Mr. HOUGHTON. Mr. Chairman, I move to strike the requisite number of words and rise in opposition to the amendment. I will not speak for 5 minutes, Mr. Chairman, but I appreciate your letting me speak at all, since I have already spoken on this issue.

I would like to talk about the Moran amendment for just a minute. I have tremendous respect for the gentleman from Virginia [Mr. MORAN]. He is one of the outstanding Members of this body. The key issue here is fair representation without challenging management rights, and we do that through a secret ballot, and we do it through a secret ballot because we want to get the right people. I understand that. I understand what the gentleman is driving at.

Mr. Chairman, I happen to agree with the gentleman from Ohio [Mr. SAWYER], and I voted for his amendment, but I think this is wrong, and I tell Members why. I cannot really talk about offices too much but I can talk about factories. There are certain dynamics and culture on the factory floor which cannot be regulated this way. Therefore, I think, from a practical standpoint, it will not work. Frankly, in the long run, I do not think it will be fair.

Mr. WISE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in favor of the Moran amendment. I think it brings some balance to this bill. I have gone back and forth on this TEAM Act, and, quite frankly, I have been undecided until recently. I have listened to the arguments, and all sides bring a lot to it. In talking to people that I have a great deal of respect for, both on the management side and the union side, I have come away a little confused.

Mr. Chairman, both make powerful arguments, but I guess I started looking at some statistics and some facts and the concern was, as I understand it, the purpose of the TEAM Act is to permit nonunion operations to be able to form quality groups, to be free of what they consider to be the fetters of the National Labor Relations Act. I began looking to see what the situation is, and what I found is that nonunion companies, as well as union companies, but nonunion companies have already been free.

I look at the statistics and see that productivity in this country is at an all-time high and on a sustained basis. In fact, Business Week magazine just ran an article a few weeks ago talking about how productivity is up, profits are up, but there is a disconnect because wages are tending to go down.

Mr. Chairman, that tells me that productivity is up and so something must be occurring. I have looked at some of the companies that have come and said they need TEAM. One was in my office today. I am fascinated because they just went through a grueling restructuring in which they created new divisions. They have greatly improved their operation. They are back to being a truly world class competitor once again, and they have done it without TEAM. They have been able to form the employee consultation that they needed. They do not agree with my analysis, but yet that is the way it seems to be.

I look at other major companies. How did, for instance, Nissan in Tennessee, and how did Toyota in Ohio, and how did Motorola and others begin to be once again the economic juggernauts of industrial forces. The reality is they have been able to do it all and without TEAM.

Finally, Mr. Chairman, I looked at the National Labor Relations Board and found that since the Electromation case in 1992, which is really sort of what brought this on, I found there had been a handful, at best, of complaints filed by companies saying that they do not have this ability.

For all of those reasons, Mr. Chairman, I rise to oppose the act. But if the act is going to pass, certainly I would hope the Moran amendment would be passed to bring some balance to it.

□ 1745

Mr. GOODLING. 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. SALMON] having assumed the chair, Mr. KOLBE, Chairman of the Committee of the Whole House on the State of the Union, reported that the Committee, having had under consideration the bill (H.R. 743) to amend the National Labor Relations Act to allow labor management cooperative efforts that improve economic competitiveness in the United States to continue to thrive, and for other purposes, had come to no resolution thereon.

PROVIDING FOR FURTHER CONSIDERATION OF H.R. 743, TEAMWORK FOR EMPLOYEES AND MANAGERS ACT OF 1995

Mr. CLAY. Mr. Speaker, I have a unanimous-consent request at the desk.

The SPEAKER pro tempore (Mr. SALMON). The Clerk will report the request.

The Clerk read the following:

Mr. CLAY asks unanimous consent that during further consideration of the bill H.R. 743 in the Committee of the Whole pursuant to House Resolution 226, no further amendment shall be in order except the following—

(1) the amendment of Representative Traficant of Ohio, to be debatable for 10 minutes; and

(2) the amendment of Representative Doggett of Texas, to be debatable for 10 minutes; and

further, that each amendment—

(1) may be offered only in the order specified;

(2) may be offered only by the specified proponent or a designee;

(3) shall be considered as read;

(4) shall be debatable for the time specified, equally divided and controlled by the proponent and an opponent;

(5) shall not be subject to amendment; and

(6) shall not be subject to a demand for division of the question, and further, that the chairman of the Committee of the Whole may postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment, and that the chairman of the Committee of the Whole may reduce to not less than

five minute the time for voting by electronic device on any postponed question that immediately follows another vote by electronic device without intervening business, provided that the time for voting by electronic device on the first in any series of questions shall be not less than 15 minutes.

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

Mr. GOODLING. Mr. Speaker, reserving the right to object, I ask unanimous consent that we have 2½ minutes on each side to complete the amendment of the gentleman from Virginia [Mr. MORAN], because all of those Members that got up and spoke over there, after we agreed that no more would get up and speak, I told my side they could get up and speak. So now we have to give 2½ minutes to either side on the amendment of the gentleman from Virginia [Mr. MORAN].

Mr. GOODLING. Mr. Speaker, I withdraw my reservation of objection.

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

Mr. CLAY. Mr. Speaker, reserving the right to object, nobody was listening to the speakers and I suggest that nobody is going to listen to the ones that the gentleman brings forth now.

Mr. Speaker, I have no objection to the unanimous consent request.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania to modify the unanimous-consent request of the gentleman from Missouri?

There was no objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri [Mr. CLAY], as modified?

There was no objection.

TEAMWORK FOR EMPLOYEES AND MANAGERS ACT OF 1995

The SPEAKER pro tempore (Mr. SALMON). Pursuant to House Resolution 226 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 743.

□ 1747

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 743) to amend the National Labor Relations Act to allow labor management cooperative efforts that improve economic competitiveness in the United States to continue to thrive, and for other purposes, with Mr. KOLBE in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose earlier today, section 3 had been designated and pending was the amendment offered by the gentleman from Virginia [Mr. MORAN].

Pursuant to the order of the House of today, the Chairman of the Committee of the Whole may postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment and may reduce to not less than 5 minutes the time for voting by electronic device on any postponed question that immediately follows another vote by electronic device without intervening business, provided that the time for voting by electronic device on the first in any series of questions shall not be less than 15 minutes.

Debate on each further amendment to the bill will be debatable for 10 minutes, equally divided between the proponent and an opponent of the amendment.

Two and one-half minutes remain on each side on the Moran amendment. The gentleman from Virginia [Mr. MORAN] controls 2½ minutes and the gentleman from Pennsylvania [Mr. GOODLING] controls 2½ minutes and will be entitled to close the debate.

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

Mr. Chairman, there are some things that I want to emphasize in this, because some of my very good friends have spoken on this, and perhaps there may be some misunderstanding.

In the first place, this does not affect any of the teams that currently exist that enable employers to deal with employees. This only affects groups that are set up to discuss the wages and working conditions. Those specific, most profound issues that are restricted by the National Labor Relations Act. Because the Labor Relations Act says that if you are going to discuss the wages and conditions of employment, then you really need legitimate elected representatives.

Mr. Chairman, that is all this amendment does. This amendment simply says that if you are going to have people making those determinations, the most important determinations in terms of the workforce, then those representatives of the employees ought to be democratically elected by the employees.

It does not go into a lot of rigamarole on how it might occur. I am sure there might be many ways of doing it, but it has to be a secret ballot and that is all that we ask. We do not tie it to any Federal bureaucracy. But I know that this is an aspect of fairness that not only legitimizes this bill, if it were to pass, but legitimizes the labor-management relationship within the work force.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. GOODLING] is recognized for 2½ minutes.

Mr. GOODLING. Mr. Chairman, I yield such time as he may consume to the gentleman from Missouri [Mr. TALENT].

Mr. TALENT. Mr. Chairman, let me describe why this amendment is not going to work and why it reflects the mentality that simply does not reflect what is going on in the workplace today.

Let us take again a real-life example; not something that is going on in the Congress. People in the workshop are upset. They have been working a lot of overtime and maybe they do not like that. They have been complaining to the supervisor.

No union is present and no organizing. The supervisor goes to the plant manager. What can the plant manager do? The other side has admitted that there is a problem. That the plant manager cannot just form some kind of a team under current law to examine it; that it would be illegal under current law. So what can the plant manager do?

Mr. Chairman, he can just say, ''Forget it. I am going to make the decision myself. We are going to continue working the way we are.'' What we want to say is let him do what people are already trying to do in thousands of places around the country. Say, ''Okay. You talk to the people involved in it. Make sure you talk to Bill and Fred. Get them together and come up with a solution.''

Mr. Chairman, what the amendment would say, before he can do that he has got to have an election with a secret ballot. What unit are you going to use? Just the craft unit in the plant? Are you going to use the whole unit? What day are you going to have the election? How many weeks are they going to have beforehand? What is the nominating process? How are they going to conduct the secret ballot?

Mr. Chairman, it is going to take months to resolve something that people in the real world outside of Government need to get resolved quickly. The effect of this amendment, or the defeat of this bill, would be to say, in effect, management must act dictatorially unless the employees choose the union.

Mr. Chairman, why do we want to force that in the workplaces on the employees and the employees in the United States? If people have a representative who will go in and collectively bargain and want a secret ballot and they want the months and months of campaigning, there is a method to get that. Under current law, it is called a union. If that is what they want, they can have it.

Mr. Chairman, we should not foreclose this expeditious means of getting people involved in decisions that are going to have to be made dictatorially by management. There is a problem. We have established consensus. This is a narrowly tailored bill to achieve it. The amendment, although offered in good faith, and I respect the work of the gentleman from Virginia [Mr. MORAN], is unworkable. Defeat the amendment and pass the bill.

The CHAIRMAN. All time on this amendment has expired.

The question is on the amendment offered by the gentleman from Virginia [Mr. MORAN].

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

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

The CHAIRMAN. Pursuant to the order of the House of today, further proceedings on the amendment offered by the gentleman from Virginia [Mr. MORAN], will be postponed.

AMENDMENT OFFERED BY MR. TRAFICANT

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

The Clerk read as follows:

Amendment offered by Mr. TRAFICANT: Page 7, line 16, strike ''employees'' and insert ''who participate to at least the same extent practicable as representatives of management,''.

The CHAIRMAN. Pursuant to the unanimous-consent request, the gentleman from Ohio [Mr. TRAFICANT] will be recognized for 5 minutes, and the gentleman from Pennsylvania [Mr. GOODLING] will be recognized for 5 minutes.

The Chair recognizes the gentleman from Ohio [Mr. TRAFICANT].

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

Mr. Chairman, the amendment basically says, page 7, line 16, after ''employees,'' insert, ''who participate to at least the same extent practicable as representatives of management.''

Mr. Chairman, this amendment is predicated on legal precedents of law now. Section 302 of the 1947 Taft-Hartley Act allows multi-employer pension funds in this case to be administered by a joint labor management board of trustees.

The key language in this legislation foundation is so long as both sides are equally represented. The statutory requirement ensures that equality is not illusory, but real. This does not micromanage business and it would offer some basic protections as it deals with fairness.

Now, there have been some attempts to reach common ground on this language, but I believe the language is, in fact, a basic, commonsense fairness provision.

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

Mr. TRAFICANT. I yield to the gentleman from Wisconsin.

Mr. GUNDERSON. Mr. Chairman, I want to compliment the gentleman for his effort in trying to work something out here. Let us clarify. I ask the gentleman whether I understand the amendment correctly. What the gentleman from Ohio is saying is that to the extent practicable, a team ought to have the same number of employers as employees?

Mr. TRAFICANT. Mr. Chairman, reclaiming my time, to the greatest extent practicable all those matters of representation should be on an equal footing. I have left the language open in the event that there are some other mitigating factors which might cause some confusion.

Mr. GUNDERSON. Mr. Chairman, if the gentleman would yield further, and in our previous discussions that the gentleman and I had before he brought the amendment up, in a situation, for example, in a small business where I happen to be the employer and I happen to have 30 employees, that does not mean that we would limit the team to 1 employee.

Mr. TRAFICANT. Mr. Chairman, reclaiming my time, no, it would not. To the greatest extent practicable, fairness, and where it can be reached, equality in reaching these cooperative provisions that the bill espouses. Where they can be obtained, to the greatest extent practicable that shall be the benchmark and the guiding mark.

Mr. GUNDERSON. Mr. Chairman, I appreciate the gentleman's clarification.

Mr. TRAFICANT. Mr. Chairman, let me say this. Democrats are looking for some sinister side to this. The Republicans are not; they are saying it is all well-intentioned. Frankly, I do not know. All I know is this. If we are going to have these teams, there has been a statutory benchmark that says, Look, when we have joint employer-employee groups, the key legislative legal language is ''fair and equal representation.'' Everybody having the same input as possible.

Now, I would be willing to work out anything that would reach the intent of that language, but I do not believe that there is much of a difference in the positions that we have discussed.

□ 1800

I believe the language is self-explanatory to the greatest extent practicable, but it ensures that fairness provision, as listed in section 302 of the Taft-Hartley Act, which speaks to participatory committees.

Mr. GUNDERSON. Mr. Chairman, if the gentleman will continue to yield, who defines whether it is practicable?

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

Mr. TRAFICANT. I yield to the gentleman from Illinois.

Mr. FAWELL. Mr. Chairman, the question that I have here, and I am not trying to be difficult, basically, as I understand the gentleman's amendment, section 3 would read that, it shall not constitute or be evidence of an unfair labor practice under this paragraph for an employer to establish, assist, maintain or participate in any organization or entity of any kind in which employees participate.

The CHAIRMAN. The time of the gentleman from Ohio [Mr. TRAFICANT] has expired.

Mr. GOODLING. Mr. Chairman, I yield 1 minute to the gentleman from Ohio [Mr. TRAFICANT].

Mr. TRAFICANT. Mr. Chairman, I yield to the gentleman from Illinois [Mr. FAWELL].

Mr. FAWELL. Mr. Chairman, in which employees participate to at least the same extent practicable as representatives of management.

My question is, how do we determine whether or not the employees are participating to the same extent as representatives of management? It is not just a case of numbers. Now you are talking about a very subjective question of, are the employees participating to the same extent as are representatives of management. I do not know how that can be. I can see it being the formation of an awful lot of lawsuits.

Mr. TRAFICANT. Mr. Chairman, reclaiming my time, the existing language that deals with participatory committees under a labor setting is as long as both sides are equally represented. Now, I leave it open and broad enough, and to answer the gentleman from Wisconsin, that could be determined by the committee itself, those equally represented groups there, as to how and what in fact it is. It does not have to entail a big legal process. That would be my legislative intent.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. GOODLING] has 4 minutes remaining.

Mr. GOODLING. Mr. Chairman, I yield 3 minutes to the gentleman from Missouri [Mr. TALENT].

Mr. TALENT. Mr. Chairman, I wonder if the gentleman would answer a question. I can explain the problem I have got with his amendment. I see what the gentleman is driving at, but I want to explore why the gentleman thinks it is necessary, if I could.

Again, we are talking about real life problems that arise in the workplace. If the workplace is organized, if there is a union representing the employees, this bill does not apply. So we are talking about unorganized workplaces. So there is no union present.

Now, where there is no union present, without this bill, there is no question that management can decide these issues on its own without talking to anybody, can just say, we are going to change the scheduling and we are not going to change it. We do not care what people think. They just decide it on their own and do it. And that is perfectly legal.

So the question I have to ask the gentleman is, if a manager who decided on his own wants to say, well, look to the supervisor Joe, Joe, you and Fred go talk to Jane. So now there is two supervisors and Jane. What is wrong with allowing management to sample some employee opinion? Why do we have to require that they have some kind of equality when all that may result is management making the decision dictatorially.

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

Mr. TALENT. I yield to the gentleman from Ohio.

Mr. TRAFICANT. Mr. Chairman, I am going to try to give as brief an answer as I can. I understand the gentleman's position. I accept it 101 percent. But if we also take that a step further,

is it not the intent of this legislation to provide for those nonunion workplaces an opportunity for team coordination and cooperation to move the company forward?

With that in mind, every existing statute that covers participatory employer/employee groups has one basic bit of language, and it talks about equal opportunities within that group for both management and labor.

The Traficant amendment basically says to the greatest extent practicable that each side should have an equal opportunity to address those issues and have their say.

Mr. TALENT. Mr. Chairman, I would just say to the gentleman, I am not aware of every statute that says some kind of an equal participatory requirement. I mean, there is right now, what the statute provides is either management doing it entirely on its own without the participation of employees at all or a union being certified which is exclusively employees. So it seems to me the gentleman is trying to introduce a new concept. I do not know that it makes that much practical difference, but I think it is based on a misconception of what is going on out there again and what the act is designed to do.

So I thank the gentleman for offering it. I know it is in good faith, but I do not know that it is workable.

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

Mr. Chairman, I need to have the gentleman make a change. Where he says strike and insert, and then he has to put employees back in before we go to who, ''employees who participate.''

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

Mr. GOODLING. I yield to the gentleman from Ohio.

MODIFICATION OF AMENDMENT OFFERED BY MR. TRAFICANT

Mr. TRAFICANT. Mr. Chairman, I ask unanimous consent that page 7, line 16, ''employees'' would be listed there before ''who participate to at least the same extent practicable as representatives of management.''

The CHAIRMAN. The Clerk will report the amendment, as modified.

The Clerk read as follows:

Amendment, as modified, offered by Mr. TRAFICANT:

Page 7, line 16, strike ''employees'' and insert ''who participate to at least the same extent practicable as representatives of management.''.

Mr. GOODLING. Mr. Chairman, we accept the gentleman's amendment.

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

There was no objection.

Mr. GOODLING. I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment, as modified, offered by the gentleman from Ohio [Mr. TRAFICANT].

The amendment, as modified, was agreed to.

AMENDMENT OFFERED BY MR. DOGGETT

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. DOGGETT:

Page 7, beginning on line 23, strike ''in a case in which'' and all that follows through page 8, line 2, and insert the following: ''this proviso shall not apply in a case in which—

(1) a labor organization is the representative of such employees as provided in section 9(a), or

(2) the employer creates or alters the work unit or committee during organizational or other concerted activities for the purpose of collective bargaining or other mutual aid or protection among such employees or seeks to discourage employees from exercising their rights under section 7 of the Act;''.

The CHAIRMAN. Pursuant to the unanimous-consent agreement of today, the gentleman from Texas [Mr. DOGGETT] and the gentleman from Pennsylvania [Mr. GOODLING] will each be recognized for 5 minutes.

The Chair recognizes the gentleman from Texas [Mr. DOGGETT].

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

Early in the consideration of this legislation, I met with employers in Austin, TX, folks like 3M and Texas Instruments, Motorola, IBM. I have personally seen teams at work in those kind of manufacturing plants that are vital to consistently maintaining our unemployment in central Texas below 4 percent. I personally believe in the team concept. It is already in abundant use in my area, and it is helping to keep American firms competitive in the international marketplace.

Used appropriately, teams represent a process through which every employee is offered an opportunity to contribute to the maximum of that employee's potential. This approach represents one way for us to continue outperforming other countries.

Some of these employers apparently fear, because of one case, that there is the possibility of being involved in litigation with unscrupulous employees for doing what they are already doing, for doing what is occurring at the very moment that we are debating this bill down in Austin, TX and in progressive workplaces across America.

I do not have any personal problem with clarifying and protecting those employers under H.R. 743. But I think if we are going to protect the employer, we should also offer protection for the employee.

My amendment is targeted to do just that. Just as there could be an unscrupulous employee stirring up litigation, so there could be an unscrupulous employer. My amendment is an attempt to reap the benefits of the TEAM Act without allowing abuse of the employee.

It would simply make clear in a much more narrow way than my colleague, the gentleman from Ohio [Mr. SAWYER], attempted to do earlier that the TEAM Act itself is there, but it would be unfair for an employer to use a team to thwart an organizing drive. It says that the employer cannot create or alter a team during organizational or other concerted activities among employees.

In other words, an employer cannot start a team or stack a team to thwart an organizing drive. And it is entirely neutral on whether people should be organized. Just as with the sponsors of this act, I do not take a position one way or another as to whether people should be in unions. That is up to them. We just should not have another tool in that process that could thwart their choice to belong to a union.

The business leaders that I have talked to in Texas have said they are not out to create company unions or to thwart union drives through this legislation. So my amendment is consistent with what they say they need as well as with what they say they do not need.

Since our colleagues who are offering the TEAM Act say they also have no intention of interfering in union organization, I would say, let us just spell it out in the bill. That is what this amendment does.

I know that achieving moderation in this congress when the issue is employer-employee relations, labor-management relations, is not an easy task. But that is what we ought to do here tonight. I personally voted today for the resolution that permitted the consideration of H.R. 743. I want to support the TEAM Act and vote for this bill. But let us be sure that we have provided protection for those employees who want the right to organize and that they do not get teamed up on.

Let us pass this amendment, because with it we can protect employees while giving employers the flexibility that the sponsors say they need and which I believe they need to compete globally.

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

Mr. GOODLING. Mr. Chairman, I yield myself 1½ minutes.

Mr. Chairman, first of all I want to make sure that everybody understands that if an employer uses a team or committee to interfere with the right of employees to organize, that is prohibited by law and the TEAM Act would not change that in any way. All the protections in the National Labor Relations Act safeguarding the rights of employees to organize and form unions remains unaffected by the TEAM Act. Employers are still prohibited from interfering with the employees' ability to organize under section 8(a)(1) and are prohibited under section 8(a)(3) from discriminating against employees on the basis of union activity.

Prohibiting the creation of a team or alteration of a work unit during organizational activity would potentially call into question every team used because there is no way of ensuring that employers will be on notice that such

activity is taking place in the workplace.

Is a discussion between two employees about the benefits of a union organization an activity, an organizational activity? What about offsite meetings between the local and several employees? Prohibiting the same activity during concerted activities makes matters even worse, as that concept is extremely broad under the National Labor Relations Act. Indeed, it can cover any time two employees are talking about a term or a condition of employment.

So the amendment would really cause all sorts of confusion and I suppose all sorts of litigation also.

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

The CHAIRMAN. The gentleman from Texas [Mr. DOGGETT] has 1½ minutes remaining.

Mr. GOODLING. Mr. Chairman, I yield 1 minute to the gentleman from Illinois [MR. FAWELL].

Mr. FAWELL. Mr. Chairman, I rise in opposition. An employer cannot use a team or committee to interfere with the employees ability to organize or engage in other concerted activities for mutual aid or protection. Interestingly enough, this is set forth right in section (a)(1) which makes it an unfair labor practice for employers to interfere with, to restrain, or coerce employees in the exercise of their rights guaranteed by section 7 of the National Labor Relations Act or to organize or bargain collectively through representatives of their own choosing. That remains untouched by this act.

In a recent case, it was found that an employer's promise, the day before a union election, to establish a communications committee to deal with employee grievances was a violation in fact of section 8(a)(1), because it was used as an inducement to persuade employees to vote against the union.

Again, I just urge Members not to start filling in all of these various types of laws in this bill. It is already taken care of.

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

Mr. Chairman, as I hear the arguments against the amendment, they seem to boil down to that it is already against the law to do what I want to accomplish through this amendment and, on the other hand, that the amendment is too broad to do what is already in the law. If it is already in the law and there is no intent to use the TEAM Act in order to thwart organizing drives, then why not put it in again and clarify it and assure those who have been concerned that that is the purpose of this act that in fact we are prohibiting it.

As far as whether the second argument, that the amendment is too broad, I have drawn it directly from section 7 of the act and have not included any new terms of art but have relied on those terms that are already in as codified 29 U.S.C. 157, where we already have a body of court law concerning what these terms mean.

As to the final point, which I wonder if offered almost frivolously, that perhaps the employer would not know when employees were engaged in an organizing drive, I guarantee my colleagues that any of the Texas employers that I know, they are going to know if there is an organizing drive going on in their plant.

This is a narrow amendment. It does not use the categories, nor is it subject to the kind of objections that were raised to the amendment which I thought was a good one, of my colleague, the gentleman from Ohio [Mr. SAWYER].

It is designed only to assure employees that they are not going to be teamed up on. If we do that, then I can certainly join this bill. I think the bill is basically a good concept. I want to support the bill. I want to see a bill that can be signed by the President into law and one that is equally fair to employer and employee.

Mr. GOODLING. Mr. Chairman, I yield the balance of my time to the gentleman from Wisconsin [Mr. GUNDERSON].

The CHAIRMAN. The gentleman from Wisconsin [Mr. GUNDERSON] is recognized for 2½ minutes.

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

□ 1815

Mr. GUNDERSON. Mr. Chairman, I certainly do not question the intent of our colleague from Texas. The concern I have is that section 7 of the act, which he took it from, talks about interfering. The problem with the amendment is that it says, if this happens at the same time, whether there is interference or not, then there is an automatic violation, and that becomes a problem when we look at our paren 2 where the employer alters the work unit. The gentleman and I know that simply any kind of change of the work force or the change of the production line alters the word unit. Now my colleague would say he has got that during an organizational or other concerted activity for the purpose of collective bargaining, or mutual aid, or protection among the employees. So, if we are altering the work unit, changing the production line for the mutual aid or protection of the employees making the place safer for the work force, if that were happening at the same time the TEAM were in effect, it would not have to be interference, but if it is happening at the same time, it becomes a problem.

I have to tell my colleague I think most people on this side of the aisle do not want TEAM to become an excuse and tactic to prevent organization, and if during this process, as we move through the Senate and conference, if we can talk this out, I think some of us want to work with the gentleman on that. Our concern is that the language the gentleman has seems to go beyond that, and we have some concerns, so that is why I would encourage my colleagues not to support the amendment at this time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas [Mr. DOGGETT].

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

RECORDED VOTE

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

The CHAIRMAN. Pursuant to the order of the House of today, further proceedings on the amendment offered by the gentleman from Texas [Mr. DOGGETT] will be postponed.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to the order of the House of today, proceedings will now resume on those amendments on which further proceedings were postponed in the following order: The amendment offered by the gentleman from Virginia [Mr. MORAN]; the amendment offered by the gentleman from Texas [Mr. DOGGETT].

AMENDMENT OFFERED BY MR. MORAN

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Virginia [Mr. MORAN] on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. Pursuant to the order of the House of today, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device will be taken on the additional amendment on which the Chair has postponed further proceedings.

PARLIAMENTARY INQUIRY

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

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. DOGGETT. Mr. Chairman, is it necessary to ask for a recorded vote again?

The CHAIRMAN. At the appropriate time Members will be asked to stand for a recorded vote.

The vote was taken by electronic device, and there were—ayes 195, noes 228, not voting 11, as follows:

[Roll No. 689]

AYES—195

Abercrombie	Becerra	Borski
Ackerman	Beilenson	Boucher
Andrews	Bentsen	Brewster
Baesler	Berman	Browder
Baldacci	Bevill	Brown (CA)
Barcia	Bishop	Brown (FL)
Barrett (WI)	Bonior	Brown (OH)

Bryant (TX)
Bunn
Cardin
Chabot
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Costello
Coyne
Cramer
Danner
de la Garza
DeFazio
DeLauro
Dellums
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doyle
Duncan
Durbin
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Flanagan
Foglietta
Ford
Frank (MA)
Franks (NJ)
Frost
Furse
Gejdenson
Gephardt
Gibbons
Gilman
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hamilton
Harman
Hastings (FL)
Hayes
Hefner
Payne (NJ)
Hilliard
Pelosi
Hinchey
Peterson (FL)
Holden
Peterson (MN)
Horn
Pomeroy
Hoyer
Poshard
Jackson-Lee
Rahall
Jacobs
Rangel
Johnson (SD)
Reed
Johnson, E. B.
Richardson
Johnston
Rivers
Kanjorski
Roemer
Kaptur
Rose
Kennedy (MA)
Roybal-Allard
Kennedy (RI)
Rush
Kennelly
Sabo
Kildee
Sanders
Kleczka
Sawyer
Klink
Schroeder
LaFalce
Scott
Lantos
Serrano
Levin
Skaggs
Lewis (GA)
Slaughter
Lincoln
Smith (NJ)
Lofgren
Smith (WA)
Lowey
Spratt
Luther
Stark
Maloney
Stockman
Manton
Stokes
Markey
Studds
Mascara
Stupak
Matsui
Tanner
McCarthy
Tejeda
McDermott
Thompson
McHale
Thurman
McKinney
Torricelli
McNulty
Towns
Meehan
Traficant
Meek
Velazquez
Metcalf
Vento
Mfume
Visclosky
Miller (CA)
Ward
Mineta
Waters
Minge
Watt (NC)
Mink
Waxman
Mollohan
Weldon (PA)
Moran
Whitfield
Murtha
Williams
Nadler
Wilson
Neal
Wise
Oberstar
Woolsey
Obey
Wyden
Olver
Wynn
Ortiz
Yates
Orton
Young (AK)
Owens
Zimmer

NOES—228

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

NOT VOTING—11

Hoke
Jefferson
Martinez
Moakley
Reynolds
Schumer
Solomon
Tucker
Volkmer
Watts (OK)
Young (FL)

□ 1837

Mr. SKELTON changed his vote from ''aye'' to ''no.''

Mr. ORITZ and Ms. BROWN of Florida changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. DOGGETT

The CHAIRMAN. The pending business is the request for a recorded vote on the amendment offered by the gentleman from Texas [Mr. DOGGETT] on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 187, noes 234, not voting 13, as follows:

[Roll No. 690]

AYES—187

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

NOES—234

Allard
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Brewster
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
Deal
DeLay
Dickey
Dooley
Doolittle
Dornan
Dreier
Duncan
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Geren
Gilchrest
Gillmor
Goodlatte
Goodling
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hall (TX)
Hancock
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Lipinski
Livingston
LoBiondo
Longley
Lucas
Manzullo

Martini
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Meyers
Mica
Miller (FL)
Molinari
Montgomery
Moorhead
Morella
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Oxley
Packard
Parker
Paxon
Payne (VA)
Petri
Pickett
Pombo
Porter
Pryce
Quillen
Quinn
Radanovich
Ramstad
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (TX)
Smith (WA)
Souder
Spence
Stearns
Stenholm
Stockman
Stump
Talent
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Tiahrt
Torkildsen
Torres
Upton
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Zeliff
Zimmer

NOT VOTING—13

Dunn
Hilliard
Jefferson
Martinez
Metcalf
Moakley
Reynolds
Schumer
Solomon
Tucker
Volkmer
Watts (OK)
Young (FL)

☐ 1845

So the amendment was rejected.

The result of the vote was announced as above recorded.

☐ 1845

The CHAIRMAN. The Clerk will designate section 4.

The text of section 4 is as follows:

SEC. 4. LIMITATION ON EFFECT OF ACT.

Nothing in this Act shall affect employee rights and responsibilities contained in provisions other than section 8(a)(2) of the National Labor Relations Act, as amended.

The CHAIRMAN. The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. LAHOOD) having assumed the chair, Mr. KOLBE, chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 743), to amend the National Labor Relations Act to allow labor management cooperative efforts that improve economic competitiveness in the United States to continue to thrive, and for other purposes, pursuant to House Resolution 226, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore (Mr. LAHOOD). Under the rule, the previous question is ordered.

Is a separate vote demanded on the amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time and was read the third time.

The SPEAKER pro tempore. The question is on passage of the bill.

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

RECORDED VOTE

Mr. KILDEE. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 221, noes 202, not voting 11, as follows:

[Roll No. 691]

AYES—221

Allard
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blute
Boehner
Bonilla
Bono
Brewster
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
Deal
DeLay
Dickey
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Fowler
Franks (CT)
Franks (NJ)
Frelinghuysen
Funderburk
Gallegly
Ganske
Gekas
Geren
Gilchrest
Gillmor
Goodlatte
Goodling
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hall (TX)
Hancock
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kim
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Leach
Lewis (KY)
Lightfoot
Lincoln
Linder
Livingston
Longley
Lucas
Manzullo
McCollum
McCrery
McInnis
McIntosh
McKeon
Meyers
Mica
Miller (FL)
Molinari
Montgomery
Moorhead
Morella
Myers
Myrick
Nethercutt
Neumann
Norwood
Nussle
Oxley
Packard
Parker
Paxon
Payne (VA)
Petri
Pombo
Porter
Portman
Pryce
Quillen
Radanovich
Ramstad
Regula
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (TX)
Smith (WA)
Souder
Spence
Spratt
Stearns
Stenholm
Stump
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Tiahrt
Torkildsen
Traficant
Upton
Vucanovich
Waldholtz
Walker
Wamp
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Zeliff
Zimmer

NOES—202

Abercrombie
Ackerman
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Beilenson
Bentsen
Berman
Bevill
Bishop
Boehlert
Bonior
Borski
Boucher
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Costello
Coyne
Cramer
Danner
de la Garza
DeFazio
DeLauro
Dellums
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Doyle
Durbin
Engel
English
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Foglietta
Forbes
Ford
Fox
Frank (MA)
Frisa
Frost
Furse
Gejdenson
Gephardt
Gibbons
Gilman
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Holden
Hoyer
Jackson-Lee
Jacobs
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
King
Kleczka
Klink
LaFalce
Lantos
Lazio
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Martini
Mascara
Matsui
McCarthy
McDade
McDermott
McHale
McHugh
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Mfume
Miller (CA)
Mineta
Minge
Mink
Mollohan
Moran
Murtha
Nadler
Neal
Ney
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Pastor
Payne (NJ)
Pelosi
Peterson (FL)
Peterson (MN)
Pickett
Pomeroy
Poshard
Quinn
Rahall
Rangel
Reed
Richardson
Rivers
Roemer
Rose
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schaefer
Schroeder
Scott
Serrano
Sisisky
Skaggs
Skelton
Slaughter
Smith (NJ)
Stark
Stockman
Stokes
Studds
Stupak
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Velazquez
Vento
Visclosky
Walsh
Ward
Waters
Watt (NC)
Waxman
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates
Young (AK)

NOT VOTING—11

Jefferson
Lewis (CA)
Martinez
Moakley
Reynolds
Schumer
Solomon
Tucker
Volkmer
Watts (OK)
Young (FL)

☐ 1903

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. WATTS of Oklahoma. Mr. Speaker, I was unavoidably detained with the Governor of Oklahoma and the President on rollcall Nos. 689, 690, and 691.

On rollcall Nos. 686 and 687 I was unavoidably detained in the Atlanta airport.

Had I been present, I would have voted "yes" on Nos. 686, 687, and 691 and "no" on Nos. 689 and 690.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 743, TEAMWORK FOR EMPLOYEES AND MANAGERS ACT OF 1995

Mr. GOODLING. Mr. Speaker, I ask unanimous consent that in the engrossment of the bill, H.R. 743, the Clerk be authorized to make technical corrections and conforming changes to the bill.

The SPEAKER pro tempore (Mr. LAHOOD). Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

GENERAL LEAVE

Mr. GOODLING. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 743, the bill just passed.

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

There was no objection.

ELECTION OF MEMBERS TO COMMITTEE ON COMMERCE AND DESIGNATION OF RANKING MEMBER OF COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE

Mr. FAZIO of California. Mr. Speaker, I offer a privileged resolution (H. Res. 229) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 229

Resolved, That the following named Members be, and they are hereby, elected to the following standing committee of the House of Representatives:

To the Committee on Commerce:

Cardiss Collins of Illinois, to rank above Ron Wyden of Oregon;

Bill Richardson of New Mexico, to rank above John Bryant of Texas.

Resolved, That the following named Member be, and is hereby, designated ranking minority Member of the following standing committee of the House of Representatives:

On the Committee on Transportation and Infrastructure:

James Oberstar of Minnesota, to rank above Norman Mineta of California.

The resolution was agreed to.

A motion to reconsider was laid on the table.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1915 AND H.R. 2202.

Mr. KIM. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of both H.R. 1915 and H.R. 2202.

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

There was no objection.

PERMISSION FOR SUNDRY COMMITTEES AND THEIR SUBCOMMITTEES TO SIT TOMORROW, THURSDAY, SEPTEMBER 28, 1995, DURING THE 5-MINUTE RULE

Ms. PRYCE. Mr. Speaker, I ask unanimous consent that the following committees and their subcommittees be permitted to sit tomorrow while the house is meeting in the Committee of the Whole House under the 5-minute rule:

Committee on Agriculture; Committee on Banking and Financial Services; Committee on Economic and Educational Opportunities; Committee on Government Reform and Oversight; Committee on International Relations; Committee on the Judiciary; Committee on Resources; Committee on Science; Committee on Small Business; Committee on Transportation and Infrastructure; and Committee on Veterans' Affairs.

It is my understanding that the minority has been consulted and that there is no objection to these requests.

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

There was no objection.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF HOUSE JOINT RESOLUTION 108, CONTINUING APPROPRIATIONS FOR FISCAL YEAR 1996

Ms. PRYCE, from the Committee on Rules, submitted a privileged report (Rept. No. 104–263) on the resolution (H. Res. 23) providing for the consideration of the joint resolution (H.J. Res. 108) making continuing appropriations for the fiscal year 1996, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 1977, DEPARTMENT OF INTERIOR AND RELATED AGENCIES APPROPRIATION ACT, 1996

Ms. PRYCE, from the Committee on Rules, submitted a privileged report (Rept. No. 104–264) on the resolution (H. Res. 231) waiving points of order against the conference report to accompany the bill (H.R. 1977) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1996, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 2126, DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 1996

Ms. PRYCE, from the Committee on Rules, submitted a privileged report (Rept. No. 104–265) on the resolution (H. Res. 232) waiving points of order against the conference report to accompany the bill (H.R. 2126) making appropriations for the Department of Defense for the fiscal year ending September 30, 1996, and for other purposes, which was referred to the House Calendar and ordered to be printed.

INTERNATIONAL SPACE STATION AUTHORIZATION ACT OF 1995

Ms. PRYCE. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 228 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 228

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 1601) to authorize appropriations to the National Aeronautics and Space Administration to develop, assemble, and operate the International Space Station. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Science. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Science now printed in the bill. Each section of the committee amendment in the nature of a substitute shall be considered as read. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 6 of rule XXIII. Amendments so printed shall be considered as read. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentlewoman from Ohio [Ms. PRYCE] is recognized for 1 hour.

Ms. PRYCE. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Ohio [Mr. HALL], pending which I yield myself such time as I may consume. During consideration of this

resolution, all time yielded is for the purpose of debate only.

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

Ms. PRYCE. Mr. Speaker, I am very pleased to bring to the floor of the House today a straightforward open rule providing for the consideration of H.R. 1601, the International Space Station Authorization Act of 1995.

The rule provides for 1 hour of general debate equally divided and controlled by the chairman and ranking minority member of the Committee on Science, after which time the bill shall be considered for amendment under the 5-minute rule.

The rule makes in order the amendment in the nature of a substitute recommended by the Committee on Science, now printed in the bill, as an original bill for the purpose of amendment, and provides that each section shall be considered as read.

The rule also accords priority in recognition to Members who have preprinted their amendments in the CONGRESSIONAL RECORD. Any such amendments shall be considered as read.

Finally, the rule permits one motion to recommit the bill, with or without instructions, as is the right of the minority.

Mr. Speaker, the rule before us makes in order a very important piece of legislation which, by many accounts, could be called the Space Station Stability, Credibility, and Accountability Act.

H.R. 1601 restores a sense of stability to the Nation's space program by recommending a full-program, multiyear authorization of all funds needed to complete assembly of the space station by the year 2002. By reducing the need for yearly authorizations, H.R. 1601 signals Congress' strong commitment to completing the international space station on-time and just as importantly, on-budget.

H.R. 1601 also restores credibility to the space station program by declaring our Nation's intent to honor commitments to our international partners in this historic joint effort.

While the United States has clearly led the effort to design, construct, and operate the space station, this legislation recognizes that the continued support and participation of our international partners is essential to making space station *Alpha* a success.

Finally, the bill brings a welcome degree of accountability to the American people by requiring the Administrator of NASA to certify annually to Congress that the space station is on schedule and capable of staying within its budget.

The bill requires NASA to provide Congress each year with a full accounting of all costs associated with the space station, including payments which are made to Russia. In these budget-conscious times, Congress must ensure that the taxpayers are getting their money's worth.

Mr. Speaker, in 1993 the space station was significantly redesigned in order to reduce costs and simplify its management structure. H.R. 1601 continues that spirit of fiscal responsibility by capping the funds which may be appropriated in one fiscal year during the multiyear authorization.

However, spending on the space station would still be subject to the annual appropriations process—an important point to keep in mind as we further discuss budget priorities.

While Americans eagerly await the completion of this historic chapter in human spaceflight, Congress still has the obligation to review and debate the costs involved. H.R. 1601 offers the House a clear-cut, up-or-down vote on whether we will reaffirm our commitment to building the space station or if we will resign ourselves to lesser goals for the future of human space exploration.

Mr. Speaker, Chairman WALKER and the members of the Science Committee have put together a very responsible bill, and under the open rule, Members will have the opportunity to freely debate the many issues associated with the space station, not the least of which is its pricetag.

Although an amendment offered by our colleague from Indiana, Mr. ROEMER, to cancel the space station was defeated in the Science Committee, such an amendment can be brought before the entire House under this completely open rule.

Mr. Speaker, let me emphasize that House Resolution 228 is a simple, straightforward open rule. It was approved unanimously by the Rules Committee last week, and I urge my colleagues on both sides of the aisle to give it their full support.

Mr. Speaker, I include material compiled by the Committee on Rules for the RECORD, as follows:

THE AMENDMENT PROCESS UNDER SPECIAL RULES REPORTED BY THE RULES COMMITTEE,[1] 103D CONGRESS V. 104TH CONGRESS

[As of September 27, 1995]

Rule type	103d Congress		104th Congress	
	Number of rules	Percent of total	Number of rules	Percent of total
Open/Modified-open[2]	46	44	50	74
Modified Closed[3]	49	47	15	22
Closed[4]	9	9	3	4
Totals:	104	100	68	100

[1] This table applies only to rules which provide for the original consideration of bills, joint resolutions or budget resolutions and which provide for an amendment process. It does not apply to special rules which only waive points of order against appropriations bills which are already privileged and are considered under an open amendment process under House rules.

[2] An open rule is one under which any Member may offer a germane amendment under the five-minute rule. A modified open rule is one under which any Member may offer a germane amendment under the five-minute rule subject only to an overall time limit on the amendment process and/or a requirement that the amendment be preprinted in the Congressional Record.

[3] A modified closed rule is one under which the Rules Committee limits the amendments that may be offered only to those amendments designated in the special rule or the Rules Committee report to accompany it, or which preclude amendments to a particular portion of a bill, even though the rest of the bill may be completely open to amendment.

[4] A closed rule is one under which no amendments may be offered (other than amendments recommended by the committee in reporting the bill).

SPECIAL RULES REPORTED BY THE RULES COMMITTEE, 104TH CONGRESS

[As of September 27, 1995]

H. Res. No. (Date rept.)	Rule type	Bill No.	Subject	Disposition of rule
H. Res. 38 (1/18/95)	O	H.R. 5	Unfunded Mandate Reform	A: 350–71 (1/19/95).
H. Res. 44 (1/24/95)	MC	H. Con. Res. 17	Social Security	A: 255–172 (1/25/95).
		H.J. Res. 1	Balanced Budget Amdt	
H. Res. 51 (1/31/95)	O	H.R. 101	Land Transfer, Taos Pueblo Indians	A: voice vote (2/1/95).
H. Res. 52 (1/31/95)	O	H.R. 400	Land Exchange, Arctic Nat'l. Park and Preserve	A: voice vote (2/1/95).
H. Res. 53 (1/31/95)	O	H.R. 440	Land Conveyance, Butte County, Calif	A: voice vote (2/1/95).
H. Res. 55 (2/1/95)	O	H.R. 2	Line Item Veto	A: voice vote (2/2/95).
H. Res. 60 (2/6/95)	O	H.R. 665	Victim Restitution	A: voice vote (2/7/95).
H. Res. 61 (2/6/95)	O	H.R. 666	Exclusionary Rule Reform	A: voice vote (2/7/95).
H. Res. 63 (2/8/95)	MO	H.R. 667	Violent Criminal Incarceration	A: voice vote (2/9/95).
H. Res. 69 (2/9/95)	O	H.R. 668	Criminal Alien Deportation	A: voice vote (2/10/95).
H. Res. 79 (2/10/95)	MO	H.R. 728	Law Enforcement Block Grants	A: voice vote (2/13/95).
H. Res. 83 (2/13/95)	MO	H.R. 7	National Security Revitalization	PQ: 229–100; A: 227–127 (2/15/95).
H. Res. 88 (2/16/95)	MC	H.R. 831	Health Insurance Deductibility	PQ: 230–191; A: 229–188 (2/21/95).
H. Res. 91 (2/21/95)	O	H.R. 830	Paperwork Reduction Act	A: voice vote (2/22/95).
H. Res. 92 (2/21/95)	MC	H.R. 889	Defense Supplemental	A: 282–144 (2/22/95).
H. Res. 93 (2/22/95)	MO	H.R. 450	Regulatory Transition Act	A: 252–175 (2/23/95).
H. Res. 96 (2/24/95)	MO	H.R. 1022	Risk Assessment	A: 253–165 (2/27/95).
H. Res. 100 (2/27/95)	O	H.R. 926	Regulatory Reform and Relief Act	A: voice vote (2/28/95).
H. Res. 101 (2/28/95)	MO	H.R. 925	Private Property Protection Act	A: 271–151 (3/2/95).
H. Res. 103 (3/3/95)	MO	H.R. 1058	Securities Litigation Reform	
H. Res. 104 (3/3/95)	MO	H.R. 988	Attorney Accountability Act	A: voice vote (3/6/95).

SPECIAL RULES REPORTED BY THE RULES COMMITTEE, 104TH CONGRESS—Continued

[As of September 27, 1995]

H. Res. No. (Date rept.)	Rule type	Bill No.	Subject	Disposition of rule
H. Res. 105 (3/6/95)	MO			A: 257–155 (3/7/95).
H. Res. 108 (3/7/95)	Debate	H.R. 956	Product Liability Reform	A: voice vote (3/8/95).
H. Res. 109 (3/8/95)	MC			PQ: 234–191 A: 247–181 (3/9/95).
H. Res. 115 (3/14/95)	MO	H.R. 1159	Making Emergency Supp. Approps.	A: 242–190 (3/15/95).
H. Res. 116 (3/15/95)	MC	H.J. Res. 73	Term Limits Const. Amdt	A: voice vote (3/28/95).
H. Res. 117 (3/16/95)	Debate	H.R. 4	Personal Responsibility Act of 1995	A: voice vote (3/21/95).
H. Res. 119 (3/21/95)	MC			A: 217–211 (3/22/95).
H. Res. 125 (4/3/95)	O	H.R. 1271	Family Privacy Protection Act	A: 423–1 (4/4/95).
H. Res. 126 (4/3/95)	O	H.R. 660	Older Persons Housing Act	A: voice vote (4/6/95).
H. Res. 128 (4/4/95)	MC	H.R. 1215	Contract With America Tax Relief Act of 1995	A: 228–204 (4/5/95).
H. Res. 130 (4/5/95)	MC	H.R. 483	Medicare Select Expansion	A: 253–172 (4/6/95).
H. Res. 136 (5/1/95)	O	H.R. 655	Hydrogen Future Act of 1995	A: voice vote (5/2/95).
H. Res. 139 (5/3/95)	O	H.R. 1361	Coast Guard Auth. FY 1996	A: voice vote (5/9/95).
H. Res. 140 (5/9/95)	O	H.R. 961	Clean Water Amendments	A: 414–4 (5/10/95).
H. Res. 144 (5/11/95)	O	H.R. 535	Fish Hatchery—Arkansas	A: voice vote (5/15/95).
H. Res. 145 (5/11/95)	O	H.R. 584	Fish Hatchery—Iowa	A: voice vote (5/15/95).
H. Res. 146 (5/11/95)	O	H.R. 614	Fish Hatchery—Minnesota	A: voice vote (5/15/95).
H. Res. 149 (5/16/95)	MC	H. Con. Res. 67	Budget Resolution FY 1996	PQ: 252–170 A: 255–168 (5/17/95).
H. Res. 155 (5/22/95)	MO	H.R. 1561	American Overseas Interests Act	A: 233–176 (5/23/95).
H. Res. 164 (6/8/95)	MC	H.R. 1530	Nat. Defense Auth. FY 1996	PQ: 225–191 A: 233–183 (6/13/95).
H. Res. 167 (6/15/95)	O	H.R. 1817	MilCon Appropriations FY 1996	PQ: 223–180 A: 245–155 (6/16/95).
H. Res. 169 (6/19/95)	MC	H.R. 1854	Leg. Branch Approps. FY 1996	PQ: 232–196 A: 236–191 (6/20/95).
H. Res. 170 (6/20/95)	O	H.R. 1868	For. Ops. Approps. FY 1996	PQ: 221–178 A: 217–175 (6/22/95).
H. Res. 171 (6/22/95)	O	H.R. 1905	Energy & Water Approps. FY 1996	A: voice vote (7/12/95).
H. Res. 173 (6/27/95)	C	H.J. Res. 79	Flag Constitutional Amendment	PQ: 258–170 A: 271–152 (6/28/95).
H. Res. 176 (6/28/95)	MC	H.R. 1944	Emer. Supp. Approps.	PQ: 236–194 A: 234–192 (6/29/95).
H. Res. 185 (7/11/95)	O	H.R. 1977	Interior Approps. FY 1996	PQ: 235–193 D: 192–238 (7/12/95).
H. Res. 187 (7/12/95)	O	H.R. 1977	Interior Approps. FY 1996 #2	PQ: 230–194 A: 229–195 (7/13/95).
H. Res. 188 (7/12/95)	O	H.R. 1976	Agriculture Approps. FY 1996	PQ: 242–185 A: voice vote (7/18/95).
H. Res. 190 (7/17/95)	O	H.R. 2020	Treasury/Postal Approps. FY 1996	PQ: 232–192 A: voice vote (7/18/95).
H. Res. 193 (7/19/95)	C	H.J. Res. 96	Disapproval of MFN to China	A: voice vote (7/20/95).
H. Res. 194 (7/19/95)	O	H.R. 2002	Transportation Approps. FY 1996	PQ: 217–202 (7/21/95).
H. Res. 197 (7/21/95)	O	H.R. 70	Exports of Alaskan Crude Oil	A: voice vote (7/24/95).
H. Res. 198 (7/21/95)	O	H.R. 2076	Commerce, State Approps. FY 1996	A: voice vote (7/25/95).
H. Res. 201 (7/25/95)	O	H.R. 2099	VA/HUD Approps. FY 1996	A: 230–189 (7/25/95) .
H. Res. 204 (7/28/95)	MC	S. 21	Terminating U.S. Arms Embargo on Bosnia	A: voice vote (8/1/95).
H. Res. 205 (7/28/95)	O	H.R. 2126	Defense Approps. FY 1996	A: 409–1 (7/31/95).
H. Res. 207 (8/1/95)	MC	H.R. 1555	Communications Act of 1995	A: 255–156 (8/2/95).
H. Res. 208 (8/1/95)	O	H.R. 2127	Labor, HHS Approps. FY 1996	A: 323–104 (8/2/95).
H. Res. 215 (9/7/95)	O	H.R. 1594	Economically Targeted Investments	A: voice vote (9/12/95).
H. Res. 216 (9/7/95)	MO	H.R. 1655	Intelligence Authorization FY 1996	A: voice vote (9/12/95).
H. Res. 218 (9/12/95)	O	H.R. 1162	Deficit Reduction Lockbox	A: voice vote (9/13/95).
H. Res. 219 (9/12/95)	O	H.R. 1670	Federal Acquisition Reform Act	A: 414–0 (9/13/95).
H. Res. 222 (9/18/95)	O	H.R. 1617	CAREERS Act	A: 388–2 (9/19/95).
H. Res. 224 (9/19/95)	O	H.R. 2274	Natl. Highway System	PQ: 241–173 A: 375–39–1 (9/20/95).
H. Res. 225 (9/19/95)	MC	H.R. 927	Cuban Liberty & Dem. Solidarity	A: 304–118 (9/20/95).
H. Res. 226 (9/21/95)	O	H.R. 743	Team Act	A: 344–66–1 (9/27/95).
H. Res. 227 (9/21/95)	O	H.R. 1170	3–Judge Court	
H. Res. 228 (9/21/95)	O	H.R. 1601	Internatl. Space Station	
H. Res. ____ (9/27/95)	C	H.J. Res. 108	Continuing Resolution FY 1996	

Codes: O-open rule; MO-modified open rule; MC-modified closed rule; C-closed rule; A-adoption vote; D-defeated; PQ-previous question vote. Source: Notices of Action Taken, Committee on Rules, 104th Congress.

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

Mr. HALL of Ohio. Mr. Speaker, I yield myself such time as I may consume.

(Mr. HALL of Ohio asked and was given permission to revise and extend his remarks.)

Mr HALL of Ohio. Mr. Speaker, I would like to commend my fellow Ohioan, Ms. PRYCE, as well as my colleagues on the other side of the aisle for bringing this rule to the floor.

House Resolution 228 is an open rule which will allow full and fair debate on H.R. 1601, a bill to authorize appropriations to the National Aeronautics and Space Administration to develop, assemble, and operate the international space station.

As my colleague from Ohio has ably described, this rule provides 1 hour of general debate, equally divided and controlled by the chairman and ranking minority member of the Committee on Science.

Under the rule, germane amendments will be allowed under the 5-minute rule, the normal amending process in the House. All Members, on both sides of the aisle, will have the opportunity to offer amendments. I am pleased that the Rules Committee reported this rule by voice vote without opposition and urge its adoption.

The international space station will expand our knowledge of the universe and assist a wise range of scientific programs. By forming a partnership with other nations, we will help defray some costs and foster closer relations between our peoples.

The bill provides authorization levels through fiscal year 2002. This will give the project needed stability, while still allowing congressional oversight through the annual appropriations process.

Mr. Speaker, this open rule will permit full discussion of these issues and given Members an opportunity to amend the bill. I urge adoption of the rule.

□ 1915

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

Ms. PRYCE. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Utah [Mr. HANSEN].

Mr. HANSEN. Mr. Speaker, I thank the gentlewoman for yielding me this time.

Mr. Speaker, I rise today in strong support of H.R. 1601 and full program authorization for the international space station.

This past summer the attention of America was once again captured by the thrilling story of Apollo 13. The only thing more incredible than the story this movie told, was the fact that it is all true—that over 20 years ago, this Nation was united in the greatest technological leap the human race had ever undertaken.

All of America was rightly proud of our astronauts and the thousands of dedicated workers that sent them to the Moon and brought them home safely.

We now have a chance to revive that spirit, and display the vision of a better future and the leadership of mankind, that has always made America great. The international space station is that future.

And while the space station represents the dreams of our children, it is no idle fantasy. To date over 48,000 pounds of station hardware has been completed and production remains ahead of schedule. The first launch of this hardware is scheduled for November 1997, aboard a Russian Proton rocket.

The United States, and especially the people of Utah, have always been pioneers. And I think I've heard someone say, ''space, is the final frontier.'' I, for one, believe that Americans should continue to lead the world into the new millennium. And while we will—and must—lead the way, we will not be alone. Many of our allies in the European Community, Canada, Japan, and Russia are making very significant contributions of people, hardware and financial support. This spirit of a new cooperation in space was never more clearly demonstrated than last June when the space shuttle Altantis docked with the Russian space station Mir and returned to Earth with two Russian

cosmonauts and American astronaut Norm Thagard.

However, even with the critical support provided by our international partners, it will always require America's technological expertise, international leadership, and can-do attitude to make this vision a success. Let us now send a clear message to our partners in space that America will proudly accept the mantle of leadership.

I urge all of my colleagues to vote for the future of the human race, and to vote for continued American leadership. I urge you all to vote for rule and the international space station and support H.R. 1601.

Ms. PRYCE. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Florida [Mr. WELDON], a valuable new Member of the Congress.

Mr. WELDON of Florida. Mr. Speaker, I thank the gentlewoman for yielding me this time, and I rise in support of this rule and in support of H.R. 1601, the 7-year authorization of the international space station.

We, here in Congress, are about the important work of the people's business, work like protecting and preserving Medicare for our senior citizens, balancing our budget and meaningful welfare reform that restores the value of hard work and family.

But although those issues are very, very important, I know that those are not the issues that allow our children to dream about the future, and it is things like our space program, and I can say that not only from talking to my daughter and children in my district when I talk to them about our space program, but also I know that from experience because I one day as a young man was able to watch programs like Mercury and Apollo and dream someday of being a part of that, myself.

This international space station program, I think, is the next logical step for our space program, and it is amazingly on budget and on time, which is truly a rarity for the institution that we work in.

Each year, the Congress has consistently voted in support of our space station, and each year the numbers have grown and grown and grown. This year, as the distinguished gentlewoman from Ohio alluded to, the number was again very, very high, almost 2-to-1 voting in support of our space station.

We now have before us a rule on a bill to authorize this so we no longer are getting in the process of redebating this over and over again. I think this is a good rule. It allows for amendments. It allows for open debate. I thoroughly support it.

I think the MIR docking mission that my colleague from Utah was speaking of earlier clearly shows that the United States has the ability to proceed with this program. The question before us is: Do we have the will? From the previous votes in this body, it has been demonstrated that clearly the will is there, and I applaud my colleagues on the Committee on Science who have brought this final bill to the floor for a vote. I applaud my colleagues on the Committee on Rules on this rule.

I encourage all of my colleagues to support the rule and support the final bill in passage.

Mr. SENSENBRENNER. Mr. Speaker, I would like to commend the Rules Committee for its decision allowing a 1-hour open rule to debate H.R. 1601, the multiyear authorization of the international space station. In giving preference to amendments preprinted in the CONGRESSIONAL RECORD, the committee has made our efforts family-friendly, which we can all appreciate. Finally, the Rules Committee's decisions give us the change for a fair and open discussion of the space station, its benefits, and the need for a multiyear authorization.

The international space station is about America's future. With an orbiting space station, the United States will have long term access to the unique environment of space, which will enable us to conduct cutting-edge research in the life and microgravity sciences that we cannot do on earth. The space shuttle has been an excellent platform from which to conduct research into medicines, materials, and physical processes, but our research capabilities are now bumping against the shuttle's most significant limitation as a research platform: time. The shuttle cannot stay in orbit for more than a few days and flight opportunities occur only a few times every year. So, we cannot conduct the kinds of long-term experiments necessary to push the state of our knowledge to the next level. By operating as a continually manned-platform, 24 hours a day, 365 days a year, the space station will solve that problem. With a functioning space station, we can look forward to breakthroughs in crystal formation, medical research, biological behavior, materials science, and a host of other disciplines that will improve our standard of living.

That's why members of The Seniors Coalition wrote me to express their support for the space station and the benefits it will bring to the study of aging. That's why the Multiple Sclerosis Association of America supports the space station and the potential research benefits it will bring to children afflicted by MS. That's why the American Medical Women's Association is in favor of the space station and all the opportunities it creates to improve women's health.

The space station program we are considering now is not the same one that NASA began in 1984. This space station is managed under a streamlined singled-prime contractor scheme that reduces bureaucracy and saves money. This space station is capped at $2.1 billion per year, less than 15 percent of NASA's annual budget. The station will cost $13.2 billion to complete in 2002, by which time it will have already begun producing the research results that will benefit every American. The space station program we are dealing with today is on budget and on schedule for orbital assembly to begin in 1997. American companies and our foreign partners have already built over 48,000 pounds of hardware. This space station program is a success.

H.R. 1601, the multiyear space station authorization, will provide the funding stability that ensure the space station remains on budget and on schedule. In past years, constant redesigns and rescopings denied the station that stability and caused delays and cost increases. This Congress must not allow that to happen again. We fulfill our role by providing NASA the resources it needs to do the job right, and then by demanding the accountability and responsible management that the space station program is currently demonstrating. We begin doing our part by passing H.R. 1601.

Mr. HALL of Ohio. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Ms. PRYCE. Mr. Speaker, I have no further requests for time, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. Pursuant to House Resolution 228 and rule XXII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 1601.

□ 1921

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 1601) to authorize appropriations for the National Aeronautics and Space Administration to develop, assemble, and operate the international space station, with Mr. HOBSON in the chair.

The Clerk read the title of the bill.

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

Under the rule, the gentleman from Pennsylvania [Mr. WALKER] will be recognized for 30 minutes, and the gentleman from Texas [Mr. HALL] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. Mr. Chairman, I yield 3 minutes to the gentleman from Wisconsin [Mr. SENSENBRENNER], the chairman of the Subcommittee on Space and Aeronautics.

Mr. SENSENBRENNER. Mr. Chairman, I rise in support of H.R. 1601, the International Space Station Authorization Act of 1995. Many have risen to explain the benefits of the space station today in this Chamber and on numerous occasions in the past. I will not repeat those reasons here. Instead, I will explain why H.R. 1601 is an important part of enabling us to realize those benefits.

The gentleman from Pennsylvania and I cosponsored this bill because it places NASA and the space station on the path of fiscal responsibility. For years, NASA and the White House have been hard-pressed to settle on a space station design and budget that Congress could support. NASA has finally rectified that problem through a series of positive steps, that make the international step station an excellent foundation on which to build the future of our civilian space program.

First, NASA finalized the design into its current form, which includes participation from Europe, Japan, and Canada. The Russians are full partners in the international space station, giving us access to their advanced space hardware, their space industrial base, and their years of experience of living and working in space. With the Russians and Europeans as partners, NASA has designed a space station that will cost the American taxpayers less than its predecessors and have nearly double the capacity.

Second, NASA streamlined management of the space station program by placing the program under a single prime contractor. This reduced bureaucratic and contractor overhead and improved management, enabling NASA to build the station under a budget cap of $2.1 billion a year, about 15 percent of its annual debt.

Third, NASA has begun exploring means of commercializing and privatizing space station operations to lower operational costs. NASA has gone so far as to begin discussions with companies that design business parks to see which concepts they can apply to the station's future in space. H.R. 1601 encourages this process by making station commercialization a provision of law.

As a result of these actions, the station is on time and on budget. We have built over 48,000 pounds of hardware for delivery to orbit and will launch the first station element in 1997.

Taken in its entirety, H.R. 1601 authorizes $13.1 billion to complete and operate the space station through final assembly in fiscal year 2002. H.R. 1601 also includes an annual cap of $2.1 billion for the space station. The multiyear authorization gives NASA the financial and programmatic stability it needs to complete the station on time and on budget, while the annual cap forces NASA to maintain its fiscal discipline. H.R. 1601 and the space station are NASA's highest priority and fall well within our own plans to balance the Federal budget within the next 7 years.

The space station is about our future. It is about progress, and improving the technological seed corn of future economic growth. We need it. H.R. 1601 is about fiscal responsibility; about stepping up to our obligation as legislators to enable bureaucracies to do those things we ask them to do with greater efficiency and effectiveness. The American people have made it clear that they support our future in space. And we made it clear that we heard them when this Congress rejected 2 attempts to cancel the space station by huge margins of 173 and 153 votes. Now it is the time to provide the stability needed to achieve the efficiencies and savings that Americans demand from their Government by passing H.R. 1601.

Mr. HALL of Texas. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I think it comes as no surprise to anyone in this Chamber that I am prepared to speak on behalf of the space station program. I have supported this program in the past, in good times and bad, and I will continue to do so.

You will hear many speakers today describe the importance of the space station, and you may also hear from a few Members who believe that the money could better be used elsewhere. I obviously don't agree with that latter group of Members, but I respect their right to be wrong on this issue. And I assure them that they will receive time to speak.

Why do I continue to support the space station? There are many reasons that I could give. First, the station is a fundamental part of the Nation's space program and it is the logical next step in human spaceflight. I my years on the Space Subcommittee, I have become even more certain that the space station is a key element of a balanced program of space exploration, scientific research, and practical applications.

Second, the space station program helps the Nation maintain and strengthen its pool of skilled scientific and technological talent—which will be so critical to our economic competitiveness in the 21st century.

Third, the space station represents the most significant cooperative, cost-sharing undertaking in science and technology probably in the history of the world. The United States, Russia, Europe, Japan, and Canada are all working together and sharing the cost of this program. It is an approach that makes good sense, and one which will strengthen the bonds between these nations and certainly has a very good product.

Finally, and for me, most importantly, research conducted on the space station offers the promise of helping us to make significant advances in our understanding of terrestrial diseases and medical conditions that have afflicted our people—young and old—male and female.

Over the past 3 years, the Space Subcommittee has held a series of hearings on the potential benefits of biomedical research conducted in space. I chaired those hearings, and I am here to report that the results achieved to date from the limited research that can be done on the shuttle are truly impressive, but much more remains to be done.

All of the witness, or most of the witnesses, that have testified at those hearings are convinced that the opportunity to conduct long-duration research on a permanently-manned space station is indispensable if we are to continue to make advances. As the noted surgeon and researcher, Dr. Michael DeBakey put it,

> The Space Station is not a luxury any more than a medical research center at Baylor College of Medicine is a luxury.

He knows that in the weightless environment of space, that just might spawn the answers to those who are wasting away in cancer wards, young girls and young boys who have to hit themselves with the vaccination for the dreaded disease of diabetes and on and on.

I could quote many other eminent researchers that echo his view, but I know that other Members are waiting to speak.

I would just like to conclude by saying even in these tough budgetary times, the space station is an investment that will pay back enormous benefits, enormous dividends.

I urge Members to support it.

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

☐ 1930

Mr. WALKER. Mr. Chairman, I yield 3 minutes to the gentleman from New Mexico [Mr. SCHIFF].

Mr. SCHIFF. Mr. Chairman, I thank the chairman of our committee for yielding time to me.

I want to say that every time we reach this point of the debate on the space station, I cannot help but think back 500 years and a little bit more, and I am very grateful that nobody was able to persuade Queen Isabella of Spain, please do not finance this exploration across the ocean to the unknown when we have unmet needs here in Spain.

I am sure that Spain at that time, just as all countries at this time, did have unmet needs. I am sure that money that financed Christopher Columbus' voyage could have been spent very usefully inside Spain at that time. But instead, the Spanish Government decided to invest in exploration. They did not know what they would get back for it. They did know if they would get anything back for it. I am sure they must have had serious doubts whether they would ever see those ships again. The result is that the United States of America exists today as a country in part as a direct result of that exploration more than 500 years ago.

Mr. Chairman, I feel the same way about the space station. There are many other reasonable and important needs which can readily be identified by any Member of this body as to where else we could put the money, and they would all be legitimate points, I am sure. Further, those of us who support the space station cannot tell Members today exactly what we will have as a result of it in the future. But we can say this. We can say first that exploration and scientific research has always produced advances for mankind, has always increased our knowledge.

Second, exploration and scientific research have always come back to help the economy and to help consumers. We already know that many of the everyday items we use were developed in research originally intended for the space program.

So for those reasons, Mr. Chairman, I support the passage of H.R. 1601.

Mr. HALL of Texas. Mr. Chairman, I yield 3 minutes to the gentleman from

California [Mr. BROWN], longtime chairman of the Committee on Science and ranking member.

(Mr. BROWN of California asked and was given permission to revise and extend his remarks.)

Mr. BROWN of California. Mr. Chairman, I thank the gentleman for this opportunity and I will try and be brief.

First of all, I admire the statements made by both the gentleman from Wisconsin [Mr. SENSENBRENNER] and the gentleman from Texas [Mr. HALL] in support of the space station. I have made many similar speeches over the years.

I have come to an unfortunate conclusion which was reflected in my vote on the appropriations bill, that we are heading down a path which endangers the future success of the space station; namely, a continued decrease in the NASA budget with a provision that protects the space station against any cuts and, therefore, these cuts must be taken out of other NASA programs such as aeronautical research or mission to planet Earth, other very important programs.

My fear has been, and I hope that I am wrong, that as we unravel these other programs, we will unravel the political support for the space station and for the whole of NASA. I have used this opportunity for a debate on the space station to reveal my concerns about what may happen in the future.

I hope that I am wrong. I firmly believe that we need a space station in the future of this country and in the future of our space program. While I do not want to be a Cassandra, I am deeply concerned. I have expressed my concern to everybody who would listen. We cannot continue to support and protect this particular part of our great adventure in space without wondering about being concerned about what is happening overall to the totality. And it is the totality of the interests which support the space program that will allow it to continue into the future.

Mr. Chairman, I will be brief in my remarks, because the debate on H.R. 1601 has little to do with the reality of what is happening to NASA this year. H.R. 1601 is a feel good—but fundamentally irrelevant—bill that gives Members the illusion that they are providing long term funding stability to the space station program. Of course, this legislation will do no such thing, but it is a comforting fiction to embrace in the current chaotic budgetary environment.

Like many issues that have come to the floor this year, there is little in the public record or in the hearing process to justify this legislation. If station is truly the only priority for the space program, what will be the implications if we decimate all other areas of NASA? Will a space station still make sense as a national policy? In addition, can the space station actually remain on track within the budget climate that has been promised by the Republicans? For better or worse, H.R. 1601 has now reached the floor of the House, and I am sure that its supporters have diligently counted votes. In all likelihood it will pass by a comfortable margin. What then will be the impact of its passage?

I submit that very little will have changed. We need only look as far as the House and Senate VA-HUD and Independent Agencies appropriation bills for proof. In both cases, the Appropriations Committees had to fence $390 million in space station spending until almost the end of fiscal year 1996 because they needed to fix an outlay problem in the overall bills. That is not a particularly auspicious start to providing funding stability to the space station program. Indeed, it seems eerily reminiscent of the bad old days of budgetary smoke and mirrors. And it can only get worse as the ill-considered assumptions behind the Republican budgetary proposals require ever greater contortions in the years ahead.

Consider the assumptions behind the House Republican proposals for the NASA budget over the next 5 years. They assumed that Mission to Planet Earth could be restructured to save almost $3 billion. When the National Academy of Sciences reported on its recent review of the program, it could find no credible justification for such cuts and indeed recommended that no further cuts be made to the program.

Next, consider the House Republican budgetary assumptions regarding the space shuttle. They assumed that the shuttle budget could be reduced an additional $1.5 billion below the President's planned reductions by privatizing the shuttle. While it sounds good, the Space Subcommittee held a hearing today in which witnesses expressed concern over the potential safety impacts of funding cuts already made to the shuttle program, let alone the impact of additional massive reductions.

As you can tell, I think these budgetary proposals are wrongheaded and if sustained will do significant damage to our Nation's space program and to our R&D infrastructure. I will continue to speak out against them. Until we address the fundamental question of whether or not we are prepared to fund a vital and robust space program, bills such as H.R. 1601 will be no more than meaningless diversions.

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

Mr. Chairman, Just 2 months ago, in July, the House voted twice on amendments to terminate NASA's International Space Station Program. Both of these amendments were defeated by record margins, the first by a vote of 126 yeas to 299 nays and the second by 132 yeas to 287 nays.

So, Mr. Chairman, to most of my colleagues, the question of building the space station is behind us and America's future in space has been secured. We can all be proud of the votes that we cast in July and be assured that the international space station is on schedule and on budget; that is, until next year.

The reason why I bring H.R. 1601 before the House today is to give the international space station a full program, multiyear commitment to finish the job on time and on budget.

H.R. 1601 will set in law NASA's timetable and their budget for completing what we have started. H.R. 1601 sends a powerful signal to our international partners that Congress is up to the job of finishing this project on time. But it also sends a powerful signal here to ourselves about the way that we want NASA to do the people's business. How many times has this House debated whether to proceed with the station? How many times has Congress caused NASA to redesign the program by cutting the annual appropriation to pay for some other need some year? How many years have been lost by redesigning and rephasing the project? How much money has been wasted through trial and error as Congress has ordered one change after another? Too many times, too many years, too much waste, too many changes, Mr. Chairman.

How often in the past 5 years has this House devoted its precious time and conducted purposeful debates on the fate of the space station, only to conclude each time to continue building it?

Mr. Chairman, the House has consistently voted to support space station's development every time since it was proposed in 1984 under Republican and Democratic Presidents, through four significant redesign efforts and under equally distressing fiscal circumstances.

In November, the American people voted for change in the way Congress does business. Surely the American people want Congress to stop wasting money on programs and the subsidies that they can neither see nor understand. But I believe the succession of votes the House has taken over 10 years to build the space station demonstrates that consternation over building it lays only with some Members of the House and not with the American people.

This legislation to commit the Nation to finish what it has started is a new way of doing business. It represents a change in the way Congress does business because it says, here is our highest space priority and we are going to finish it. Passage of a full program authorization for the space station will be a breath of fresh air to those who have watched in amazement while successive Congresses have revisited, revised, and reinvented space station year after year.

America would have a space station orbiting the earth today had it not been for the on again off again commitment by previous Congresses to finish the project. H.R. 1601 says that the space station belongs to the American people. Congress has not canceled the program but has done something worse. Each year we have allowed the program to be bled to near death only to watch its schedule slip, its design change, and its future be jeopardized.

Mr. Chairman, the overwhelming vote in the House this year to continue funding of space station is owed to one essential fact: Since being redesigned in 1993, the space station program has produce on its commitment for the Congress. The space station program has produce 54,000 pounds of flight hardware in less than 2 years. Our international partners have built some 60,000 pounds for flight. This program

now keeps its schedule and has stayed below its annual funding cap.

The reason for H.R. 1601 is to capture the success of the new design. We have had 2 years without a redesign, 2 years of stable funding and 2 years of remarkable progress. I believe that NASA Administrator Dan Goldin is to be commended for providing the leadership and for turning the project around. This is the new NASA at work, and I am very proud to recognize this turnaround with this bill.

How does H.R. 1601 work? First, it sets an annual cap of $2.1 billion for any 1 fiscal year of the program between the years 1996 and 2002. Second, it sets a total cost to complete and provide initial operational funds at $13.1 billion. The practical effect of those two numbers, Mr. Chairman, is that it forces NASA to ramp down spending on the project in fiscal years 1998 through completion in the year 2002. In other words, H.R. 1601 assures us that annual appropriations requested to finish the project diminish over time.

It is important to note that while H.R. 1601 provides a full program authorization, annual appropriations are still necessary. Under the bill, when the President submits the annual budget request for space station, NASA must certify to Congress that the program can be completed on time and on budget. It must also certify that no delays are foreseen at the time of the certification and that the program reserves cover all potential unbudgeted cost threats.

Our strategy is to continue to oversee the program's execution through the parameters set by H.R. 1601, which are based on NASA's own projections of cost. For a change, we take Congress out of the design loop and let NASA build what it promised us we could have. Having said that, I believe NASA is being put under the gun by H.R. 1601. These promises will be hard to live by, but they are exactly what we need to keep the program on schedule.

There are two reasons why schedule is important, Mr. Chairman. First, finishing the program on time saves money. Second, keeping on schedule means keeping our partners in Europe, Japan, Canada, and Russia on time and keeping their costs as partners under control.

Back in July, when this House defeated the naysayers and voted to continue building America's future in space, many of us recognized the impact that terminating space station would have on our international partnerships. Had the program been canceled, clearly there would have been no chance to attempt other far-reaching science projects too expensive for America to pay for by itself. We recognized the long-range impact such a failure would have on any cooperation in science.

Back in July, I spoke about the need to explore and to expand the human spirit. I talked about being bold and being free.

Mr. Chairman, now that we have said that the space station deserves its one-tenth of 1 percent of the Federal budget, can we also say that we have the vision to complete this project on time? I am tempted to say more, much more about the creation of knowledge about diseases and materials that can only be found in the vacuum of space or in the absence of gravity. I am tempted to point out to my colleagues that we have a vision of space development that merely begins with this NASA-sponsored outpost but which flourishes into an Earth-space economy based upon inventions and materials that we have not thought of here on Earth because our vision is too weighted down by the power of gravity.

But today is not about the survival of the space station. It is really a debate about how we choose to do business and how we choose to manage the public tax dollars. We are going to build the international space station. The real questions are how, when, and for how much. H.R. 1601 says, here it is, finish it by the year 2002, and do not ask for more money.

Mr. Chairman, to conclude, H.R. 1601 is an insurance policy on the votes we cast in July to continue this vital international space venture. It underwrites our investment this year by setting a schedule and a budget for completion.

We believe this legislation is good for NASA and good for the American people. The space station is theirs, They deserve it. Let us once and for all commit ourselves to finishing what we have struggled over the years to start. Before us is an opportunity to draw a big, bold circle around one of humankind's most astonishing new frontiers. So join me in closing the loop. Join me in voting for H.R. 1601, our commitment to finish the job on the space station.

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

Mr. HALL of Texas. Mr. Chairman, I yield 4 minutes to the gentleman from Indiana [Mr. ROEMER], a very affable and very valuable member of the Committee on Science.

Mr. ROEMER. Mr. Chairman, I would like to salute the distinguished gentleman from Texas, who I have the utmost respect for and enjoy his sense of humor in our Committee on Science. He usually whups me out here on the floor on the space station battle, but I can only say that the fighting Irish of Notre Dame took it to them in the football game this past Saturday. That is where I have to go for my wins these days, not on the House floor, but I have a great deal of respect for Mr. HALL.

Mr. Chairman, this bill is not about whether we are for or against the space station. That is absolutely not what we are talking about in H.R. 1601. As the chairman of the committee said, we had that fight. I lost. We lost. But the last thing that one does when one is fighting in these kinds of times when we are trying to make tough decisions to balance the budget, when we are trying to cut back on some Government programs that have been around forever, which I support cutting back on a number of these programs, when some Members are talking about kicking children out of Head Start programs, cutting back on Medicare, is to give a free ride to the space station, to give $13.1 billion over the next 7 years to the space station. That is not an insurance policy, it is an insulation policy.

We are saying for 7 years we are going to give them $13 billion, and we are not going to have the kind of oversight, we are not going to have the kind of jurisdiction, we are not going to have the kind of tough hearings that every Government program should have, whether it is Head Start. We can do Head Start better.

□ 1945

Mr. Chairman, I fully support Head Start programs, but we can do it better. We should have hearings on Head Start. But here we go on a $13.1 billion, 7-year authorization bill. Let us have this battle every year. Let us make sure that they are on budget if Congress decides to fund this program. Let us make sure they are not slipping behind 2, and 3, and 4 years. Let us make sure it is an international space station.

Mr. Chairman, the Italians dropped out of this program. Who else is going to drop out of this program in the next few years? The Russians are negotiating with the Americans in Houston. They want control over the propulsion and navigation systems. Does that make it possible that the Russians would have total control over the space station in the year 2002 or 2008, whenever it is finished, and the United States would not even be the first ones into the space station?

What about our role as representatives to oversee how tax dollars are spent in Washington, DC? Let us be accountable to the taxpayers of this country and not give a $13.1 billion, 7-year authorization to a space station that has moved from $8 billion in 1984 to $94 billion total cost projected by the year 2015 when maintenance and everything else is done on this space station.

Now I am not too worried, Mr. Chairman, because I do not think the Senate is going to take this up. I think this bill is going to die in the rotunda and not get any further over to the Senate floor, and I hope that is where it dies. But I certainly think that we have a responsibility when we are in this tough budgetary environment, when we are going to fight for a balanced budget by the year 2002, when we are going to make tough decisions to cut programs.

I can only say, Mr. Chairman, that this reminds me of when I used to play Monopoly when I was a kid and there was a card that they used to give us that we could just go around ''Go,'' did not have to stop, did not have to take any risks, did not have to risk jail, or

go across Boardwalk, or buy any homes, take any responsibility. One got a free ride, the free-ride card. That is what this is. This is the free-ride bill.

H.R. 1601 is not about whether my colleagues support the space station. It is about whether or not they want to do their job as a Representative of the taxpaying citizens of this country and make the space station accountable, just as the Hubble is accountable, just as Head Start is accountable, and just as every government program should be accountable.

Again I thank the distinguished gentleman from the State of Texas [Mr. HALL] for having yielded this time to me.

Mr. WALKER. Mr. Chairman, I yield myself such time as I may consume before yielding to the gentleman from California [Mr. ROHRABACHER].

Mr. Chairman, I just think it is important to correct a couple of points made by the gentleman from Indiana [Mr. ROEMER].

First of all, this is not a giveaway of any money. This is a cap; this is a spending cap. The very problems that the gentleman outlines are what this bill addresses by assuring that we are operating within spending caps in a year and we are operating with an overall spending cap. The $13.1 billion that he suggests is an overall spending cap in the bill. It is, in fact, a definition of fiscal responsibility, of what we are doing here.

Second, the gentleman mentioned in his remarks that the Italians have dropped out of the program. That has not happen. There are, in fact, some allocation questions that are now occurring in the European space community, but the Italians have distinctly not dropped out of the program at the present time.

In addition the gentleman is also wrong with regard to the prospects of this bill in the United States Senate. This is a bill which I have talked to the chairman of the authorizing subcommittee in the Senate, and he is very interested in proceeding with this bill. So we do have an opportunity with this bill to attain the kind of fiscal responsibility that I think all programs should have, and the fact is, as the gentleman mentions some educational programs, a number of those programs in the educational area are forward-funded. They do have multiyear approaches, and we in fact did go back and review them on a regular basis, and every year we still have appropriations bills coming here so that we can review these issues. Every year this committee is going to hold hearings on the overall NASA programs, and we are going to look at how the space station program is proceeding. All this does is assures that we are doing it within the constraints that NASA itself says are appropriate for doing this station, and I just beg to differ with the gentleman with regard to what we are doing here.

Mr. Chairman, we are doing the fiscally responsible thing for once. We very seldom have done that in a lot of these science programs.

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

Mr. WALKER. I yield to the gentleman from Indiana.

Mr. ROEMER. Mr. Chairman, I would just respectfully disagree with a number of things the gentleman from Pennsylvania [Mr. WALKER] has said.

First of all, it is called an international space station when in fact we send about $400 million to the Russians to get their participation in the space station.

Mr. WALKER. Mr. Chairman, we are buying goods from them. The gentleman understands that what we are doing is we are buying products and services from the Russians as a part of the overall effort. It is not a giveaway to them. We actually get hardware and services in return for the money that we are paying.

Mr. ROEMER. If that is the gentleman's idea of a partnership in international space, I wish somebody was doing that with me with my investments in mutual funds, or whatever I decided to, that they would put up the money, and take the risk, and just give me the money to do it.

An international space station; I think the connotations are that people put up their money, and it is not the U.S. taxpayer sending money off to the Russians.

Mr. WALKER. But in fact, I would say to the gentleman, is that several of our allies have devoted several billion dollars of spending of their own in this partnership. The Europeans and the Japanese have both put up hundreds of millions of dollars, into the billions of dollars railroad already in the program, and will put up substantially more in the future.

So again I think the gentleman misrepresents the situation. I do have to yield to the gentleman from California.

Mr. ROEMER. Could I just make one point?

Mr. WALKER. Yes; I yield to the gentleman briefly.

Mr. ROEMER. As the distinguished gentleman from Pennsylvania [Mr. WALKER] knows, in our rules of the House it does state that we will in the Committee on Science have a continuing review of the different programs under our jurisdiction, and I just want the gentleman to give us assurances that we will continue to have oversight hearings of the space station, both pro and critical hearings.

Mr. WALKER. Absolutely. This in no way will interfere with our ability or willingness to do that. Our committee is going to continue to maintain a very firm jurisdictional interest in what goes on in space station, but we are also going to make certain that the program is stabilized in a way that assures that it remains on budget and on time.

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

Mr. ROHRABACHER. Mr. Chairman, I rise in strong support of this legislation and the priority and direction it gives to the Space Station Program. I would like to praise the chairman of the Science Committee, Mr. WALKER, my subcommittee chairman, Mr. SENSENBRENNER, and the former chairman, Mr. HALL of Texas, for their hard work in bringing this bill to the floor.

This multiyear authorization of the international space station is a bold and timely move which will send an unmistakable message to the other body, to the President, to our international partners, to many entrepreneurs and scientists who will use the space station, and to the American people.

Why are we authorizing the Space Station through to completion this year? Not just because the space station has been restructured and is now on a steady course within budgetary limits. Not just because the space station will be an invaluable research laboratory in the unique environment of space. Not just because with the decline of the defense budget, it is vital to engage American and Russian aerospace industries in a positive joint effort.

Mr. Chairman, to me this multiyear authorization of space station is possible and desirable because of two significant developments championed by the Science Committee. First NASA has finally begun a reusable launch vehicle technology program which will lead to radically cheaper access to space, enabling much greater and easier use of the space station. Second, this legislation directs NASA to begin planning for the commercialization of the U.S. portions of the space station, including its operation, servicing, growth, and utilization.

Together, these two steps make possible the real reason I feel we are building the space station: to begin the expansion of American civilization, powered by free enterprise, into the space frontier. And that is why we are passing this multiyear authorization of space station separately from the rest of the NASA budget. By passing this bill we are sending a message that this is our priority: opening space to human enterprise, and propelling all of mankind into a new era of technology, freedom, and prosperity.

Mr. HALL of Texas. Mr. Chairman, I yield 2 minutes to the gentleman from Alabama [Mr. CRAMER], who represents the Marshall Space Center in Huntsville.

Mr. CRAMER. Mr. Chairman, I rise in strong support of the International Space Station Authorization Act, and I want to congratulate the chairman of the full committee. I also want to congratulate the ranking member of the Subcommittee on Space and Aeronautics. As these two fine gentlemen know, every year we dot every ''i'' and cross every ''t'' with regard to NASA. Unfortunately, my colleague, the gentleman from Indiana [Mr. ROEMER],

who has already left the Chamber, cannot see that. He participates in that, but he just cannot let go of that.

There have been nine votes in the House to terminate the space station since I came to Congress in 1991, and the space station has survived every vote. Now along the way we have, in fact, held NASA's feet to the fire. The space station was redesigned in 1993. The goals of NASA have been refocused and reformed, and I think this process has allowed us to refocus that and to accomplish many things, but enough already. I think this bill is the right thing to do, and this is the right time to do it.

The Congress has spoken definitively in its support for space station. I think the margin of votes recently is a reflection of that. Now is the time to put this debate to rest, and I think this multiyear bill will accomplish that goal.

My colleague from Indiana as well has made it sound as if, once this piece of legislation is passed, that that will be the end of the monitoring period. Of course it will not. As the chairman has pointed out, we will still have our annual appropriations process that we must go through so we have an opportunity to adjust when and if we need to do that.

I think, as well as I must add, that for the benefit of the fine NASA employees that are out there that have given their good careers to work in this program that this is a bill that makes sense. Let us do it. Let us get on with it. I thank the chairman for giving us that opportunity.

□ 2000

Mr. HALL of Texas. Mr. Chairman, as they are doing out in the western part of this country, they are saving their best lawyer for the closing arguments in Los Angeles tonight. We have probably one of our very best to make the last argument for the space center.

Mr. Chairman, I yield 5 minutes to the gentlewoman from Houston, TX, the Honorable SHEILA JACKSON-LEE, who represents Johnson Space Center very ably.

Ms. JACKSON-LEE. Mr. Chairman, I thank the ranking member for yielding time to me, and I would like to pay tribute to him for his longstanding effort on this, and for the work he has done in support of the space station and also in support of NASA. I thank the gentleman from Pennsylvania [Mr. WALKER] for his commitment and willingness in many instances to compromise on some very important issues.

Might I say for just a moment, Mr. Chairman, I would like to give appreciation to the many employees at our respective centers around the Nation, for they have downsized and cutsized and modernized and attempted to make this thing called NASA and the space station work effectively and efficiently.

For as long as man has walked this Earth, he has explored his surroundings and expanded his frontiers. History has demonstrated that as an inherent part of our genetic makeup as humans we pursue knowledge and understanding of ourselves and the universe in which we live. It is unassailable that these very tendencies are responsible for everything we take for granted today.

Clearly, I believe H.R. 1601 should be supported, because I happen to think that the space station is the work of the 21st century. Along with the research in medical technology and biomedical technology and the new technologies that will be forged through this research, I can see into the future the opportunities for children in inner city communities to grow up and be trained and to work in those researches that may be garnered through the space station. We must create a new work for America, and that work has to be technological work.

I would say that H.R. 1601 is not a waste of money, but in fact contributes to the future of this Nation. These are terrible times, with cuts in Medicare and Medicaid. Unfortunately, in these days of budget reductions and seemingly intractable social problems, there are those who protest these very activities. I want to see a fix to Medicare and Medicaid, but I would want us not to turn inward, abandoning discovery, in a scornful rebuke of our very nature.

From this country's inception, and specifically after World War II, the United States has played a leadership role in science and technology. Indeed, it has been one of the hallmarks of our Nation. In our budget-cutting and political feuding, it is important that we not forget nor forsake this amazing heritage and the prosperity and advancement it has brought.

Space Station Alpha is such an opportunity. In conjunction with our international partners we have forged a chance to begin our journey to the next frontier. Should we let them dominate us? Of course not. I hope the Committee on Science will be in the forthright position to oversee those relationships, and assure that this country remains in the forefront, in a leadership role on the space station.

Alpha will allow parallel possibilities in long-term biological materials and environmental research. In pursuit of this noble goal, we have before us today a bill which will allow the timely and successful completion of this project. I would have hoped that we would have intertwined it with massive spending. I do hope that NASA and space station are strong, and the gentleman and I had offered an amendment in committee to assure that.

I will not do so this time, but I will admonish all of us as members of the committee and of the House to ensure that all the sciences will be safe, and that space station continues to grow and will be strong, along with NASA and its other sciences. We hope H.R. 1601 will provide NASA with a 7-year stable funding base which, in terms of time, will limit the costly delays and weakened confidence of our international partners.

I am gratified to say, as my colleague, the gentleman from Texas, has indicated, with his leadership, the innovative efforts with biological research that are being forthrightly discussed by leaders of the Texas Medical Center represent an exciting opportunity for space station.

This bill, H.R. 1601, allows that to happen if this measure is passed, but it also ensures that the station and the program will remain on time and on budget, with annual certifications by NASA, that additional funds will not be required, that the program funding reserves are adequate, and that no production and construction delays are anticipated.

I would say to the gentleman from Pennsylvania [Mr. WALKER], I am gratified by the fact that he has made it very clear that the Committee on Science will continue its oversight and that we will hold NASA to be accountable. It is important that we safeguard this country's investment of time, money and effort in this great effort.

Let me raise, however, two serious points. I would raise the serious concern regarding the implementation of safety oversight. I would argue vigorously that NASA should be a real partner in space station privatization. Further, I reemphasize the importance that Congress should continue its oversight in making sure that the space station, despite its multiyear funding, is efficient, that it maintains its safety record, and that we have real involvement as it proceeds to become the work of the 21st century.

So I do, in spite of these concerns, ask my colleagues to support H.R. 1601. I believe it is in the best interests of our Nation, our future, and our children, and it assures our continued international leadership and world leadership in technology and, as well, biomedical research.

Mr. WALKER. Mr. Chairman, I yield 2 minutes to the gentleman from Arizona [Mr. SALMON].

Mr. SALMON. Mr. Chairman, why is it so important that we come together and pass this bill today? Since 1969 the United States has focused its space program on the construction of a space station to serve as a laboratory for scientific experiments and extended habitation of humans in space. To this end, Americans will have spent billions of dollars, and in the process developed the space shuttle, a reusable launch transport system to service it.

The knowledge we have gained in this process has been invaluable. Technology developed for the space shuttle is helping make airline flights safer and more efficient. Medical advances and equipment and the study of diseases is helping to save lives here on Earth. We can expect more progress in these areas from the international

Space Station Alpha, as well as advances across a spectrum of emerging technologies.

The money we spend on space station finds practical applications for daily life on Earth, and it is money well spent. Unlike other Government programs, every dollar spent on space programs returns at least $2 in direct and indirect benefits.

Why is it important for us to pass a multiyear authorization? In order to achieve the best, most cost-effective space station to meet the operating goal of 1998, the program requires stability. Yearly budget balances just serve to distract NASA from its mission. Space Station Alpha is already under construction at Marshall Space Flight Center and other centers around the country. In order to meet the scheduled launch of the first module in December 1997, NASA is committed to delivering the space station on time and on budget. H.R. 1601 ensures this by requiring the administrator to certify these conditions are met.

In addition, this bill sets up an annual authorizing cap through 2002, thus steering clear of cost overruns that have plagued the program in the past. We are taking responsibility by providing the proper level of oversight to avoid budgetary problems down the line. Our support is vital for the success of this program. The space shuttle will at last fulfill its envisioned mission as a primary vehicle for space station assembly, and a link between Earth and Alpha. We can only imagine the scientific advances developed on Alpha that will be an integral part of human life in the next century.

Mr. GANSKE. Mr. Chairman, I rise today in opposition to H.R. 1601, the International Space Station Authorization Act of 1995.

The American people are tired of Washington wasting their money on frivolous projects. Projects that begin with good intentions. Projects that grow in size and price and begin to take on a life of their own because no one has the courage to stop them.

Proponents of this bill state that we must authorize the space station for the next 7 years to demonstrate a commitment to our international partners. Meanwhile, we leave ourselves no way out should any of our partners decide to end or decrease their participation. And if they do drop out, we will be forced to increase our spending to pick up the slack, or publicly admit that we have spent billions on a failed program.

Full program authorization is premature and ill-advised. Boeing has still not signed contracts with major subcontractors. International agreements have not been reached.

Space station supporters recognize that the program may not have the financial reserves to cover overruns. They acknowledge that our international partners are facing budget constraints and may not be able to fully participate. What they refuse to admit is that we do not need to spend $94 billion to construct and maintain the space station until 2012 in order to demonstrate a cooperative international effort in space.

I have too many questions and far too many doubts about the space station to support a 1-year, let alone a 7-year, $13 billion authorization. We cannot afford the space station and we cannot afford to make the space station NASA's top priority at the expense of other worthwhile programs.

Mr. DELAY. Mr. Chairman, I rise in strong support of this bill which authorizes the international space station through completion in 2002. This House, during consideration of the VA/HUD appropriations bill, and the Senate, just yesterday, made very clear America's commitment to our international space station program.

Efforts to kill this very important program have been soundly defeated because the American people understand the significance of our manned space program to our nation's future. They share the excitement of the exploration of space because it touches the core of our American identity as pioneering adventurers.

And the success of the space station bears directly on how our future here on Earth, in the United States, in our schools, and hospitals, offices and factories will be shaped.

The opponents of the space station program have fought their hardest and they have lost. It's time for them to accept the will of the country.

This doesn't mean they shouldn't be watchdogs of the program—this bill requires certification that the program be on schedule and on budget each year in order for the authorization to remain in effect. But let me be clear, the debate over the existence of the program should end.

Mr. Chairman, just a few months ago, many around the world shared the excitement of the successful Shuttle-Mir docking. It was a nail-biting effort that required precision within thousandths-of-an-inch.

There can be no doubt that this was a significant achievement, but I wish it wasn't. At one point, watching the shuttle take off became commonplace. At one point, even the act of landing on the Moon became just another landing.

I'm looking forward to the day when the shuttle docking with the space station miles above the Earth no longer attracts attention because it's routine. This bill is an important step toward that day.

I urge my colleagues to support this bill—it gives stability to the station program, certainty to our international partners and it represents America's long-term commitment to our manned space program and the international space station.

Mrs. SCHROEDER. Mr. Chairman. This Congress has made budget cutting a priority. We have cut housing programs by $4.9 billion, directly effecting the poor and elderly. We have cut the EPA by $2.3 billion, threatening our water, air, and food safety. We have cut student loan programs by $918 million. We have eliminated summer youth programs to save $871 million. These budget cuts will affect every American, and come out of every pocket. Well, almost every pocket. The Science Committee has recommended that NASA should receive $2.1 billion next year to build a space station. NASA's space station budget went untouched in this appropriations cycle, and received the same amount it got last year. However, all of NASA's nonspace station programs were cut by 6 percent. We will gouge our seniors, our children, and our environment, but not the space station.

This authorization bill would give NASA $13.1 billion over the next 7 years, to conduct experiments in a permanent space station. The Republican budget requires us to cut $10.1 billion from student loans over the same period.

Budgeting priorities aside, this program is a bad idea. In 1984, the space station was originally budgeted at $8 billion over the 40-year life of the project. We've already spent $11 billion. According to a recent GAO estimate, the figure for completion has risen to $93 billion. Perhaps we should spend our money improving this planet before we start wasting money on outer space.

Mr. HALL of Texas. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

Mr. WALKER. Mr. Chairman, I thank the Members for the debate, and I yield back the balance of my time.

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. SALMON) having assumed the chair, Mr. HOBSON, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill, (H.R. 1601) to authorize appropriations to the National Aeronautics and Space Administration to develop, assemble, and operate the International Space Station, had come to no resolution thereon.

POLITICAL SUPPRESSION HEARINGS

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

Mr. SKAGGS. Mr. Speaker, political suppression hearings in the Committee on Government Reform and Oversight begin tomorrow and its first victim, if Members can believe it, is the YMCA.

In today's New York Times, the gentleman from Indiana [Mr. MCINTOSH], the subcommittee chairman, makes it clear these hearings will be used to investigate groups who have opposed the Republican agenda.

First, the majority attached the Istook political suppression amendment to the Labor–HHS appropriations bill. Next they poisoned the conference on the Treasury Postal bill by insisting on it there. Now the cancer has spread to the Committee on Government Reform and Oversight.

The Istook amendment restricting so-called political advocacy might have been written as satire by George Orwell, or, in all seriousness, by Joe McCarthy. It is an intrusive regulatory scheme designed to gag groups who wish to participate in the political life of America.

If you have any doubt, Mr. Speaker, just look at this demand for the production of documents issued by the subcommittee chairman to witnesses at the hearing, requiring them to

produce exhaustive reports on their participation for 5 years in public affairs. All freedom-loving Americans should oppose this attack on the core principal of our democracy.

Mr. Speaker, I include the document for the RECORD.

HOUSE OF REPRESENTATIVES, COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT,

Washington, DC.

Memo to: Executive Director.
From: Chairman David McIntosh.
Date: September 20, 1995.
Re: Oversight Questions Concerning Political Activity of Federal Grantees.

The Subcommittee on National Economic Growth, Natural Resources, and Regulatory Affairs will conduct a series of oversight hearings regarding Federal grantees' use of Federal funds for political activity. Thank you for agreeing to testify at the first such hearing.

Pursuant your conversation yesterday with Mildred Webber, Staff Director for the Subcommittee, attached are several questions and requests for documents that are relevant to our oversight investigation. In addition, Subcommittee counsel may contact you prior to the hearing to set up a meeting to ask any follow up questions we may have concerning your responses.

Please respond to each of the attached questions in writing by 5:00 p.m. Monday, September 25. Deliver your responses to Room B377 Rayburn H.O.B. If you have any questions regarding the scope or meaning of any of the questions, please contact Jon Praed, counsel to the Subcommittee, at 202–225–4407.

Thank you for your cooperation. I look forward to your testimony next week.

REQUESTS FOR DOCUMENTS

1. Please produce complete copies of your organization's publicity available Form 990 tax forms for the past two years.
2. Please produce a copy of the founding documents and/or charter for your organization that sets forward its founding or guiding principles.
3. Please produce a copy of your organization's annual report for the past two years.
4. Please produce all independent audits conducted of your organization in the past two years.

GENERAL BACKGROUND QUESTIONS

1. What is the tax status of your organization under Internal Revenue Code (IRC) section 501(c)?
2. If your organization is a section 501(c)(3) tax exempt organization, has it made the 501(h) election for purposes of political advocacy? If not, why not?
3. Identify each organization affiliated with your organization (by stating the affiliate's name, tax-status, tax identification number, place of incorporation, principal business address, telephone and facsimile number). For each affiliate that is a section 501(c)(3) tax-exempt organization, state whether it has made the 501(h) election for purposes of political advocacy. If not, explain why not.
4. Identify all transfers of monetary or non-monetary assets from your organization to any affiliated organizations, and from any affiliated organizations to your organization for the past 12 months.
5. How much federal taxes would your organization have owed last year had your organization not been tax-exempt? In the past 5 years? During the existence of your organization?
6. In addition to the tax windfall enjoyed by your organization, identify all other benefits your organization gains from its tax-exempt status, including mail postage rate discounts (by describing the benefits and estimating the annual value of this benefit).
7. What is your understanding of the justification for your organization's tax-exempt status?
8. Does your organization believe that the current IRC limitations on the amount of non-Federal funds that can be spent by tax-exempt organizations on political advocacy, lobbying, and electioneering violate the First Amendment, or are otherwise unconstitutional? If so, please identity the limitations that are unconstitutional and explain the basis for your organization's belief. Is it your organization's belief that any of the limitations contained in the attached legislation violate the First Amendment or are otherwise unconstitutional? If so, please identify the limitations, explain the basis for your organization's belief, and distinguish this belief from its belief on the constitutionality of the current IRC limitations.
9. Does your organization engage in any non-tax-exempt business activities? If so, please describe those activities, and estimate the amount of revenue earned from those activities?
10. In the past five years, has your organization endorsed any products, goods or services? If so, identify the endorsements, and state the amount of any compensation your organization received for these endorsements.
11. How would your organization spend an extra $1,000 this year? $100,000? $1,000,000?
12. For each of the past five years: state your organization's expenditures on salaries (including wages, bonuses, expense accounts and all other forms of compensation); itemize the salaries (including wages, bonuses, expense accounts and all other forms of compensation) paid to your top five officers and directors for the past five years.
13. What percentage of your organization's annual revenues are spent on fund raising?
14. If your organization is a coalition or association of organizations, please identify the member organizations by stating their full names, tax status, principal business address, telephone and facsimile numbers, and chief executive officer, and please state the amount of annual dues or membership fees paid to your organization by each member organization.

POLITICAL ADVOCACY INFORMATION

1. In the past five years, has your organization engaged in political advocacy as defined in the attached legislation? If so, please provide a brief description of the type of political advocacy engaged in, and a good faith estimate of the expenditures on each activity. Please answer for each affiliated organization.
2. Does your organization devote more than an insubstantial part of its activities to attempting to influence legislation by propaganda or otherwise, as that term is used in the Internal Revenue Code? What safeguards has your organization created, if any, to ensure that this limitation is not exceeded?
3. What percentage of your non-federal budget do you spend on political advocacy (as defined in the attached legislation), and what is the total amount?
4. Does your organization directly or indirectly participate in, or intervene in (including the publishing or distributing of statements), any political campaign on behalf of or in opposition to any candidate for public office? If so, please describe your organization's activities.
5. Does your organization disclose its political advocacy activities to its donors and potential donors? If so, please produce copies of all documents containing such disclosures. If not, please explain why not. Also, please produce copies of all promotional and fundraising materials distributed to potential donors.

GRANT INFORMATION

1. Has your organization received any federal grant funds since 1990? If so, please itemize for each grant received: the grant identification number; the amount or value of the grant (including all administrative and overhead costs awarded); a brief description of the purpose or purposes for which the grant was awarded; the identity of each Federal, State, local and tribal government entity awarding or administering the grant, and program thereunder; the name and tax identification number of each individual, entity or organization to whom your organization made a grant. Please answer this question with respect to each affiliate organization.
2. Does your organization receive donations, membership fees or dues from any other organizations that receive federal grant funds? If so, please identify the organizations and the amount(s) each of them have transferred to your organizations for the past two years. Were these organizations' contributions made possible by their receipt of federal grant funds? If not, how do you know? If so, justify your organization's decision to accept these contributions.
3. How does your organization separate federal grant funds from its non-federal funding? Is this record-keeping available to the public for inspection? Will you please make it available to the subcommittee for our review?

QUESTIONS REGARDING ABILITY TO COMPLY WITH THE PROPOSED LEGISLATION

1. Does your organization maintain accounting books and records relating to its activities? Are these books and records based on Generally Accepted Accounting Principles (GAAP)? If not, why are they not based on GAAP?
2. Does your organization allocate, disburse, or contribute any monetary or in-kind support to any individual, entity, or organization whose expenditures for political advocacy in any of the past five years exceeded 15 percent of its total expenditures for that year? 25%? 50%? 75%? 95%? For each of these thresholds, please identify each individual, entity or organization receiving the support, and the amount of support provided. If you are unable to answer this question for any of these thresholds, please explain why you are unable to answer.
3. Does your organization make available the results of nonpartisan analysis, study, research, or debate? If so, please identify the types of work made available by your organization in the past year.
4. Does your organization provide technical advice or assistance to a governmental body or to a committee or other subdivision thereof in response to a written request by such body or subdivision? If so, please identify the type of technical advice or assistance provided and the governmental body receiving it.

DROP SUNSET PROVISION FOR LOW INCOME HOUSING TAX CREDIT

(Mr. ORTON asked and was given permission to address the House for 1 minute and to include extraneous material.)

Mr. ORTON. Mr. Speaker, I rise today to express my strong opposition to the Ways and Means Committee proposal to sunset the low-income housing tax credit, which is to be included in the House reconciliation bill.

As evidence of how unwise this proposal is, I would like to enter into the RECORD a letter I received from the Governor of my home State, Mike Leavitt. This letter urges the deletion of the committee's sunset of the low-income housing tax credit. It also points out that this private sector tax incentive accounts for virtually all of new construction of Utah's apartment units which are affordable to hard working, low income renters.

Mr. Speaker I urge my colleagues on the other side to listen to Governor Leavitt, who incidentally is the chair of the Republican Governors Association. Let's drop this misguided proposal from the reconciliation bill.

Mr. Speaker, I submit the following for the RECORD.

STATE OF UTAH,
WASHINGTON OFFICE OF THE GOVERNOR,
Washington, DC., September 19, 1995.

Hon. BILL ORTON,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE ORTON: House Ways and Means Committee Chairman Bill Archer has released his proposed Budget Reconciliation to members of his Committee. It calls for the sunset of the Low Income Housing Tax Credit [LIHTC] after December 31, 1997.

As you know, the LIHTC is the only incentive remaining today in Utah, as well as the nation, for the production of affordable rental housing. According to the Utah Housing Finance Agency which administers the tax credit program for our state, the 6,000 units financed in Utah by LIHTC accounts for virtually all this state's apartment construction that have rents which are affordable to hard-working, yet lower income renters. This represents fully half of all the new apartments that have been constructed in Utah since 1987. It also finances rehabilitation of large numbers of old apartments into decent and affordable places for low income families to live.

The LIHTC is not a direct spending program of the federal government like so many other housing programs, but rather offers tax incentives to the private sector to invest capital into these difficult to finance housing efforts. Although corporations are the principal investors in the tax credits which finance these low income apartments, the LIHTC is not in any way a form of ''corporate welfare''. The LIHTC builds partnerships between public and private sectors to very efficiently draw capital into solving this nation's housing dilemma.

Additionally, the LIHTC has played an important role in sustaining the apartment construction industry in Utah for nearly a decade. It is playing a prominent part in the resurgence of a healthy Utah real estate industry. Vastly more important, the LIHTC has produced more than 6,000 rental homes, housing in excess of 25,000 lower income parents and children, in nearly every community in our state. Those decent and affordable places to live simply would not exist without the LIHTC.

Please contact Chairman Archer and ask him to delete the LIHTC sunset proposal from his Budget Reconciliation Bill.

Thank you for your attention to this important matter.

Sincerely,

MICHAEL O. LEAVITT,
Governor.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. GIBBONS] is recognized for 5 minutes.

[Mr. GIBBONS 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 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 gentleman from Colorado [Mr. SKAGGS] is recognized for 5 minutes.

[Mr. SKAGGS 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 Washington [Mrs. SMITH] is recognized for 5 minutes.

[Mrs. SMITH of Washington 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 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.]

THE BLACK CAUCUS AGENDA TO FIGHT THE DEATH OF ENTITLEMENTS

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. Mr. Speaker, last weekend, from September 20 to 23, the Congressional Black Caucus held its annual legislative weekend conference. More than 20,000 people participated in the various activities of the Congressional Black Caucus' annual legislative conference. It was our 25th anniversary.

I think it was a clear indication to all who are concerned that the Congressional Black Caucus is still very much alive and a very potent force in the politics of this Nation. Some 20,000 people came to various activities, including workshops on major issues like education, transportation, health, et cetera. We reaffirmed a clear Congressional Black Caucus agenda. We call it the Congressional Black Caucus and the Caring Majority Agenda, because it includes so many more people than people who are black. The overwhelming majority of Americans agree with the agenda that we set forth.

We started this agenda when we offered the Congressional Black Caucus alternative budget on the floor of the House, and we continue the fight. Today and tomorrow we particularly want to emphasize the fact that we are very upset about the death of the welfare entitlement, the death of the entitlement for poor people in need of assistance. The entitlement is on its last breath, its last gasp, almost. The Senate has agreed to end the entitlement, and the House has previously agreed to end the entitlement. We are afraid the President will not veto this end of entitlements that have existed since Franklin Roosevelt created Social Security.

We are going to particularly focus on that. In fact, we are going to wear black arm bands tomorrow to mourn the death of entitlements, the entitlements related to assistance to the poor. That is just the beginning. We understand that on the table now, everybody should know that on the table now is a proposal to kill the entitlement for Medicaid. We have almost killed the entitlement for assistance to poor people. We have set a precedent, so now we are going to go on to kill the entitlement for Medicaid, which means that many fewer people will be eligible for assistance with health care than were eligible last year, when we were talking about moving toward universal health care.

We have an agenda. We want to fight this. We want to fight the death of entitlements. We want to fight aggressive racist attacks in all forms. The Congressional Black Caucus has pledged to continue the fight against the attacks on affirmative action, we are pledged to continue the fight against school desegregation, set-asides, and the Voting Rights Act. We want to fight for education as a national priority. The CBC alternative budget demanded a 25-percent increase in funding for education. President Clinton has also proposed a large increase for education. We want to fight for this increase. We do not want the President to lose sight of this priority.

We want to fight to stop all of the cuts in Medicaid as well as Medicare. This Nation needs a national health insurance program with universal coverage. We should not take a step backward and end the entitlement for Medicaid. We want to fight to increase the minimum wage, to guarantee the right to organize unions, to end the striker replacement activities, and to maintain safe and healthy conditions in the workplace.

☐ 2015

We want to fight to balance the Nation's tax burden by lowering taxes on

families and individuals, while forcing corporations to pay their fair share of the taxes. At present, corporations cover only 11 percent of the tax burden, while individuals and families shoulder 44 percent of the tax load. We want to fight this injustice and balance the tax burden. Mr. Speaker, if we want to balance the budget, first balance the tax burden and relieve individuals from high taxes while we raise the burden on corporations up to a more reasonable level.

Mr. Speaker, we want to fight for an increase in foreign aid to Africa, the Caribbean, Haiti, and other third world countries to assist with vital health and education needs. During this weekend we passed a specific resolution related to education.

Mr. Speaker, I am the chairman of the Education Brain Trust of the Congressional Black Caucus and the National Commission for African-American Education, along with the Congressional Black Caucus Brain Trust Assembly, and those organizations declared their full support for the organization of a National Education Funding Support day on Wednesday, November 15, 1995, during open school week. Just about 6 weeks from now, during open school week on November 15, 1995, we would like for people to come out in large numbers.

We want all of the community groups, senior citizens, businesses, all kinds of people, churches, unions, to mobilize and bring people out on the morning of November 15, to the nearest public school. Everybody come out to the nearest public school to show that in America, there is overwhelming support for education, that there is overwhelming support from all walks of life, and we want to reaffirm this on November 15, during open school week. So please come out and participate. This is a particular and specific outcome of the Congressional Black Caucus weekend and we would like the support of every individual across the Nation.

REPEAL OF THE DAVIS-BACON ACT

The SPEAKER pro tempore (Mr. HOBSON). Under a previous order of the House, the gentleman from Arizona [Mr. SALMON] is recognized for 5 minutes.

Mr. SALMON. Mr. Speaker, I rise tonight in strong support of the repeal of the Davis-Bacon Act. Davis-Bacon is over 60 years old, but has already lived out its usefulness by that long in dog years.

This act is an example of the command and control economics practiced by the failed Soviet state. Instead of the free market determining the wages of workers employed by Federal construction contractors, we have a handful of bureaucrats in the Labor Department right here in Washington deciding how much their fair pay should be.

That's right, the same Government that spent the American taxpayer's money to study the effects of cow flatulence on the ozone layer has decided to give electricians in Philadelphia a raise from the $15.76 market average to $37.97 per hour just for working on a Federal building.

I would love for somebody to show me how the federally determined prevailing wage can be over twice as high as the city-wide average.

From its creation in 1931, Davis-Bacon has been used to freeze lower-wage, nonunion workers out of Federal construction projects. That was its purpose then, and that is what is does now. By equating the prevailing wage with higher wages, the Department of Labor is still protecting unions from being undercut by their less costly nonunion competitors who are paying wages determined by the free market.

That is why small business organizations like the NFIB and the U.S. Chamber of Commerce so strongly support the repeal of Davis-Bacon. By requiring firms to pay their employees the higher wage, small businesses are virtually frozen out of every phase of virtually every Davis-Bacon contract. We should be committed to expanding opportunities for small businesses, not continuing unsound policies that limit their participation in Government contracts.

Davis-Bacon is also costly to the American people. The act has cost taxpayers billions of dollars over the years as the taxpayer has been forced to pay too much for construction work that could and should have been done for less. The CBO estimates that the act costs at least $1.5 billion per year. For this reason, the GAO has been arguing for its repeal since 1979. In these tough budgetary times, not repealing this act is simply irresponsible.

This act also costs our States and localities in terms of added paperwork. Dallas TX, estimates that their officials spend 4,000 hours just to comply with the mandates of the act. That is 167 days, or almost 6 entire months! This is just time spent on compliance, not even the actual building Davis-Bacon projects—unless you consider the towers of paperwork a construction contract.

It has also been estimated that Davis-Bacon adds 10 percent to the cost of inner-city construction nationwide. This is the equivalent of adding a full percentage point on an 8 percent, 30-year mortgage. How do you think our constituents would feel if they woke up paying another full percentage point on their home loans. Well, if you don't think they would like it, you had better not tell them about the Davis-Bacon Act.

This act is a bureaucratic nightmare, it inflates costs for States, localities and for the American people, and it freezes small business out of Federal construction contracts. It does not ensure higher quality, or faster work for all the extra cost, it just protects higher-paying union shops from getting undercut by their more efficient nonunion competitors. It is counter-intuitive and antifree market. It is an idea whose time may never really have come, but clearly has gone.

If we had a chance to put this law on the books today, I don't think that we would take it. We will soon have an opportunity to repeal the Davis-Bacon Act. Let's reaffirm our commitment to the free market, to open and fair competition, and most of all, to the American taxpayer. I urge my colleagues to join me in supporting the repeal of the Davis-Bacon Act.

A NEW THINKING IN WASHINGTON

The SPEAKER pro tempore (Mr. SALMON). Under a previous order of the House, the gentlewoman from North Carolina [Mrs. CLAYTON] is recognized for 5 minutes.

Mrs. CLAYTON. Mr. Speaker, I also want to join my colleague, the gentleman from New York [Mr. OWENS], in stating that indeed, the Congressional Black Caucus had a very substantive and meaningful weekend wherein they not only spoke of issues that affect African-Americans, but they talked about issues that affect Americans as a whole, and wanted to see how the quality of life for all Americans can improve. To that vein, Mr. Speaker, we are reminded, and they reminded us, that people are suffering.

Mr. Speaker, like never before, Congress is seeking to change America, changing the role that the Government will have in the lives of Americans by reducing and eliminating social programs, restructuring college loans and grants, revisiting nutrition programs and cutting Medicare and Medicaid. These programs have increased the quality of American lives and have added to the productivity of this Nation. This budget cutting affects all Americans, young and old, men and women, low- and middle-income, black and white.

There is now a new thinking in Washington, Mr. Speaker, a new thinking that does not seem to care or to focus on inspirational leadership, a new thinking driven by a desire to abandon the collective spirit of uniting all Americans, the unity that built this Nation. This new thinking seems to embrace the individual and isolate each of us from one another. That kind of thinking can only lead to weakening the very fabric that makes America strong.

Mr. Speaker, if some in Congress have their way, Government would shift from the halls of Congress and the corridors of the Federal executive to places where State and local government officials can treat their people and citizens differently from what America stands for. In many instances, Congress is dumping on State and local governments, and they should not do this.

If some in Washington have their way, infants may not have immunizations, children may not have school lunches, and high school students may not have summer jobs, and students may not have loans to foster their education. More importantly, senior citizens may not have the opportunity for quality health care.

Mr. Speaker, I would suggest if these new thinkers in Washington really want change, they should indeed change the minimum wage. They should have meaningful change. They should change the tax cut that they are proposing and make sure that they not only give a break to the wealthiest Americans, but give a break to all Americans. If they want real change, they should restore school lunches for children who need it. If they want to make significant change, they should change their mind about cutting Medicare and cutting Medicaid.

Mr. Speaker, I am fully aware that these are difficult times and we all must and should be expected to make sacrifices. That is the point, that all of us should make the sacrifice, not just the poor.

One of our priorities must be to reduce the Federal deficit. However, I believe we can achieve a better and more efficient use of our spending priorities without cutting education programs that have been the national priority for many years, without eliminating job programs that provide hope and a way out, without cutting nutritional programs that allow children to grow and live, without cutting farm programs that produce the food for all of us to eat, and without cutting Medicare and Medicaid. Medicare and Medicaid is a true contract with America.

Mr. Speaker, we are strong because historically we have been able to make a place for all who live here, including those who are least able to help themselves: the young, the old, the poor, the frail, and the disabled. What makes us a great Nation is the compassion we show to those who live in the shadow of life.

In this time of increased scrutiny, I believe we must examine each and every program, but we must also consider each and every person affected by our changes. We must ask the question: who is helped and who is hurt?

Mr. Speaker, we live in a time of many problems, yet we live in a time of much promise. It concerns me that there are so many young people these days at the sunrise of their lives engaged in such destructive behavior as teenage pregnancy, drugs, and killing each other. Those are some of the problems. Too many are planning their funerals instead of their future.

The hope for America rests with our young people; our children truly are our future. Unfortunately, Mr. Speaker, the majority in Congress has launched an assault on the education of young people and other programs like nothing we have ever witnessed in the history of our Nation.

Under the pretense of ''gliding toward a balanced budget,'' their assault is relentless and damaging for all. The Labor-Health and Education bill, which passed recently, clearly demonstrates the difference between the policy of the Democrats and the extreme policies of the Republican majority. But worse, the bill ignores the pain it will cause to children, youth, and the elderly of America.

Rather than promoting education, the bill is an obstruction to education. Half of that bill, some $4.5 billion, comes from education. Title I is cut by $1.1 billion, and nine critical basis education opportunities which make our nation strong.

Mr. Speaker, this is no way to build America. I ask all of our colleagues, the time is not too late to change our minds and make sure we carry ourselves on the right path to restoring America.

THE CLOCK IS TICKING ON MEDICARE REFORM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey [Mr. PALLONE] is recognized for 5 minutes.

Mr. PALLONE. Mr. Speaker, today is Wednesday, and the House is back in session. I was told that today in the Committee on Commerce, which I am a member of, that we were going to have a Medicare bill from the Republican leadership and that we would begin marking up the Medicare bill today. Of course, we did not receive a bill. We do not know when we are going to receive a bill. The latest information is that apparently a bill may be forthcoming either Friday or sometime over the weekend, or maybe not for another week or so.

So the clock keeps ticking and still Speaker GINGRICH and the Republican leadership have not given us a Medicare bill. I think it is very unfortunate. We really do not know what the Republican leadership is proposing with these vast changes in Medicare that have gradually been leaked out, and we certainly have not had any opportunity for any real hearings.

As some may know, the House Committee on Ways and Means had one day of hearings last week. That obviously was not acceptable. We think the Democrats feel, and I feel very strongly, that we should have about a month worth of hearings and debate on something so important as Medicare. As a result, we have decided to have alternative hearings, and today was the second day of those alternative hearings out on the lawn in front of the Capitol where we heard from people from various parts of the community about the problems with the Republican leadership's proposal to change Medicare and take some $270 billion in cuts in Medicare in order to fund tax cuts primarily for the rich.

Mr. Speaker, I just wanted to say, I was very pleased today, because I have noticed now that not only on Medicare, but also on Medicaid, the health care program for poor people, that this is no longer a partisan issue in my home State of New Jersey. Increasingly, Republican legislators have come out, both on the State and the Federal level, and criticized their own party for what is happening to Medicare and Medicaid. On the Medicare program for the seniors, today, or I guess it was yesterday, in Ocean County, which is the county that I used to represent, three State legislators, including Senator Conners and also Assemblyman Moran, both of whom have been in the State legislature for a long time, came out and had a press conference, sent a letter to Senator DOLE and to Speaker GINGRICH saying that they should scrap the Medicare proposal as it is, said that it was not fair to take away the money from Medicare to the tune of $270 billion and use it to finance a tax cut for wealthy Americans.

☐ 2030

They asked the Speaker and Senator DOLE to simply throw the thing away. They pointed out, which I thought was very significant, that the proposal by Speaker GINGRICH to double the Medicare Part B premium for doctor bills over the next 7 years was totally unacceptable and that seniors in their part of New Jersey, in Ocean County, would not be able to pay that Part B premium.

This is something that myself and other Democrats have been complaining about now for several weeks but now we are also seeing Republicans in New Jersey coming out very strongly against these proposals.

One of the worst things that happened, not only with regard to Medicare but also with regard to Medicaid is that my own committee, the Committee on Commerce, last Friday reported out the Medicaid bill that essentially the Republican leadership had put together. I have rarely seen such a travesty committed against the American people, particularly poor people, particularly elderly people.

The New York Times in an editorial today called it a cruel revision of Medicaid. They said, ''Congress shows no signs of slowing its assault on the social safety net stitched together over 6 decades. The House Commerce Committee tore another hole in the net on Friday by eliminating the Federal guarantee of Medicaid insurance for millions of poor families. At the same time it voted to slash Federal Medicaid spending, virtually forcing States to kick millions of poor children out of the program.''

Let me tell just briefly some of the things that the Committee on Commerce did on Friday by a strictly partisan vote, all the Republicans voting for it and most except I think for one Democrat voting against it. First of all they eliminated all standards for nursing homes. They are giving money under Medicaid to the States for the

Medicaid program which primarily pays for nursing home care in this country and they are eliminating all nursing home standards. Basically unless the State steps in, the nursing homes can do whatever they want.

The other thing they did was to eliminate any protection for seniors, the spouse who stays back at home when the other spouse goes to a nursing home. Right now if your spouse has to go to a nursing home and pay for it by Medicaid, you can keep your home, you can keep your car, you can keep something like $14,000 in assets. That is gone.

The assault on senior citizens both with the changes in Medicare and Medicaid continues. It is very unfortunate. I think it is incumbent upon us to continue to speak out against it.

REPUBLICAN LEADERSHIP ON MEDICARE

The SPEAKER pro tempore (Mr. SALMON). Under a previous order of the House, the gentleman from Pennsylvania [Mr. FOX] is recognized for 5 minutes.

Mr. FOX of Pennsylvania. Mr. Speaker, I rise to underscore the importance of the Republican leadership in being at the forefront to help senior citizens here in the United States.

We have looked to the leadership of this House, the Republicans, who in a bipartisan fashion this year rolled back the unfair tax that is on our Social Security recipients that was placed there in 1993. As well, under that same leadership, in a bipartisan vote but led by Republicans, the seniors, who have been capped at $11,280 for income for those under 70 without having deductions from their Social Security allotment, in fact now can earn under our new legislation up to $30,000 a year without any deductions from Social Security payments.

This is what many senior groups have asked for and we have responded by in fact approving such legislation in this House.

Now let us look to the major problem that we need to face to make sure that Medicare is in fact here not only for the seniors of today but for the seniors of tomorrow. We look to the fact that Republicans and Democrats in the House are looking to preserve, protect and hopefully strengthen Medicare.

Just look to the President's trustees, Mr. Speaker, back here in the spring of the year, when they determined, and that is the Secretary of Treasury Rubin, Secretary of Health Shalala and the Secretary of Labor Reich, they all said that by the year 2002 if we do nothing, Medicare goes bankrupt. No representative in this House or in the Senate could responsibly go home after this session and say we did nothing to preserve, protect or strengthen Medicare.

Therefore, we need to look to alternatives of what to do. How do we strengthen this system that has provided valuable health care services to our seniors the last 30 years?

We look at health care costs in the country today, Mr. Speaker. Four percent is the average health care cost increase that we are having. But Medicare has gone up 10 or 11 percent a year. If you just look to the fact that fraud, abuse and waste is taking $30 billion a year, that has been documented by every important Government agency, including the GAO, you will find that that is a large part of how we can solve the Medicare crisis.

I had a Medicare preservation task force meet throughout my district this summer, a bipartisan group, asked seniors, those who are subscribers, insurance companies, they talked to people who are involved in the health care field and said, ''What can we do to change it?'' They came up with some solutions which I have passed on to legislative leaders of the House and we hope that as a result of those task force recommendations, Mr. Speaker, we will have some fundamental changes.

One of the changes they want to see is first, of course, the fraud, abuse, and waste eliminated but also the 12-percent cost we put toward paperwork—paperwork, Mr. Speaker—instead of health care. We have to reduce that. We also had from our task force recommendations that beyond having the fee-for-service as an option for our seniors, the continued fee-for-service, also talking about the possibility of a managed care option, with more services to seniors that they are not now getting, possibly dentures or eye care or pharmaceuticals included. Also talking about Medisave accounts, where you get $4,800 a year as you do now, of course, up to $6,700 by the year 2002, but whatever funds you would not use in your visits to the doctor, et cetera, will be rolled over, you keep the money or rolled over to the following year. Also our task force called for the Inspector General to actually implement some of the reforms from the HHS Inspector General which call for not paying those subscribers, not paying those who provide the health care service substandard care, that we make sure we get reimbursement to the system.

I am also working with the gentleman from New Mexico [Mr. SCHIFF] and the gentleman from Connecticut [Mr. SHAYS] on legislation to speed up the enforcement, investigation and prosecution of those who would commit the fraud, abuse and waste.

I think that we can see, Mr. Speaker, that by working together in a bipartisan fashion, we can not only make sure that we have a health care system under Medicare for our seniors that is strong and is preserved for this generation of seniors but for the next generation of seniors to whom we also owe a responsibility.

REPUBLICANS WILL GET MEDICARE

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Florida [Ms. BROWN] is recognized for 5 minutes.

Ms. BROWN of Florida. Mr. Speaker, the 104th Congress came here with a mission: to balance the budget. I don't think there are many who would disagree that balancing the budget is a top priority. But I cannot, in good faith, balance the budget on the backs of the poor women, children, the elderly, and the disabled—people who need help the most. It is wrong for this Congress to abandon Americans in need.

Mr. Speaker, Webster's Dictionary defines the verb to ''cut'' as to hit sharply, to constrict, to reduce, to lessen, to hurt.

I understand that the Republican leadership is unhappy about us using the word ''cut'' to describe the Republicans' revolting and offensive Medicare plan. OK, fine, Maybe cut is not quite the right word. Well how about g-u-t? According to Webster's, to gut is to demolish, to destroy. How do you like the word gut? The fact is that Republicans want to destroy Medicare's security and leave our seniors stranded to fend for themselves. Perhaps gut is a more appropriate word!

Mr. Speaker, during the August recess, I held 13 town meetings and met with 3,000 of my constituents. My constituents told me that they are outraged about the Republicans' reverse Robin Hood tactics—taking Medicare benefits from seniors in order to pay for a tax break for the wealthy.

The Republicans are trying to pull the wool over the eyes of 37 million of our Nation's seniors. Many of these folks will be forced to give up their doctors, premiums will rise, as will deductibles and copayments. For many of our Nation's low-income seniors, these cuts will be devastating. A thousand dollars extra per year is not small change.

Republican call it a cut in the growth of spending. I call a sneaky attempt to fool seniors. They say they are offering seniors choices. The truth is that seniors will pay more and get less. They call it progress. I call it a good old-fashioned bait and switch.

You know, the Republican Medicare plan reminds me of an old saying: you can fool some of the people some of the time, but you can't fool all of the people all of the time. The American people will not be fooled by this game being played with the health care of the elderly.

Mr. Speaker, we are sent here to Congress to be a protector of the people. Thirty years ago, when President Lyndon Johnson signed Medicare into law, Congress made a social contract with the seniors of our Nation. Well, guess who opposed Medicare in 1965? The Republicans. Even before that, during the Eisenhower and Truman administrations, the Republicans opposed passing Medicare. That's why it's no surprise

to me that the Republicans are trying to gut Medicare now. Now, when the program serves as a security blanket for 37 million Americans. Now, when Medicare serves as a lifeline to our seniors. Well, let me say this to my Republican colleagues: we cannot balance the budget on the backs of our seniors. We should be celebrating and embracing our seniors, not stabbing them in the back by taking away their health care.

REPUBLICANS WORKING TO SAVE MEDICARE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Colorado [Mr. MCINNIS] is recognized for 5 minutes.

Mr. MCINNIS. Mr. Speaker, shame on you, to my colleague from the fine State of Florida. What are you trying to do utilizing these scare tactics? You know they are inaccurate. You know they are false.

I just went to the Webster's dictionary. You like to quote the Webster dictionary. Let us quote another word out of the Webster's dictionary, called ''save.'' Save means to rescue, save means to keep safe. Save means to preserve.

Do you think this is going to go away if you put your head in the sand? Do you think if you tell American people enough times that we are going to throw seniors out in the streets, that people are going to go hungry, that there is not going to be medicine provided by this fine and great country of ours, that they are going to begin to ignore the crisis that we have in Medicare?

When are you going to come to your sense that this thing is going broke?

Your President, my President, has. He appointed trustees and they came out and said if we do not do something about this program by the year 2002——

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The gentleman will address his remarks to the Chair.

Mr. MCINNIS. I thank the Speaker.

Mr. Speaker, when will the gentlewoman recognize the fact that the Medicare Program is in very serious trouble? The President's trustees themselves have said that that program will be broke by the year 2002.

Is it the theory of some of the people—mind you, not all of the Democrats are opposing this. We have some bipartisan support to save Medicare, to rescue Medicare, to preserve Medicare. But there are some people out there who, by the way, do not have a plan of their own, who, by the way, do not talk about solutions, all they talk about is how do we use scare tactics, how do we scare the Republicans, how do we win the elections in November?

Why do they not put that selfishness aside and talk about the senior citizens in such a way to save the Medicare Program for them, to preserve the Medicare Program for them? Sure it is easy to criticize the first person out of the foxhole.

We have been willing to take that leadership challenge. We are willing to be the first people out of the foxhole, because if somebody does not do it, Medicare is going to go bankrupt.

There are a lot of my colleagues who did the same kind of yelling and pulled the same kind of tactics on the deficit, a deficit that accumulates at a rate of $35 million an hour. They hid their head in the sand, they told the American people, ''Ignore it, ignore it, it's not happening, it's not happening, it's not happening,'' and they became convinced that some of the American people were becoming convinced that the deficit was not a problem.

□ 2045

Look where we are today. Look at the suffering that the American people have today because this Congress did not take the responsibility of running a balanced budget in the last 25 years. But to my colleagues on the House floor, we are going to face exactly the same kind of crisis with Medicare if we do not accept that responsibility. If you do not like the plan we have got, come out with a solution. Do not spend our fine time tonight addressing the people in this House, our colleagues, telling them criticism after criticism, quoting Webster's Dictionary. Go look up the word ''solution'' in Webster's Dictionary. That is where we ought to be working, Democrats, Republicans, unaffiliated. Let us all work for a solution.

I think it can work. I want Medicare saved. I want it rescued. I want it kept safe.

My dear colleague from the State of New Jersey, same kind of thing, same kind of rhetoric. Stand on this House floor, tell the American people that the seniors are going to go without health care, that they will not get to choose their doctors, mislead all you want, be inaccurate as you want, put in a scare tactic and ignore the true problem, that problem being that if we do not do something with Medicare, my colleagues, this thing is going to go belly up. It is not going to go belly up 20 years from now. It is going to go belly up while many of you are still serving in this House.

It is our obligation, a fundamental responsibility of our duty to this country, to save that program, to save the senior citizens, to make sure that senior citizens of this country do have the medical attention that is necessary. When we are done with that, we have got a lot of other things that we need to address, the deficit. And we are trying to address it.

I think we will get it done. I am optimistic we are going to be able to save Medicare.

I am used to people criticizing and never joining the team. We have got a lot of people that like to ride the wagon and not pull it. If some of my colleagues preceding me speaking tonight would instead help pull the wagon instead of trying to get a ride on it or sitting on the side criticizing why we are not getting that wagon out of deep mud, we may not be able to get it out.

If some of my colleagues who spoke earlier come up with some solutions, work with us in a bipartisan fashion, we can pull that wagon out of the mud, and we can save the program.

REQUEST FOR ADDITIONAL TIME IN SPECIAL ORDERS

Ms. BROWN of Florida. Mr. Speaker, would I get an opportunity, maybe 30 seconds, to respond, since the gentleman called my name during his presentation?

The SPEAKER pro tempore (Mr. SALMON). The gentlewoman cannot be recognized for that purpose. She has already spoken for 5 minutes. However, if the gentlewoman would like to get some time from one of the Members speaking later, that would be acceptable.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. FARR] is recognized for 5 minutes.

[Mr. FARR of California 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 Ohio [Mr. BROWN] is recognized for 5 minutes.

[Mr. BROWN of Ohio addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

TRIBUTE TO THE HONORABLE NORMAN Y. MINETA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California is recognized for 60 minutes.

Mr. BROWN of California. Mr. Speaker, I hope that we can pause for a moment from the policy issues which divide us at this particular time, and they are extremely important issues, and move on to something that I think we can find a great deal more unanimity about.

I have taken the time this evening to say a few words in praise of our colleague, the distinguished gentleman from California [Mr. MINETA], and before I make my own remarks on this matter, I would like to yield to the distinguished gentleman from California [Mr. MATSUI] for a few words on this subject.

Mr. MATSUI. I would like to thank the distinguished dean of the California delegation for yielding to me and also setting up this special order tonight on behalf of our dear colleague, the gentleman from California [Mr. MINETA],

from San Jose, CA. I am only going to take a few moments.

But I would like to just say on behalf of the people of the State of California, certainly my colleagues in the U.S. Congress and certainly the Asian-American community and people of color generally that we are losing in this institution in the next few weeks truly one of the champions and one of the leaders that, in my opinion, will go down in history as truly an outstanding legislator.

When I decided to run for Congress in 1978, one of the first individuals that called me was NORM MINETA to offer his assistance, even though I was going to be engaged in a very, very difficult Democratic primary. I cannot tell you how much that moment meant to me when that phone call came in, and from that time on I have looked upon NORM MINETA as really not only a colleague and a dear friend but as a mentor, as somebody that I would look to in terms of a rule model for leadership, for values of what it is to be a legislator.

I think that all of us, as a result of NORM'S leaving this institution and going in the private sector, will miss him truly, dearly.

As many know, he was born in 1931 in San Jose, CA. One of the great achievements, I believe, of this institution over the last 20 years was the passage of House bill 442, which was the bill to provide compensation to Americans of Japanese ancestry, a bill that NORM MINETA introduced and which NORM was really the singular most important leader in moving that legislation through this institution.

NORM was 10 years old in 1942, 11 years old. He was a member of the Boy Scouts in San Jose, Cub Scouts in San Jose. His father was in the insurance business, and his mother and other brothers and sisters were living in San Jose. As I mentioned, he was born in San Jose, 11 years earlier, in 1931.

In 1942, in April, Executive Order 9066 was passed, which asked that Americans, Americans of Japanese ancestry, be interned for the duration of World War II. As I said, NORM was 11 years old. No charges were filed against him, although he was an American citizen. No trial was had. But NORM was incarcerated, along with his parents, brothers and sisters, and 120,000 other Americans of Japanese ancestry for a period of 4 years.

Some 40 years went by before Americans of Japanese ancestry were even able to talk about this, and one of the real problems that we had was the fact that to talk about the incarceration by your own Government raised the specter of disloyalty, and so it was something that we had a very difficult time discussing. It was better to hide it than to bring it out. I remember when I was in junior high school and we were discussing World War II, and one of my teachers, very well-intentioned, said to me, ''BOB, weren't you in one of those camps?'' I was a 6–month-old infant when I was interned, and I recall looking around my at my classmates, and I denied it, because it was easier to deny it than to explain why you were jailed by your own Government because that would raise the issue of whether or not you were loyal or not.

Well NORM MINETA, when he came to Congress, decided that he was going to rectify that wrong, that injustice. Over the years, NORM introduced, as I mentioned, House bill 442, which would provide an apology by the U.S. Government to those surviving Americans of Japanese ancestry, 66,000 at the time, about a half of the 120,000, and also token compensation of $20,000 per surviving internee, and as everyone knows, on September 17, 1987, the 200th anniversary of the signing of the Constitution of the United States, and that date was picked by then Speaker Jim Wright after NORM MINETA requested that he pick that date, the House of Representatives, by an overwhelming majority, passed that legislation. It went to the Senate, and Senator INOUYE, Senator Matsunaga, and a number of others were very instrumental in having that legislation passed, and then President Reagan, in August of 1988, signed that legislation.

I have to say that if that were NORM'S only feat, he would go down, in my opinion, and I think in the opinion of many, as a giant, a legislative giant, because in the middle of a period of austerity, to pass that kind of legislation, in my opinion, most people would have thought was impossible.

NORM is now known only for those kinds of achievements. NORM, as many recall, was the chairman of the House Public Works and Environment Committee. He was the leader in moving the legislation, which later was known as ISTEA, a bill that provided sums of money to localities to build up and repair the infrastructure of this country, which, in my opinion, still in America is so sorely needed, but with NORM'S leadership we were able to do this in a very, very important, environmentally secure way.

I will not take any more time, I say to the gentleman from California [Mr. BROWN], but I would like to just close by making one final observation, if I may. There is so much that one can say about my colleague, NORM MINETA, but I would like to just close by making this one final observation about him. I think that if one looks back at history 50 years from now and one looks at this period, one will find that the legislation that he led and sponsored to provide compensation to Americans of Japanese ancestry will go down in history as one of the most monumental legislative feats that has occurred in the last 25, maybe 30 or even 40 or 50 years.

The reason I say this is because it is not often when a government can admit it is wrong. It is not often when a government is willing to say to its own citizens, ''We made a mistake, and we want to provide an apology and some minor token redress to you.'' I think what NORM's career in this institution and as a legislator represents is that one person, one person in this great country of ours, can indeed make a difference.

I would just like to say to NORM and his wife, Danny, and his children, thank you for your dedication, your commitment, and your courage of being a legislator in this great country of ours.

Mr. BROWN of California. I thank the gentleman from California [Mr. MATSUI] very much for those extremely eloquent remarks.

As I indicated, we are here to take note of NORM's departure and to say farewell to him.

I think we are all aware that he has announced that he will be leaving us early in October to take a position in the private sector with one of the Nation's largest firms in an area in which Mr. MINETA has achieved nationwide, if not worldwide, recognition as a leader in the field of intelligent transportation systems and related activities, which I think will provide him with an opportunity, if it is possible to say this, for even greater public service than the opportunities that he has had here in Congress for more than 20 years.

I said, and I was not being entirely facetious, that this was an offer that would be hard to refuse and that I would be making the same decision that he made if I had received an offer such as that.

NORM has been a leader, a voice of reason and a voice of conscience since he was first elected to this House in 1974.

I would say that, in addition to the things that the gentleman from California [Mr. MATSUI] has already indicated about NORM's career, that he has already more than justified a position in American politics which will be very difficult to match. The fact, as has already been mentioned, that he suffered the indignity of incarceration in a so-called relocation camp, and that this did not affect his commitment to public service, his love of his country and his desire to excel in providing leadership in this country is remarkable in itself. But he has been a community leader all of his life. He has a record of community activity in his home city of San Jose which is unexcelled. He has risen in the political hierarchy there as a member of the city council and then as mayor of that city, which, I am sure, will be remembered.

I had the pleasure of participating in the dedication of the portrait that he will have and has had mounted in the Committee on Transportation and Infrastructure, a marvelous portrait, I might say, but I am inclined to predict that that will be only one of many memorials that will be created in his honor over the next few years.

□ 2100

I would not be surprised if there is a statue in the town hall of San Jose, or

the town square, that will commemorate his service as one of the outstanding citizens of that community.

The gentleman from California [Mr. MATSUI] has made some reference to the kind of service and leadership that he has given in the House. I want to mention some of the things that have not been covered.

He has, in addition to serving on the committee which was then Public Works and Transportation as chairman during the 103d Congress, he served as also chairman of several of the major subcommittees of that full committee. Noteworthy of course was the Surface Transportation Subcommittee, on which he made very great contributions to and, I think, advanced the cause of investment in transportation infrastructures as no other person could do. He served as chairman of the Aviation Subcommittee, and the stories about his contributions to aviation, and improvement of aviation safety, and service to the public are manyfold, and I will not put them all into the RECORD at this time. He also served on the Committee on Science, which I had the honor of chairing for a couple of terms, and I can tell my colleagues that he was one of the outstanding leaders on that committee. I regret that he had committed so much of his time to other major committees as he did, but he also provided that vital linkage between the two committees, and it was reflected, of course, in his commitment to the technological advancement in transportation, both surface and aviation, that he pioneered in that committee. But he was a voice of reason and of perspective on the future in the Committee on Science, and I want to pay tribute to the great service that he gave on that committee as we worked together on issues of importance to the Nation and to our home State of California.

I suppose it is important that I should mention incidentally that he served on two other major very important committees, the House Committee on the Budget in which he was also a leading force for a number of years, and the House Permanent Select Committee on Intelligence. It was in part because of my respect for the work that he did on that committee that I sought to follow him briefly on the permanent Select Committee on Intelligence, and I learned a great deal from my conversations with him about that very important subject.

He is, of course it goes without saying, a very hard-working Member, and I would particularly point out the contribution he made in some of those great debates that we had on the space station in the committee that I was chairing, the Committee on Science. It was normal that we counted on him to round up the votes, to count the votes that were necessary, in some of those very close fights we had over continuing that very important part of our space program. I doubt if I have ever thanked him adequately for that service, and I certainly will do so today. He took it as a matter of course that, if something needed to be done, you pitch in, and you do it, and you do it extremely well. I can think of no other Member of Congress that I would want to have on my side on a hotly contested policy issue than NORM MINETA.

We have already heard some reference to his responsibility on the Committee on Transportation and Infrastructure, the role he played in the passage of the Surface Transportation Act of 1991 and the way that legislation has helped us map out new direction for transportation policy in this Nation. He has also been a steadfast defender of the environment, an issue which over the decades has been a major importance to our State of California and to the Nation, and the work that he has done on things like the Clean Water Act and on other very important pieces of environmental legislation that go through that committee.

Many of us can remember other significant accomplishments that the gentleman from California [Mr. MINETA] was engaged in. If I might mention, for example, one of the ones that impressed me the most was the fight that he carried on to protect the prerogatives of his committee, an authorizing committee, against what we who are on authorizing committees regard as the inroads and depredations of the appropriators even though they are our very good friends, and many of you will remember what I consider to be that historic battle, if we may call it that, between him and the chairman of the Transportation Subcommittee with regard to how we would handle the appropriation and authorization for the highway program, and this was a battle in which the appropriators sought to usurp what was clearly the responsibility of the Committee on Transportation, and in that fight, of course without any effort to derogate the great work of the appropriators, the gentleman from California [Mr. MINETA] prevailed in upholding the responsibility of his committee, and I want to commend him again for that great job that he did. I wish I could have been half as successful in my own battles with the appropriators.

His landmark contribution to civil rights of course has already been noted by the gentleman from California [Mr. MATSUI] in connection with the legislation which made some inadequate amends for the incarceration of the Japanese-American citizens during World War II. I probably am not in a position to fully respect all the work that went into that. I followed it as an interested supporter and observer and admired the way in which the gentleman from California [Mr. MINETA] handled that issue, and I think that as the gentleman from California [Mr. MATSUI] has already said, that he will be remembered in history for that great contribution he made to redressing a wrong perpetrated by our great country on our Japanese-American minority.

Despite the fact that I was not as active a player in that, I felt the significance of it perhaps more than the gentleman from California [Mr. MINETA] will appreciate because I fought that action by our Government, and at the time that it occurred I was an employee of the city of Los Angeles where the mayor had taken the lead in removing all Japanese from city employment as his contribution to keeping our country safe, and at that point I sort of made myself obnoxious by forming a committee of city employees who went to the mayor and protested this action. I can still remember that I was accused of being a subversive for wanting to support fair play for our Japanese-American citizens in those very difficult times, and I want to personally express my thanks to the gentleman from California [Mr. MINETA] for the effort that he made, the successful effort that he made, to finally bring about a public official apology on the part of the citizens of this country for that kind of activity.

All of these actions that I have described are tributes to his legislative skill, to his dedication, to his tenacity, his willingness to work hard, and it is for these kinds of reasons that I say that the gentleman from California [Mr. MINETA] will go down in history as a native son of California of whom the entire State can be proud, and of course his own city of San Jose, I know, will be proud of him. He has been a leading citizen of San Jose and of the counties of Santa Clara and Santa Cruz since he began his public service now nearly 30 years ago.

I remember when he came to Washington in 1974. I enjoyed working with him as a part of the California delegation. He is one of the regulars who we count on to keep the delegation together, and we are going to hold open at least an honorary seat for him in all of our regular Wednesday morning breakfasts because he is one of those who will be impossible to replace.

I am both glad and sad about his decision to leave. I am glad of the opportunity that it gives him. As I said earlier, I think that we will see a great deal more of him in the future. I expect him to make an even greater contribution to the expansion of modern high-technology surface transportation and related kinds of activities in his career with Lockheed Martin, and I may even visit with him once in a while to find out what I can learn to help us here in the Congress in terms of improving our national transportation system.

We will miss him, but we know he is not dropping out of sight. We expect to see more of him. He will merely be changing his point of view as we discuss the important policy issues of this country.

Mr. Speaker, there were a number of others who wanted to participate in this, but we all recognize that the lateness of the hour and the turbulence of

these times makes that difficult. There are a number whose names I will not mention who had intended to participate.

Mr. Speaker, we have asked for time today to say farewell to our colleague, Congressman NORM MINETA. Mr. MINETA has announced that he is leaving public service to take a well-deserved job in the private sector. Those of us who stay here in Congress, we who have not been given an ''offer we could not refuse,'' will miss him. Mr. MINETA has been a leader, a voice of reason, and a voice of conscience since he was first elected in 1974.

Mr. MINETA has served on a number of committees during his time in the House of Representatives. He has been on the Budget and the Select Intelligence Committees. He was also on the House Science Committee until he became chair of the Public Works and Transportation Committee. During his 9 years of service on the Science Committee I got to know him well, as we worked together on issues of importance to the Nation and to our home State of California. Mr. MINETA is one of the hardest working Members of this body that I know and many of the votes on the space station might have gone the other way if not for Mr. MINETA's tireless effort to round up supporters. I can think of no other Member I would like in my corner than Mr. MINETA.

Mr. MINETA has been known most recently for his work on the House Public Works and Transportation Committee. He was responsible for the 1991 Surface Transportation Act that mapped a new direction for transportation policy in this nation. He has also been a steadfast defender of the environment, working to fashion a solid Clean Water Act reauthorization bill. Throughout his congressional service, Mr. MINETA has been one of the best defenders of the environment and he took his stewardship perspective to the Public Works Committee.

Many of us remember Mr. MINETA's other significant accomplishments, most notably his work on behalf of Japanese-Americans interned by the United States government during World War II. Mr. MINETA spent part of his childhood in one of those internment camps and he spent part of his adulthood making sure that the Federal Government made partial restitution and a public apology. The legislation that Mr. MINETA authored and shepherded through the legislative process is a testimony to his legislative skills and his sense of honor.

Within the California delegation, Mr. MINETA has been a native son of whom the State can be proud. Mr. MINETA has represented his home town of San Jose and the other parts of Santa Clara County and Santa Cruz County since he began his public service with his election to the San Jose City Council in 1967. He was later elected as mayor of San Jose and then came to Congress in the Watergate class of 1974. I have enjoyed working with Mr. MINETA as part of the California delegation and he will be sorely missed. We are going to hold open a chair for him at our Wednesday Democratic delegation breakfasts, an event to which he was a regular.

I am both glad and sad with Mr. MINETA's decision to leave us. I am glad for Mr. MINETA and the opportunity that this move represents for him. I am sad to see him leave and to lose his presence in the House. We will miss you, but we know that you aren't dropping out of sight, just changing your view.

Ms. ESHOO. Mr. Speaker, when NORMAN Y. MINETA—whose constituents all know as NORM—announced his retirement from the House of Representatives earlier this month, it marked the end of a congressional career that has spanned 20 years and enriched the lives of people in California's 15th Congressional District and throughout our entire Nation. His leadership will be missed, and his special friendship with many in this institution will never be forgotten.

NORM's hometown newspaper called him a calming voice for civility, compassion, and reason. I agree. His service to America is more than the sum of his votes and his legislation.

It is more than his reputation as Mr. Transportation—even though NORM certainly deserves to be recognized as the person who heralded a new era for public transportation in the South Bay area and the country as a whole.

It's more than his expertise on high technology and science issues—although NORM can certainly take credit for being one of the leading spokespeople for Silicon Valley and educating everyone in Congress about the importance of high technology to America's economy, work force, and future in the international market.

And it's more than his ability to know and represent successfully the views and interests of his constituents—even though NORM's highly regarded as a classic public servant who started in local government as a member of the San Jose Human Relations Commission, a San Jose City Councilman, and mayor of San Jose before he was elected to Congress.

To truly understand who NORM MINETA is, you must understand where he has come from and how that has shaped his life.

When he was a 10-year-old boy at the beginning of World War II, NORM was sent to an internment camp where Japanese-Americans were held for no other reason than their national ancestry.

He was still wearing his Cub Scout uniform and clutching his baseball, glove, and cap when his family was rounded up and shipped off to Wyoming. NORM says that ''a lot of what I am today is really that 10-plus-year-old kid who got on that train'' in May 1942.

He could have emerged from that humiliating and stressful experience as a bitter person, and no one would have blamed him. Instead, NORM MINETA gained a greater appreciation for the need to champion justice in our society. That appreciation led him to launch a public career that made NORM the first Japanese-American elected to Congress from the mainland.

His passion for justice and his recognition of the need for someone to speak out on behalf of Asian-Americans are woven like threads throughout his years of service.

And those threads can clearly be seen in the crowning achievement of his congressional career—the Civil Liberties Act of 1988, with which he won a formal apology and compensation for all Japanese-Americans thrown into internment camps by the United States Government.

NORM has taken his sense of fairness and applied it in other ways, too, both large and small. It's no accident that when you walk down the Halls of the House, he can be heard saying hello by name not only to Members of Congress, but also the guards, elevator operators, and other workers. He takes the time to know them all.

NORM also has taken the time to keep himself firmly rooted in the community that sent him to Congress. He was asked on several occasions to run for statewide office. And while he doesn't talk about it much, it's generally known that he was President Clinton's first choice for Secretary of Transportation.

But NORM turned down those opportunities because he wanted to represent people—his people, his community—rather than a State or an agency.

And when he announced his retirement, he didn't do it in Washington. He did it the only way he knew how—back home at his father's house in San Jose among his family, friends, and constituents.

His internal compass has always pointed home. It's only fitting that he chose to end his career where it all began.

In closing, let me say that I shall miss NORM's comradery in the House and his extraordinary service to our country.

NORM always finishes his speeches by saying ''Thanks a million.'' And as he finishes his career on Capitol Hill, I ask my colleagues to join me in saying ''Thanks a million, NORM'' for giving so much of yourself to help build a more compassionate, progressive Nation. We wish you every success in the next chapter of your life.

Ms. PELOSI. Mr. Speaker, I rise today to pay tribute to NORM MINETA. NORM is leaving this House after 21 years of exceptional service to the people of California's 15th Congressional District. He has been a leader in the Democratic Party, a leader in our State's delegation, and a leading voice on national transportation and infrastructure policy.

First elected as a Member of the post-Watergate class of 1974, NORM has become one of the most prominent Asian-Americans in politics. He was a driving force behind the 1988 legislation to compensate Japanese-Americans interned by the United States Government during World War II.

NORM worked to redress this ''act born of racism'' for more than a decade. As someone who himself had suffered the indignity of internment during the war, NORM's voice and passion on this issue carried added moral authority during the debate on this bill.

In addition to this landmark legislation NORM has used his position as the chairman of the House Subcommittee on Aviation to make air travel safer, to protect the rights of transportation industry workers, and to benefit consumers. As chairman of the House Public Works and Transportation Committee during the 103d Congress, NORM continued these efforts and expanded them into the fields of maritime and surface transportation, water resources, public building construction, and the environment.

When viewed separately, any of NORM's accomplishments would be considered to be the crowning achievement of one's congressional career. Yet, this is what has made NORM's tenure even more impressive. He has accomplished so many important things in so many different areas. This House will surely miss his drive, his intellect, and his dedication to realizing many difficult legislative goals.

As a fellow Californian and member of the San Francisco Bay area delegation, I will miss NORM more than most. From my first days in

Congress, we have worked together on many projects of importance to our region. He has been a leader, teacher, and a true friend.

We will all miss him very much and wish him all the best in his new endeavor.

Mr. WAXMAN. Mr. Speaker, I want to extend my best wishes to NORM as he leaves the House of Representatives to begin a new chapter in his life. I do so sadly, though, because he embodies the qualities that every American should have in their representative. NORM's integrity and tireless commitment to the public interest has served his district and our Nation extraordinarily well.

I have always thought of NORM as a pragmatic idealist, and that rare combination has made possible his many legislative efforts in the House of Representatives.

NORM and I both came to Congress as part of the historic Watergate class. Like our other Democratic classmates, we came to Washington with the purpose of opening the decisionmaking process to the American public and making the Federal Government more responsive to its citizens. As Californians, we often found ourselves working on issues together, and I soon discovered that he was one of the best allies one could ever hope to have. I won't list his many achievements that improved the quality of our environment now, but I do want to note that his work has been instrumental in enhancing the quality of our air, water, and natural resources.

Of course, the enactment of legislation that brought compensation to Japanese-Americans uprooted and forced into internment camps during World War II was NORM's greatest personal achievement. NORM worked to rectify a grievous wrong, and it was a grievous wrong that he and his own family experienced. This law would not have been possible without the unquestionable moral authority NORM brought to the debate and his insistence that our Nation live up to its commitment to justice and equality.

NORM MINETA may leave this House, but I know we will continue to have the warmth of his friendship and the benefit of his dedication and ability.

Mr. DELLUMS. Mr. Speaker, I rise to join my colleagues to honor and congratulate my dear friend NORMAN MINETA. We have truly benefited from his devotion to duty and his commitment to open up doors and opportunity for all Americans, regardless of national origin, race, gender, age, or economic status.

For years NORM has been in the forefront of the struggle for human and civil rights and social justice. During the historic 100th Congress, NORM was the driving force behind the passage of H.R. 442, the Civil Liberties Act of 1988, which redressed the injustices endured by Americans of Japanese ancestry during the World War II.

During 103d Congress, he was elected chair of the House Committee on Public Works and Transportation, thereby becoming the first American of Asian ancestry to chair a major committee in the Congress. Also during 103d Congress, NORM was an original cofounder with nine colleagues from the House and Senate, of the Congressional Asian Pacific Caucus, the Asian American and Pacific Islander counterpart to the Congressional Black and Hispanic Caucus. He currently serves as deputy whip, House Democratic leadership.

NORMAN MINETA was just recently honored by George Washington University with the Dr. Martin Luther King, Jr., Commemorative Award for Professional Achievement in the area of civil and human rights. We should all be in his debt because of his commitment, courage and determination to have this Nation live out the principles proclaimed in our own Declaration of Independence. There are many men for the moment, but NORM MINETA is truly a man for all seasons. His dedicated struggle for the cause of all humanity, and the testament of his personal courage cannot be understated.

So, on this day, I pay special tribute to my distinguished colleague and applaud his record of public service. More importantly, I am proud to call him friend.

Mr. LANTOS. Mr. Speaker, I rise today to commend my colleague, friend, and neighbor, the Honorable NORMAN MINETA. As an exofficio member of each of the six transportation subcommittees, chairman of Public Works and Transportation Committee, and currently, the ranking Democrat of the Transportation and Infrastructure Committee, Congressman MINETA championed highway safety standards for the Nation, and particularly, the entire San Francisco Bay Area, where his district is located.

Throughout his career, spanning more than two decades, Mr. MINETA has made a great contribution toward maintaining and improving the infrastructure of this country, to the U.S. Congress and the people of California. His wisdom, knowledge, and dedication will truly be missed by those who were privileged to serve with him and by those whom he has served with distinction.

Concern for human rights and and dignity is a personal issue for NORMAN MINETA. As a child, MINETA and his family, along with 120,000 Japanese-Americans, were sent by the United States Government to live in internment camps during World War II. One of the highlights of Congressman MINETA's career was realized when the 100th Congress passed the Civil Liberties Act of 1988, granting redress and a formal apology by the United States Government to the 60,000 surviving Japanese-Americans who suffered injustices by the Government of their own country during World War II.

I salute Congressman MINETA for his distinguished service in the U.S. Congress and for his unyielding dedication to his constituents. I truly wish him all the best in his future endeavors.

Mr. BERMAN. Mr. Speaker, it is with decidedly mixed feelings that I rise today to pay tribute to my friend and colleague, NORM MINETA. I am delighted with his pleasure at beginning a new and rewarding career, but I am also among those who will miss his acumen, his dedication and his great contribution to matters of importance to California.

The story of NORM MINETA, who was sent to an internment camp in Wyoming during World War II—and then became the instrument by which the injustice suffered by Americans of Japanese ancestry was redressed—is one of enormous interest and appeal. The young boy wearing a Cub Scout uniform became friends with another youth who would grow up to be a U.S. Senator. ALAN SIMPSON and NORM MINETA, decades later, worked together until the Japanese-American redress bill, apologizing for the internment and providing compensation for those detained, became the law of the land.

A distinguished military veteran of tours in Japan and Korea who then became a successful business executive, NORM was a natural for public service.

His outstanding record as mayor of San Jose led him to run for Congress, where he was the president of the Watergate class of 1974. He helped push through many of the House reforms associated with that large group of House freshmen.

It was a great boon to the California delegation to see NORM take the helm of the House Public Works Committee, where he worked with all his might to protect the environment and to maintain and improve the infrastructure of the United States. He also earned the gratitude of America's working men and women by his work in protecting labor rights.

NORM also is much admired for his help in enacting the Americans With Disabilities Act, which requires increased accessibility to handicapped individuals.

NORMAN is a gentleman, a fine individual, and an outstanding legislator. We will greatly miss him here in Congress.

Ms. LOFGREN. Mr. Speaker, I am honored to join with my colleagues tonight to pay tribute to our distinguished colleague and my dear friend from California, Congressman NORMAN Y. MINETA who is leaving Congress after 21 years of service. When I came to Congress in January of this year, I was excited about the prospect of a long-working relationship with NORM in representing the people of San Jose and am sad that he is leaving so soon after my arrival.

I have long admired NORMAN MINETA not only for his astounding record of achievement as a public servant, but also for his sense of dignity and grace. NORM is a true gentleman and has earned the reputation of being one of the brightest, most respected, and well-liked Members of Congress.

Before coming to Congress, NORM distinguished himself as a highly respected businessperson and public servant. He assumed his first public post in 1962 as a member of San Jose's human relations commission followed by an appointment to the housing authority board of directors. In 1967, he was appointed to fill a vacancy on the city council and in 1969 won election to a seat on the city council and then became vice mayor by appointment. In 1971 he was elected mayor of San Jose and served in that capacity until his election to Congress in 1974.

As a freshman in the 94th Congress, he quickly distinguished himself as one of the leaders of the 75 new Democratic Members and was elected to chair the New Members Caucus. Although he enjoyed many legislative accomplishments, the passage of the Civil Liberties Act of 1988, which provided reparations for Japanese-Americans imprisoned during World War II was the most notable in his congressional career making him a hero to the Japanese-American community and other Americans who cherish civil rights and liberty.

NORMAN's broad legislative expertise includes transportation, trade, high technology, NASA, the American space program, the Federal budget, civil rights, and issues of specific importance to Americans of Asian and Pacific Islands ancestry. During his tenure in Congress he continued to maintain strong ties back home as a friend to Silicon Valley and the environment and at the same time keeping a close eye on local issues. As chairman of

the House Public Works and Transportation Committee in the 102d Congress, he was successful in directing hundreds of millions of dollars for South Bay highways, railways, and wetlands.

It is with a sad heart that I say goodbye to my dear friend. NORM you have been an inspiration to me and a great void will be left with your departure. The world and this country is a better place because of your service. You have been a true friend to the people of California and indeed all Americans and we wish you well and best of luck in this new chapter of your life.

GENERAL LEAVE

Mr. BROWN of California. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the subject of this special order tonight.

The SPEAKER pro tempore (Mr. SALMON). Is there objection to the request of the gentleman from California?

There was no objection.

THE DEMOCRAT PLAN IS BETTER

The SPEAKER pro tempore. The gentleman from Wisconsin [Mr. BARRETT] is recognized for 30 minutes to conclude the time designated for the minority.

Mr. BARRETT of Wisconsin. Mr. Speaker, I want to pay tribute to the gentleman from California [Mr. MINETA] too. As a newer Member I can say that the highest compliment I can pay him is that I consider him a normal person. He is a person who is very approachable, one who has treated the younger, newer Members with a lot of respect, and I think he has done a great job for this institution, and I am sorry to see him leaving this fine institution.

Mr. Speaker, I was in my office earlier tonight, and I was listening to some of the discourse on the floor here and several of my colleagues talking about the Medicare debate that is going on in the House right now, and I was listening to one of my colleagues talking about the terrible crisis, the terrible crisis we are facing in Medicare and how can the Democrats possibly ignore the crisis, that this system is falling apart, that we have to do something now, right now, to insure stability for people in this country to have health care.

Mr. Speaker, as I was listening to that debate, I thought back to my hometown of Milwaukee, and I thought back to two older women I know in my community that I had the pleasure of working with several years ago, and there were two sisters who lived together, and they were living in the home that they had owned for many, many years, and they noticed there was some water in the basement, and they thought, ''Well, we should deal with this problem. We are willing to pay the price to fix the damage of water in our basement.''

So what they did was they called the contractor, and the contractor came out and said, ''Yes, there is water in your basement. The foundation of your home is collapsing. We are going to have to tear down a wall and rebuild it.''

Well, the two older women were on fixed incomes, and obviously they were very shook up by this news, but they wanted to do the right thing, they wanted to pay their fair share, and they wanted to have the problem solved. So they agreed to do that. They agreed to pay several thousand dollars to have the wall replaced and rebuilt.

Mr. Speaker, no sooner had these contractors ripped down and built up a new wall in the basement, than they came back to the two sisters and said, ''We have got even worse news for you. Doing the one wall isn't enough. We are going to have to rip down another wall, and rebuild that one.'' And ultimately it became a third wall.

□ 2115

The two sisters who had water in their basement and knew they had a problem, a problem that had to be solved, were faced with basically a $10,000 bill for having three walls rebuilt in their basement.

What does that story have to do with Medicare? The reason that story is similar to Medicare is because the people in this country, and the older people in this country, recognize that there are some problems with Medicare. They are willing to pay a fair price to have the Medicare problem resolved, to fix the system, to get the water out of the basement, to make sure their home is stable. However, they are not willing to be duped by con artists who come in and tell them that their whole house is crumbling; that instead of having to pay $1,000 or $2,000 to repair a problem, they are going to have to pay $10,000 or their entire house is going to collapse, and have the contractor run away with the money and pocket it for himself or for his friends.

I think that story is very, very analogous to the debate going on in Congress right now. As this debate has unfolded, I have listened to my colleagues on the other side of the aisle talk about the problems. I have tried to listen to them and agree with them where I think they are on the mark. But what I have noticed is while they make several statements that are true and that I agree with, and I think a majority of Americans agree with, they do not tell, as Paul Harvey would say, the rest of the story. That story, or the rest of that story, is why this Republican plan is so wrong, and should be rejected by this House.

Let me start out by telling the parts of the story that are being put forth by the Republicans that I agree with. I agree that the President and his trustees have said that there are problems with the Medicare system. This is, of course, something they have said many times before, and Congress has always acted responsibly, without raising the flags and hooting and hollering and saying that the sky is falling. Congress has always addressed those problems. In fact, the trustees' report from last year says that the problem was worse than the problem this year. Of course, when the Democrats stepped to the plate to address the problem, the Republicans said they are too taking too much of a cut out of Medicare.

But now the situation is different. Now the Republicans are in control. They are saying, ''Let us cut the growth.'' There is growth in Medicare, but they are saying, ''Let us cut that growth $270 billion,'' and at the same time they are saying, ''Let us give a $245 billion tax cut that disproportionately benefits the wealthy in this country.''

I think what is going on there is very similar to the situation with the two older women with the basement. We do have some problems with Medicare. They should be fixed. They can be fixed for about $90 billion.

The other $180 billion is going to that tax cut that disproportionately benefits the wealthy in this country, and I think that is dead wrong. I think that is something that Congress should reject.

Mr. Speaker, the other place where I agree with the Republicans, and I actually had my staff check this because so many times I heard Members from the Republican Party step in this well and say, ''Hey, there is growth in Medicare. We are not cutting spending. In fact,'' they say, ''the spending per recipient is going to go from $4,700 per recipient to $6,800 in the year 2002.''

The first time I heard that, I thought, ''Wow, that sounds pretty good. It has gone from $4,700 per recipient to $6,080 per recipient.'' I actually did the math. It is a 45-percent increase. I thought, ''All right, I'm not going to dispute that. I'm not going to say they are not telling the truth, because I have checked the figures and they are going to be spending 45 percent more in the year 2002 than they are in the year 1995.''

However, as I talked to seniors in my district, and discussed with them this issue, their reaction was ''Well, I'm not really that interested in what the spending is by the government per recipient, because that is the money that goes to physicians and hospitals and nursing homes, home health providers, groups like that. That really does not address the amount of money that I am paying out of my pocket.'' How much is that 68- or 69-year-old widow on a fixed income paying out of her pocket for Medicare? That is where we have to hear the rest of the story.

Let us use the 2 years that the Republicans have used in bragging about the growth in Medicare. Let us use 1995, and let us use the year 2002. Those are the 2 years that we have heard literally hundreds of times in this well talking about the growth of Medicare. Again, it is going to go from $4,700 or

$4,800 to $6,080 a year, a 45-percent increase.

I have not heard a single Republican stand in this well and talk about what the premium growth is going to be over that same period. Not a single Republican has done what Paul Harvey does, and that is tell the rest of the story. Let us tell the rest of the story in terms of what the premium increases are going to be for that 68-year-old widow on a fixed income.

Right now, that senior is paying $46.10 per month. It comes out to $500 a year, somewhere around there. Under the plan that is being put forth by the majority, by the Republican Party, that amount is going to go to $90 to $93 a month, at least. We have not seen the figures. We do not know how much of a shortfall there is going to be, but we can be certain it is going to go from $46.10 a month to at least $90 to $93 a month.

Why have we not heard from the Republicans the rest of the story? Why have they not stood in the well to tell us that? The reason is obvious. The reason is because it is a 100-percent increase, that is, a 100-percent increase in the amount that senior citizens are going to pay for monthly premiums.

Again, it is important to note that I am using the same base year and the same outyear that the Republicans used when they brag about this 45-percent increase in the spending per recipient. That figure is correct, the Republicans are correct, the Government will spend 45 percent more per recipient. They are slowing the growth there. However, they are not slowing the growth as to what the recipients, what the beneficiaries, the widows in our communities, are going to be paying. So on the one hand, you see a 45-percent growth in what the Government is spending, but as far as that person who lives in the heartland, they are going to see a 100-percent increase under this plan.

Let us use the figures a little bit and talk about how that compares to the tax package. If we have a senior citizen who is paying $90 to $93 a month for their benefits under Medicare, that comes out to just about $1,100 a year. If you are a senior citizen who is on a fixed income of $8,000 a year, and your rent is, say, $500 a month, right there you are talking $6,000. You are going to put another $1,100 for Medicare. What are they going to live on? What are they going to live on?

Traditionally what we have done is we have allowed the States to use their Medicaid dollars to supplement that, to help them pay their premiums, but that is not something we want to do in this Congress. We are not going to require them to help pay their Medicare premiums. What is even more striking to me is that this Congress, under the bill that has not yet been introduced but that is being discussed, is going to have seniors paying $1,100 a year for Medicare premiums and at the same time it is going to tell a couple with an income of $200,000, who has two dependents, that they should get a tax credit of $1,000. So we are telling the couple with $200,000 income, ''You get a $1,000 tax credit,'' and we are telling the single widow on a fixed income, ''You are now going to pay $1,100 per year for your health care premiums under Medicare.''

The response, of course, probably from my colleagues on the other side, ''We are just letting them pay the same percentage that they are paying now. They do not mention that under current law it is supposed to drop back down to 25 percent. They are saying, ''Let us just continue and have them pay 31½ percent.''

That gets to the very essence as to why we are missing the boat in health care reform. There is absolutely no attempt being made to seriously deal with those costs. It does not matter to the people who are pushing this package that the costs are going to continue to rise. They are going to slow down what the Government plans to pay for those costs, but they are not seriously going to deal with the costs. They are going to allow that gap between what the Government pays and what the individual has to pay out of their pocket to grow and grow and grow, so the providers will not want to provide the services, hospitals will not want to provide the services, seniors will have to pay more out of their pocket, and all of this is being done so we can have a $245 billion tax cut that disproportionately benefits the wealthy in this country.

Mr. Speaker, what do the American people want to have done? It is clear. The American people want the Medicare system to be working. They want to make sure that it does not fail, they want it to be fixed if there are problems, and I think we should do that. That is why the Democrats are now moving forward with their bill that will fix the problems of Medicare at the tune of $90 billion, not $270 billion, $90 billion. The reason they can do it for $90 billion, rather than $270 billion, is that they are not shaving $180 billion off. They are not building an extra two walls, if you will, or tearing down two walls in the basement that do not need to be torn down. They are solving the problem.

The other issue we have to face is when the Republicans talk about fixing the system, they are not talking about fixing the system for the baby boomers, they are talking about plugging the hole for another 5 years so the system will be flush through the year 2006.

That is exactly what the Democratic proposal that is going to be introduced later this week is also going to do. It is going to take care of the problem through the year 2006, it is going to do so without doubling the premiums that senior citizens pay, it is going to do so in a fair way.

They can do so in a fair way because it does not have this tradeoff that on the one hand says, ''All right, senior citizens, in the year 2002 you are going to pay $1,100 for your health care premiums; a family with an income of $200, we are going to give you a $1,000 tax credit.''

I would ask the people in this body to do what the American people want us to do. They want us to fix the health care system. They want us to get rid of the deficit. Those are their two major concerns. We can do both of those, we should do both of those, and we should forget about this tax cut that disproportionately benefits the wealthiest people in this country, because if we do that we can solve this problem, and we can do so without doubling the insurance premiums that the older people in this country pay each year.

THE ACCOMPLISHMENTS OF REPUBLICANS DURING THE LAST YEAR, AND THE REPUBLICAN PLAN TO SAVE MEDICARE

The SPEAKER pro tempore (Mr. SALMON). Under the Speaker's announced policy of May 12, 1995, the gentleman from North Carolina [Mr. JONES] is recognized for 60 minutes as the designee of the majority leader.

Mr. JONES. Mr. Speaker, the gentleman from Ohio [Mr. CHABOT] will be joining us, and also the gentleman from Washington [Mr. TATE], and we look forward to an hour of trying to give accurate information to those that might be viewing this 1 hour.

Mr. Speaker, I yield to the gentleman from Ohio [Mr. CHABOT].

Mr. CHABOT. Mr. Speaker, I appreciate the gentleman yielding to me, and we appreciate the gentleman from North Carolina [Mr. JONES] getting the time this evening so we could talk among ourselves and talk to the American public this evening, first of all about what we accomplished in the last year, and then we would also like to go into considerable detail about the Republican plan to save Medicare.

Mr. Speaker, the interesting thing is it was 1 year ago today, as a matter of fact, that all three of us and many of our colleagues came to this city from communities all over the country. My district is the First District of Ohio, most of the city of Cincinnati, and many of the western suburban areas of Cincinnati, and I came from that area, and you gentlemen came from your districts. We came here to Washington to sign what I really believe was an historic document.

I had talked to a lot of people in my community, and I asked them, ''If you were Congress, what would you do? What do you think this Congress should be about? What kind of changes would you like to see made?'' I heard the same types of things, it turns out, that you gentlemen were hearing in your districts: that people thought taxes were way too high, they were sick and tired of money being spent up here in Washington so excessively that we had such a huge debt, they wanted

us to balance the budget, they wanted us to reform welfare, they wanted regulatory reform, they wanted tort reform, and so many things.

So we signed a document, we put our name on the line, and we told the people of this Nation that if we had a Republican majority here in the House of Representatives, where we are tonight, if we had a majority of Republicans in the House within the first 100 days, the first 100 days of us being here, we would have an open debate on the floor of this room we are in right now and a vote on 10 specific items.

The interesting thing is a lot of people thought, ''Maybe that is just politicians' talk, and they never really carry out their promises,'' but we kept our promises. We did what we said we were going to do, we had an open debate and a vote on the floor of this House on all those items within the first 100 days. In fact, we did it within 93 days.

□ 2130

Most of those items, all but one, passed in the House. I think it was one of the most proud times I have had in my whole life, was actually carrying out the promises that we made to the people back home. I think probably what would be a good thing for us to do is to discuss specifically what those items were we did, first of all, since it was exactly 1 year ago today that we made that promise, and how in the first 100 days we kept those promises. So perhaps the gentleman from North Carolina [Mr. JONES] might want to take over from there and discuss those promises that we kept.

Mr. JONES. I appreciate that, Mr. CHABOT, and I am delighted to take just a couple of minutes to add to what the gentleman from Ohio, Mr. CHABOT, said, and I am sure that the gentleman from the State of Washington, Mr. TATE, will also join in.

I think the Contract With America set a new direction for campaigns in this country, because for the first time in memory we had a political party that said, we will put into writing what we are willing to do if you give us the privilege and the honor to become the majority in the U.S. House of Representatives.

As the gentleman said, we promised the American people that we would get 10 major items to the floor of the House for debate and a vote. I want to remind those that are watching tonight that the 10 items came from extensive polling nationally by the Republican party to find out what issues were at the foremost on the American citizen's minds, and certainly there are more concerns than just these 10. The majority felt that these 10 items must be addressed, and I will just touch on 2 or 3 and let the gentleman from Washington [Mr. TATE] touch on a few others, and then the gentleman from Ohio [Mr. CHABOT].

Mr. Speaker, obviously, balancing the budget and a line-item veto for the President were two of the issues that the majority of the people said we must deal with; especially balancing the budget. The budget today is about $4.9 trillion in debt. That is growing by the moment. We are talking about a child born this year in our country, the first breath he or she takes as a newborn, they owe $187,000 in taxes, and that is because the Congress has not been responsible in trying to balance the budget.

So the Republican Party, the new majority promised in the Contract With America that, if elected, the majority would, by the year 2002, have a balanced budget. That means we would be the first Congress in about 23 or 24 years that would balance the budget. That does not mean we get to a zero debt. We need to balance the budget every year for the next 25 years after 2002 to get a zero debt, but that is the importance of having a balanced budget amendment.

We passed a balanced budget amendment on the floor of the House, and we did have help from conservative Democrats that joined us, meaning the Republican majority, to pass the balanced budget amendment. Mr. Speaker, as you know, it is still over on the Senate side. They seem to be one vote short, and we certainly hope that they will come up with that one vote, because I think it is absolutely necessary, as do the American people, that we have a balanced budget amendment.

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

Mr. JONES. I yield to the gentleman from Ohio.

Mr. CHABOT. Mr. Speaker, if I could just mention one thing in follow up on that, even though they still need one more vote over in the Senate to actually pass a balanced budget amendment to put it into the Constitution, nonetheless, we in this House passed the first balanced budget resolution in about 30 years. So the budget that we are acting on right now, the spending up here in Washington that goes all over the country and is spent for services here in Washington, this is a balanced budget resolution, and it will put us in balance over the next 7 years. Some of us voted to do that even quicker. I voted to do it in 5 years.

The President has come around to some degree. He is now talking at least about 10 years. So we are heading in the right direction, but even though the balanced budget amendment did not pass, unfortunately, we are still pushing to balance this budget and we are dedicated to doing that.

I would like at this time to yield to the gentleman from the State of Washington [Mr. TATE].

Mr. TATE. I would like to thank the gentleman from Ohio and the gentleman from North Carolina. It has been a privilege to serve with both of the gentleman, and when we were all back here together, as you stated, on September 27, 1994, when we all came back here and signed the Contract With America, we did not sign it with any particular leader. When I signed it, I signed it for the people back in my district.

These are the issues that I heard about over and over and over again, as I went door to door through my district. In Burien, which is the northern part of my district, down through Tacoma and down into Thurston County, I heard people talk over and over again about how politicians keep making promises and then something changes the day after election. They always change. That is why I thought the contract was so important, because we said, if we do not do what we say, kick us out.

Mr. Speaker, we did exactly what we said, starting on day one. We spent 14 hours, 14 hours on January 4, that seems like years ago now, because of the many issues that we have worked on, but 14 hours on the House floor in passing the kind of reforms that have reformed our own house.

I believe very strongly that if you are going to tell other people what to do, you better get your own house in order first, and we passed the law that Congress follow the same laws that apply to every other American, retroactively. That is so important. There are so many reforms that Congress passes and then says, sorry, I do not want to live by those laws. Well, no longer. We are changing that. I am hoping we can review some of those laws and maybe Congress will not be so quick to pass laws that we now have to live under.

We also passed the committee structure, eliminating some of the staff in this place, learning to do more with less. We also made changes, for example, requiring hearings now to be in public. Now, there is a novel concept. If you are going to have a hearing and you are going to raise taxes, it should be in public. It is called the sunshine law and I have been told many times that the best disinfectant is a little bit of sunshine.

I think we are getting our own house in order here in Congress, actually requiring Members to be in committee to vote, because for years, Congressmen did not have to be in committee to vote, and they did not have to live by the same laws as every other American. So those are the kinds of reforms that require us to get our own House in order.

I think we have to lead by example. There are many changes that need to occur. The thing that is exciting to me is we brought up every one of these items for a vote. Some, like term limits which were never allowed, ever, in the history of the United States on this floor to even to voted on. We can argue for and against the merits of term limits, but by gosh, they should at least have an opportunity to have a vote on the floor. That is what we did on three or four different versions, if my memory serves me well.

So we have kept our contract; promises made, promises kept, the ones we made 1 year ago on the Capitol steps,

we have kept the faith with the American people.

Mr. CHABOT. Mr. Speaker, relative to term limits, a couple of things I would like to point out, as the gentleman mentioned, in reforming Congress itself.

On the very first day of Congress, we passed term limits for committee chairmen, and the reason that is important, one of the main problems up here in Washington and in the Congress is we have some of these old bulls, these committee chairmen that have been in power for decades, sometimes, and their power was sometimes corrupting, and oftentimes just not healthy for the system. So we passed term limits for committee chairmen of 6 years, and after 6 years they can no longer be chairman of that committee.

Relative to term limits for all of Congress, the reason that it did not pass in the House is because it was a constitutional amendment, and therefore, we needed two-thirds, not just 50 percent of this body to vote for it, but two-thirds of this House to vote for term limits.

Now, we got 85 percent of the Republican Members of Congress to vote for term limits, 85 percent of us did. Unfortunately, 82 percent of our democratic colleagues in Congress voted against term limits, and that is why that failed in the House. The Speaker, NEWT GINGRICH, has indicated the very first bill that will be introduced in the House, assuming we have a Republican majority next time and therefore we have a Republican speaker, will be term limits, once again, and if we have more folks that support term limits, hopefully we will be able to pass it next time.

Mr. JONES. Mr. Speaker, I would like to add to something that the gentleman from Washington said about the first day that I think is unique, and really I think said to the American people, we did hear you, we heard you clearly.

In addition to what the gentleman from Washington said, that very first day, the first 12 hours, in addition to the reforms that the gentleman from Ohio and the gentleman from Washington [Mr. TATE] mentioned, we saved the taxpayers $72 million in the very first 12 hours. We did it, as the gentleman from Washington said, by reducing the committee staffs by one-third, saving roughly $67 million. A lot of people did not know this, but in the past, the caucuses that we have within the House of Representatives, those caucuses were being paid for by the taxpayers to the tune of about $5 million. So the first 12 hours of the first day of the new Republican Congress, we saved the taxpayers $72 million in addition to the reforms that Mr. TATE and Mr. CHABOT mentioned.

Mr. CHABOT. Mr. Speaker, if the gentleman would yield, I think that is an excellent point. Another thing we did, and I am sure that the gentlemen remember this very well. I remember I had my little son, who is 6 years old now, he was 5 years old at the time, sitting in a chair right over there, the day we got sworn in, and that was around noon, and we were here until 1 or 2 o'clock in the morning, because we had promised that we would take action on all of these items the very first day.

To give credit where it is due, many of our colleagues, many of the Democrats on the other side of the aisle, joined us in these reforms the very first day. One of the most important reforms we made the first day, I think, is the fact that we made it tougher than ever for Congress again to raise taxes on the American public, because as the gentleman from Washington mentioned, when he was going around his district, he kept hearing people saying the same thing: balance the budget and cut taxes. It has been too easy to raise taxes on people, so from now on, rather than a simple majority, 50 percent plus one to raise taxes, we have to have 60 percent of this body to ever raise taxes again. That will make it tougher to raise taxes, and that is the way it ought to be.

Mr. TATE. Mr. Speaker, if the gentleman from North Carolina will yield, a couple of points I would like to make. One of the things that I was involved with is the Barton-Hyde-Tate constitutional amendment. We changed on day one in our own rules that we wanted to live by, regardless if we had a constitutional amendment, but we had a vote, and it came close, we still had a vast majority of the Republicans voting in favor, making it more difficult, a 60-percent majority, required to raise taxes. It should not be easy for the government to take my money. And that one failed, but it was close.

The Speaker has promised that next year on April 15, or 16, I think April 15 falls on a Sunday, but around tax day, we are going to bring that up for a vote again, and one more opportunity for that commitment, promises made, promises kept.

Another important part of the contract is we reduced the tax burden. In 1993 the Clinton administration raised taxes. We cut taxes. I guess I am not apologetic for giving people back their own money. What we are saying is, we are not going to take as much so you can spend it on your family to pay for your health care, for your clothes, for your trip to Disney Land, whatever your family needs, and that is a huge change, letting people control their own money, even before it gets to Washington, DC, and that is what excites me about the Contract With America.

Mr. CHABOT. Mr. Speaker, I think the gentleman from Washington makes some excellent points, and relative to balancing the budget and taxes, there were many of our critics whom we remember when we were running last year, and I kept saying, I want to balance the budget, I do not want to raise taxes. I had some of the folks in the press, and my opponent, over and over again, and many of our critics said, you cannot possibly balance the budget without raising taxes. Well, we proved them wrong.

We absolutely have to balance this budget. It is immoral to continue to spend and spend and spend the people of America's money up here in Washington and turn that debt over to our children. It is immoral to continue to do that. So we are going to balance the budget, but we are not going to balance the budget by raising taxes. We are going to balance this budget by cutting spending. That was our commitment, that is what we are going to do.

Mr. JONES. Mr. Speaker, I represent the third district in North Carolina, which is the coastal area of the eastern part of the State. During the campaign for Congress, and again as the gentleman from Ohio and the gentleman from Washington said, I used the contract with every civic club I had a chance to speak to. Every time I had a chance to meet with any group or any individual, I talked about the Contract With America.

So many times I would hear from working men and women, we cannot afford more taxes. We cannot afford this government to continue to grow on our backs as we are working two jobs, in many cases. This came to me in conversation with an individual: I am working two jobs, my wife is working two jobs, we are doing the best we can, but we see that the harder we work, the further we get behind.

The reason for that, and I appreciate the gentleman from Ohio talking about the fact of balancing the budget without raising taxes. In this country today, the average working family would spend more on paying taxes than that same average working family would spend on clothing, housing or food. How can they ever realize the American dream when they work more and longer hours, they pay more in taxes? That is not what this country should be about, and again, I think that is another reason why we have the opportunity and the privilege that we have to make the changes in this country that the American people would like to see made.

□ 2145

Mr. TATE. I think the gentleman from North Carolina hits a salient point by talking about the tax burden. Because as we finished the Contract With America, May 6 was Tax Freedom Day. If you add up all the State and local and Federal taxes, you have to work now until April 6 before you start earning your own money.

If you add in all the Federal regulations and State regulations and county regulations and city regulations and all the taxes, you have to work until the middle of July before you start earning your own money. You have to work almost half a year before you get to keep some of your own money to spend on your family, to pay for your education, as I stated before.

I think that what we are doing is reducing that burden, allowing people to keep more of their own money, to make more of their own decisions at home instead of some bureaucrat that fills some building here on the Potomac telling the people in the towns in my district where these bureaucrats do not even know where they are, they cannot even pronounce it, yet they are taking their money and making their decisions for them.

I would rather keep it at home and let them make their decisions. That is the difference in this freshman class and this new Congress, is we are allowing the people to make their own decisions, letting States make the decisions, not bureaucrats, empowering people.

Mr. CHABOT. The problem and the reason that previous Congresses and the folks in control of this House for the past 40 years were unable to balance the budget is they really had it all wrong. The way they looked at things is not that the government overspent. They thought that the people of this country were just undertaxed. We think just the opposite. The problem is not that people pay too few taxes. It is just that they overspend up here in Washington.

When we talk about the tax burden, I think it is important that we look at the trend that has happened in this country. I was born in 1953. Right around that time, in the early 1950's, the average American family sent about 5 percent of what they earn up here to Washington in the form of taxes. That has increased over the past 40 years to about 25 percent, from 5 percent to 25 percent of what the average American family earns comes up here to Washington in the form of taxes.

If you add into that city taxes and county taxes and State taxes and Social Security taxes and real estate taxes and property taxes, and God knows what all the taxes we all pay every day, the average American family now pays 40 to 50 percent of what they earn in one form of taxes or another.

The folks on the other side of the aisle, the liberals in this institution, keep attacking us on a daily basis, saying, oh, well, we are just trying to give tax cuts to the rich. That could not be further from the truth. Seventy-five percent of the tax cuts that we passed this year go to people who earn under $75,000. Things like a $500 tax credit per child for families. Those are the types of taxes that we really need to encourage. Capital gains taxes, so that businesses can create more jobs, so rather than people being on welfare, people are working. Those are the types of positive changes that this Republican majority who now controls the House has been trying to enact.

Mr. JONES. I want to add to that list. The gentleman is absolutely right. When we can help working families with children, that is the right thing to do. The other side, I certainly do not criticize them, even though I do not agree with them, but certainly in my opinion, they are out of touch with the working man and woman in this country.

You listed some of the changes that we want to see as it relates to taxes. I was pleased this past couple of weeks, the gentleman from California [Mr. COX], a Republican, one of the young leaders in this House of Representatives, introduced a bill to repeal the inheritance tax. I do not know about your State and your district, but I can tell you that in my district, eastern North Carolina, the people of my district think one of the most unfair taxes, maybe the most unfair tax is the inheritance tax. When a man, a women has worked all their life, paid taxes all their life, to accumulate and hopefully leave something to their child or their children and then the children have to pay taxes on it. I want to commend the gentleman from California [Mr. COX] and the new Republican leadership for being willing to at least get this debate started on repealing the inheritance tax. There are so many good things that we are doing.

Mr. CHABOT. That is, I think, an excellent point. What we have seen across the country is, for example, when you have had a family who has owned a farm, and wants to pass that farm on to the next generation, either their sons or their daughters, to run that farm, they have oftentimes been unable to do so because of the exorbitant inheritance taxes. In essence they have had to sell the farm in order to pay their taxes. That is not fair to that family and it is certainly not healthy to our agricultural communities across this country.

We have had the same problem with small business owners, somebody owns a business and they want to pass that business on to the next generation. Sometimes the businesses get sold down the river to pay the taxes. What happens to those people that worked there, the employees? Many, many people get hurt besides just the business owner and his family.

I agree very much with the proposal of the gentleman from California [Mr. COX] to try to reform the inheritance tax system in this country because it has been very, very unfortunate what it has done in many instances.

Mr. TATE. I agree 100 percent in what you are doing on that particular issue. Another part of our tax proposal that helps people in their retirement years, some of the things we do for senior citizens. We have heard a lot about Medicare and the so-called tax cuts for the rich. I do not know what their definition happens to be, anybody who has a job, anybody who pays taxes must be considered the rich, because we are tying to provide as much tax relief as we possibly can for working Americans.

One of the things I think gets overlooked, especially in the House proposal, is in 1993, Clinton raised taxes on senior citizens, especially under their Social Security benefits by 70 percent. Where I come from, 70 percent is a huge increase in your taxes. What we did is we are repealing that under the House proposal, allowing senior citizens under our House proposal to work longer, under our Contract With America.

Right now if you make over $11,000 a year and you are on Social Security, you start losing your Social Security benefits. That does not make any sense. If people want to work, they should be able to. They should not be punished for working. We allow them to make up to $30,000 a year. We allow them, one provision I have listed here is provides tax incentives to encourage individuals to purchase and employers to offer long-term care coverage.

These are the kind of things that seniors are concerned about. We also provide incentives for working families if they want to purchase a home or post-secondary education or medical expenses. Those were all part of the Contract With America that the Members out here voted for. Those are those so-called tax cuts for the rich we always hear about are really the working Americans that live in all our districts that we go home and see every weekend, we have town halls with, we run into at the grocery store. Those are the people we are trying to help. I think we are straight forward. There are a lot of attacks. But I wanted to get the truth out on the tax cuts we have passed on the floor of the House.

Mr. JONES. Just a couple of other points with the Contract With America. The American people want to see a real true welfare reform bill. They want to see the Congress strengthen our military defenses so that we are adequately prepared to protect this Nation. I want to touch on that just a moment because I am on National Security, and I also have 3 bases that are in my district.

For the past few years, the Congress in passing the Department of Defense budget, many times in that Department of Defense budget were allocations for nondefense items. I want to touch on that just a moment.

Between 1990 and 1993, the GAO, the General Accounting Office, said that the Department of Defense budget between 1990 and 1993, $10.4 billion in those 3 years went to nondefense spending. As the new Republican majority in our Contract With America, we have established a fire wall, so that no dollars under the Republican leadership that are going to the defenses of this Nation can be used for nondefense items. I think that is extremely important, because quite frankly over the past few years, our defenses have not gotten what they need to protect this Nation.

I think that is just one of many items in our Contract With America, to help strengthen our defenses. I just wanted to mention that.

Mr. CHABOT. I believe the gentleman makes some very important points about our defense. Another item that you mentioned was welfare reform.

This was one of the things that I saw up front and very close in my community in the city of Cincinnati. I was on the Cincinnati City Council for 5 years and I was a Hamilton County commissioner in Cincinnati for 5 years.

One of the greatest problems, one of the most frustrating things that I saw was how destructive the welfare system was in Cincinnati. I am sure that was repeated all over this country. We passed, I believe, a very positive welfare reform package in the House earlier this year. I think, and I have heard again some of the folks on the other side attacked us as being mean-spirited, not caring about the poor, because we were trying to change welfare. But I would argue that there was nothing more mean-spirited, nothing more corrupting, nothing more damaging to children in this country than the present welfare system, which basically for many years has encouraged families to break up, has encouraged fathers not to live in the home but to go away from the home, not to support their own kids. Kids all over this country grow up in homes where they never see an adult go to work. They then fall into that same pattern of behavior.

Our plan emphasizes work. It gives job training, it gives job opportunities and basically assists people into getting into work in the private sector, not some government make-work-type jobs but jobs in the private sector. We have got to get people working, supporting themselves and supporting their own families.

I would argue it is really not fair to require other families that oftentimes both the mother and the father have to work, sometimes work two jobs to support their own kids, and then they get their money taken and sent here to Washington and sent to folks on welfare who for the most part ought to be supporting themselves and supporting their own children.

I am all for helping the truly needy, but too often welfare in this country has become a permanent way of life, generation after generation after generation on welfare.

I think our plan was a step in the right direction, requiring people to work, and support their own children, and emphasizing families staying together. That is direction we should be heading.

Mr. JONES. Am I correct, and please correct me, the gentleman from Ohio as well as the gentleman from Washington, I believe I have seen or read that since the beginning of the Great Society in the mid 1960's, this Nation has spent over $5 trillion on welfare-type programs.

Mr. CHABOT. That is exactly right. It is interesting that that $5 trillion is almost the same amount as our national debt right now, of which 14 cents of every dollar that comes up here to Washington just goes to pay the interest on that debt. We have spent a tremendous amount of money on welfare. Most of that money I would argue has been counterproductive and just has not worked. Most of that money, the explosion in the spending started back in the 1960's during Lyndon Johnson's Great Society. I think the intentions were good but the results have been tragic for this country.

Mr. TATE. I would agree that we have spent over $5 trillion, that is with a T, trillion since the 1960's. But even more important than the money, more than the $5 trillion, if you added up the human toll that these problems have really caused for many Americans. It has spread the wrong kind of dependence.

It is a system that to me you subsidize, I have heard many times, subsidize what you want more of and tax what you want less of. What we have done is subsidize irresponsible behavior. If you have more and more children and you are not responsible, we are going to give you more and more money under the current plan.

We are trying to encourage people to be more responsible, requiring people to work. I can tell you there is no better self-esteem or social program than someone having a job, someone feeling the pride in getting up every day and going to work. If we want to help people, let us teach them to work, not just teach them, ''If I stay home, I'll get a check.'' That does not teach people the right kind of thing. Let us get them a job. It helps them to be accountable to the taxpayer as well and to themselves. So we break that cycle of dependence, we give them the self-esteem that a job brings, we hold them to be responsible for their action because we are not going to subsidize irresponsible behavior and we give States the flexibility to come up with plans that work.

Because I can tell you, south Tacoma is a lot different than the south Bronx or South Dakota. We need plans that fit those local neighborhoods.

Mr. JONES. Is it true that the President, President Clinton as a candidate for the presidency campaigned and said he is going to insist that we have welfare reform, he is going to see that welfare reform takes place, and I sincerely believe, I do not know if you would agree or not, that had it not been for the American people electing a Republican majority in the House and the Senate, I doubt we would have welfare reform which today we have on the House and Senate side, we are passing a major welfare reform bill.

Mr. TATE. The gentleman is exactly right. The President actually campaigned, and I hope I got the quote exactly right, to end welfare as we know it. Basically the plans that we have seen from the administration have been to tinker with welfare as we know it. Window dressing, maybe a fresh coat of paint, call it Workfare, but it is basically the same old packaged plan. We are trying to come up with a plan that transforms, gets people out of that cycle of dependency, out of the system that really brings them down and trying to change the system.

☐ 2200

I believe the Democrats controlled the White House, the Senate, and the House of Representatives for 2 years, and I do not remember any welfare proposals passing. But we have been able, and some people can agree or disagree with the proposal or the fine print, we have come up with a plan that I think transforms the welfare system and really gives people the hand up they really need instead of just a handout that traps them there.

Mr. CHABOT. Moving along with the items in the Contract With America that we passed in the House this year, another item that I think was very important was we rewrote the so-called crime bill that was passed in this House last year. I think we would all agree that crime in this country is far too high, the fact that people, oftentimes many of our senior citizens, are prisoners in their own homes, cannot take a walk on the street because they are worried about being mugged or being raped or something just awful happening; I mean, it is a crime itself that that level of crime has been able to go on all of these days, and much of it is linked to the drug problems that we have, much of it is linked to the fact that kids do not have appropriate parental supervision at home. They hang out on the street corners. They get involved in crack dealing and shoot each other, and it is just a mess.

So, unfortunately, the crime bill that was passed last time I do not think did much good. There were a lot of social programs in there. There was midnight basketball and many of us, in talking with the people in our districts last time when we were running, heard over and over again, ''We want a real crime bill. We want something that is really going to battle crime in this Nation and not just have some feel-good legislation that makes people think something happened.'' So we passed, I think, a very, very good, comprehensive crime bill earlier this year. It gave flexibility to the States to determine what really worked in those particular communities. If midnight basketball works in a community, that is something they can have an option to do. Other communities may choose to do something entirely different. It required truth-in-sentencing where, if you have a violent criminal, they are going to be locked up because when they are behind bars, they are not out on the streets preying on the public.

It toughened the death penalty in this country. I firmly believe in the death penalty. Most of the people in this country believe in the death penalty. There are some people that have just a moral feeling about it. They do not agree. That is fine. It is a free country. We can have both sides of the

issue. We do have a death penalty in most States. The problem with the death penalty, and some people argue it is not a deterrent, the poor deterrence is the fact of the way we handle the death penalty in this country. We let people sit in death row for 15 years, 16 years. We need a short appeals process, and then the death penalty, I believe, should be carried out. Then I think it would be a deterrent. That is one of the things this crime bill did. It shortened the death penalty appeals process. I think we need to go even further in that area. It was certainly a step in the right direction.

The levels of crime has gotten far too high in this country. We are actually doing something about that finally in this House.

Mr. TATE. I want to commend the gentleman for his work on the Committee on the Judiciary on these issues. I remember the gentleman speaking several times on the floor trying to toughen the legislation, and I think the gentleman should be commended. He hit it right on the nose: Block grants, once again letting the cities and States decide how the money should be spent. Instead of mandating what I call hug-a-thug social programs down on to local governments, we are going to let the local governments come up with their own plans, community policing, more police, more equipment, whatever they need. Every community is different. Cincinnati is probably different than Seattle. The cities in North Carolina are different than the city of Tacoma.

Mr. CHABOT. We have a better baseball team.

Mr. TATE. I would have to dispute the gentleman from Ohio on that particular phrase. That was not part of the contract.

But I appreciate his comments. But once again, truth-in-sentencing, you hit it on the nose. If someone is caught and convicted and sentenced, should they not serve at least 85 percent of their sentence? Once again, we want to bring credibility back to our system, whether it be in our own House as we pass reforms, or in our justice system to make sure we truly have a justice system, not just a legal system. We want to make sure there is some justice in our system where, if you commit a crime against society or against an individual, you ought to serve time.

Mr. CHABOT. The gentleman mentioned I am on the Committee on the Judiciary. A couple of the other things in the contract, many of the items passed through the Committee on the Judiciary, so we had our hands full in that earlier 100 days. Tort reform, for example, was something passed through the Committee on the Judiciary.

We had a lottery system in this country where trial lawyers oftentimes benefited, made tremendous amounts of money. It is arguable whether the people that got hurt got very much at all. We wanted to change the lottery system.

There was a case in New York City, for example, that gives you an example of what was wrong with the system. There was a case where a homeless person decided to commit suicide, threw himself in front of a subway train. He was unsuccessful. He did not die, but he was injured seriously. He turned around and sued the city of New York, and he won, and that just shows one of the ridiculous types of cases that, under the existing laws, happened.

Another case a lot of people have heard about is the lady who spilled coffee on herself at McDonald's Restaurant, turns around and sues McDonald's and gets a multimillion-dollar verdict. It was reduced somewhat to the hundreds of thousands, but we all pay for higher insurance premiums, and we need to have a system that, rather than just lawyers making out, we need for people who have really been injured and people who need justice to be able to get fair and equal justice under the system, and that is what our bill attempted to do.

Mr. JONES. If the gentleman will yield to touch on another subject or item in the Contract With America, and the gentleman or the gentleman from Washington [Mr. TATE] might speak to this, that we had legislation that would strengthen families by giving greater control to parents as it related to education. We also strengthened the child support programs so that the fathers that were not meeting their responsibilities of being a father in a divorce situation, that they would have come up with the money to support that child and also we got tough with child pornography. I believe that these were part of the Contract With America and, generically speaking, some of the areas that we spoke to in our legislation, again, what the American public wanted to see.

Mr. CHABOT. Those are very good issues, points, and things that we certainly made progress in.

One of those things which is near and dear to my heart is the area of education. The gentleman from Florida [Mr. SCARBOROUGH] and I are cochairmen of a group that has been trying to get rid of the Federal Department of Education up here in Washington, so that instead of bureaucrats making the decision about how our kids are going to be educated, we let parents and teachers and local school boards determine how the money ought to be sent and how the education ought to be carried out and what books they ought to have instead of some nameless, faceless bureaucrat up here in Washington, and we would save billions of dollars in the process.

Mr. TATE. Is there anyone that sits in that big building out there, I think on Independence Avenue, in the Department of Education, anybody in that building teach anywhere in the district of Ohio that you represent?

Mr. CHABOT. The gentleman has got me stumped. I cannot guarantee that there is not somebody in there.

Mr. TATE. I can tell you I do not know of anybody there that teaches anywhere in the Ninth District of Washington. That is our point, once again these are people, good family people that work there. They do not know the families in my district. So why are they making decisions? I think you made a good point.

Mr. CHABOT. The bill that we have sponsored up here is called the Back to Basics Education Act, and we have 111 cosponsors, meaning that 111 Members of this body have indicated they support this legislation. Again, what it does is it takes the power away from the bureaucrats up here in Washington and gives it back to the folks at the local level, parents, teachers, and local school boards.

Education is a very, very important issue with me. I am a former schoolteacher. I taught in an urban school in downtown Cincinnati and taught the seventh and eighth grades. In fact, my daughter is in the eighth grade this year, so I can identify very much with her and the kids we taught and why this particular bill is so important to the education of children all over this country.

It saves money, too, which is important to the taxpayers.

Mr. JONES. If the gentleman will yield, I join you and the gentleman from Florida [Mr. SCARBOROUGH] in your efforts. I think I am a cosponsor of the bill, and I join you in looking at the possibility of downsizing or totally eliminating the Department of Education. I could not agree more, having served in the North Carolina General Assembly for 10 years; I know the States can do a better job of working with the counties, working with the teachers and the parents in the counties and throughout the State, of doing a better job of educating our young people than the Federal Government can.

Mr. CHABOT. What we have done thus far this evening is we have kind of talked about what we did during the first 100 days, and the time after that, the Contract With America, what we passed, what we still have to do. We are in September now. We have got a few more months left in this year, and at this time we are setting the budget for next year and we are in very significant times for the future of this Congress and the future of this country, and I think what might be helpful at this time is to show what are the most important issues right now that we have facing us and perhaps discuss those.

I have here a chart which shows four of the issues, and perhaps one of my colleagues might like to indicate what we see here and what the significance of these issues is.

Mr. TATE. The thing that really strikes me is if we just passed just one of those this year, this would be a truly historic Congress. If we just balanced the budget for the first time since 1969,

we could go home and say we have accomplished something, that is goal No. 1, in 7 years, and as the gentleman from North Carolina stated, a child born today will have $187,150 in taxes that they will have to pay in their lifetime just to the Federal Government just to finance the national debt, not to pay it off, but to finance it.

Mr. CHABOT. Why do we not drop down to the third item and maybe come up to the second item last?

Mr. TATE. Under welfare reform, as we talked earlier, I mean, truly historic as well. If we come up with welfare reform between now and the rest of the year, one has passed the House, one has passed the Senate, we are going to work out the differences and some fine-tuning to do between now and the middle of November, come up with plans to give States more flexibility, come up with plans to truly break the cycle of dependency.

The fourth item on there is providing tax relief for working families and job creation, giving more working families money back to them, creating jobs so those people on welfare will not be stuck in a cycle of dependency but will have a job that pays good wages, that gets the engine of the economy going, which is small business.

Mr. CHABOT. The four items that we have up here are the important issues we still have facing us this year, the ones we really want to accomplish, the ones we will not back down on, we will not blink on, we will not flinch on in dealing with the President, things that absolutely have to be done for the future of this country.

The next item that we want to talk about now, for the balance of the time that we have left this evening, is the fact that we have to save Medicare from bankruptcy, and that is the issue that I think is so important that we are going to spend the rest of the time that we have here this evening discussing how we are going to save Medicare and why it is so critically important.

I think the way we want to start out here is that, first of all, I think most people around the country realize now that Medicare is in serious trouble, and Medicare's own trustees, including the Clinton administration Cabinet secretaries, Donna Shalala, Robert Rubin, and Robert Reich, have indicated that Medicare starts losing money next year and goes bankrupt in the year 2002. So that is what this next chart here indicates.

This is the conclusion of the Medicare trustees. This was in April of 1995. Again, I want to emphasize that three of these trustees, these are not Republican Members of Congress, they are not our staff people. These are President Clinton's top Cabinet officials, Donna Shalala, Robert Rubin, and Robert Reich, and what it says here, ''The fund is projected to be exhausted in 2001.'' By funds, they are talking about Medicare funds. The funds will be exhausted in the year 2001.

Here are their signatures. Here are their names right down here.

Mr. JONES. If the gentleman will yield, is it not correct that 1996 will be the first year that there will be more money going out of the fund than coming in, and, for an example, what we are talking about is $1 billion more going out of the fund in 1996 than coming in?

Mr. CHABOT. That is one of the scary things, that it goes bankrupt in 7 years, but it starts losing money next year, and this has not happened before. This is the first time in history it goes completely bankrupt in the next 7 years.

I would argue very strongly that it would be immoral for us to let that happen. My mom and dad, you know, are on Medicare. They receive the benefits. Many of our relatives do. People in my district do, thousands and thousands of people. It is something that they paid into. It is something that was sacred, that the Government basically made a contract with them just like we made a contract with America this year.

I think it is our responsibility, as Members of Congress, to not let Medicare go bankrupt. We have to save it. We have to preserve it. We have to protect it for the seniors now, for this generation and for future generations. That is absolutely critical.

Mr. TATE. If the gentleman will yield, I could not agree more. This is to me, to sit back and do nothing is the absolute worst thing we could do. We cannot just bury our heads in the sand. We cannot just say, ''I wish it would go away.'' That is not the way things work.

We are elected to be responsible. We are elected to save programs that the public believes are important and come up with ways to save it.

I happen to have a copy of the summary right here, ''Status of social security and Medicare programs,'' and it clearly states the HI, the hospital insurance fund, which pays for hospital bills, continues to be severely out of balance and is projected to be exhausted in about 7 years.

□ 2215

I mean that is about as clear as it gets. It is projected to be exhausted in 7 years.

I guess I cannot look at the grandparents, the retired folks in my district, the people that depend on Medicare, in the face and say, ''I'm sorry. I'm not going to do anything. I hope it goes away.''

I mean we have to do something. We cannot afford not to. We have a moral responsibility, a moral imperative, to do something, and I just appreciate the gentleman bringing this issue out tonight because I can think of no more important issue than keeping what I call the original Contract With America, a contract from one generation to the next to help our seniors, and, boy, I would do everything I can to preserve, protect, and strengthen it, and that is what our program is all about.

Mr. CHABOT. Mr. Speaker, I think one thing that we absolutely should make clear is that although some of the folks who want to scare senior citizens across this country are talking about us cutting Medicare, that could not be further from the truth. What we are talking about doing is increasing the spending on Medicare, but at a slower rate. Right now in the private sector medical care has been increasing at about 5 percent, 6 percent, thereabouts, a year. Medicare has been going up 10 percent, 11 percent a year, so just about double what it has been in the private sector.

So what we have to do is we have to slow the growth of Medicare so it is more consistent with what is going on in the private sector so that we can save Medicare, and in fact the dollars in our plan go up, and I will give you the dollar amounts. Right now for every senior in this country on average, Mr. Speaker, we spend $4,800. The U.S. Government spends $4,800 on Medicare per senior citizen this year. Under our plan over that 7 years' period of time it will go from $4,800 up to $6,700, and that is more than the rate of inflation every year. So we are talking about increasing spending from $4,800 to $6,700.

Now, Mr. Speaker, I say to my colleagues, that ain't a cut, and even up here in Washington when oftentimes folks on the other side of the aisle are trying to scare seniors and trying to mislead, that is not a cut, it is an increase, and that's the way we have to save Medicare.

Mr. JONES. Mr. Speaker, I want to touch on something the gentleman is going to touch on in a second. I just want to read a paragraph to him and the gentleman from Washington that is in the Washington Post dated September 15, Friday, and I do not think any one of us could say that the Washington Post is pro-Republican philosophy. So, therefore, I think it is worthy that I should read this to you and those that might be viewing. It says:

> Newt Gingrich and Bob Dole accused the Democrats and their allies yesterday of conducting a campaign based on distortion and fear to block the cuts in projected Medicare spending that are the core of the Republican effort to balance the budget in the next seven years. They're right; that's precisely what the Democrats are doing—it's pretty much all they're doing—and it's crummy stuff.

This is from the Washington Post, September 15, and I read that because of what you just said. I want to share with you and the gentleman from Washington [Mr. TATE] that back in my district we are basically a rural district. Many of the senior citizens are so dependent on Medicare, and I can honestly tell you that right now they believe that we are sincere, that we are going to do what has to be done to preserve, protect, and strengthen the Medicare for our senior citizens, and I can tell you even though the other side, and not everybody on the other side, but some, are trying to scare the senior

citizens in my district, it is not working.

I yield to the gentleman from Ohio.

Mr. CHABOT. You have mentioned the Washington Post. I have a couple of articles here. This is exact wording from the Washington Post here, and I would just like to refer to a couple of these things, what the Post has to say about the Democrats' mediscare campaign. This is an exact quote from the Washington Post:

They have no plan. Mr. Gephardt says they can't offer one because the Republicans would simply pocket the money to finance their tax cut. It's the perfect defense. The Democrats can't do the right thing because the Republicans would then do the wrong one. But that has nothing to do with Medicare. The Democrats have fabricated the Medicare tax cut connection because it is useful politically. It allows them to attack and to duck responsibility, both at the same time. We think it is wrong.

This is the Washington Post.

Mr. JONES. Mr. Speaker, I would like to ask the gentleman from Washington because in this display of distortion by the other side, and again not talking about every individual, but talking about the—those of a very liberal nature that are not willing to address this every serious problem facing Medicare in the future. Congressman TATE, is it not true that the other side has been running some very distorted, unfair ads in your district pointed at you?

Mr. TATE. Mr. Speaker, I wish I could say that was not so, but, you know what? It is. In face, they have purchased about $85,000 over the last week or so, running ads on television, running advertising on the radio, having Medicare vans going through the district.

The amazing thing is these same organizations are also people that receive grants from the public government, which is amazing, taxpayer funding of the big lie, saying that somehow we are cutting Medicare, and I can tell you the people in my district have been calling our office, and as of last Thursday or Friday we had over 700-some calls, and only 22 have called in and said, ''You know, don't cut Medicare,'' and the vast majority of whom, or 90-some percent, said, ''RANDY, we're not going to listen to these ads. We're tired of outside groups coming in trying to scare us, trying to threaten us, saying the sky is going to fall, the Chicken Little approach,'' and I can tell you that the people in my district understand that Medicare is going broke. The trustees have come out and said that we need to save it, that we are going to increase the amount that we are going to spend on it.

Mr. Speaker, I have had town halls. I know probably all of us have had town halls, senior advisory committees. They have had 20-some hearings, Ways and Means, Commerce Committee this year, soliciting ideas. Instead of a top-down approach, we have gone out to the people in our districts and asked, ''How can we fix the plan? Here is the problem. What's your solution?''

And that is what we are trying to incorporate. The people in my district are ignoring the ads. They are saying they are tired of the lies, they are tired of it being financed by their own dollars. You know, these are same groups, the same American Families Coalition, who receive money from the Federal Government. It is outrageous and it is blatant.

Mr. CHABOT. Mr. Speaker, I have another Washington Post, and obviously these are blowups here, but what the Post has to say about the Republicans' Medicare plan—this is the Washington Post:

Congressional Republicans have confounded the skeptics. It's incredible. It's gutsy. It addresses a genuine problem that is only going to get worse.

This is the Washington Post talking about the Republicans' Medicare plan, and I brought a couple of articles here from two of my hometown newspapers, the Cincinnati Post and the Cincinnati Enquirer. I am not going to read the entire articles, but I would just like to read a couple of quotes. This is from my district in Cincinnati. This is the Cincinnati Post talking about the Republican Medicare plan. It says:

Will the Republican plan actually cut anything? No. It just slows the rate of growth.

But it is extraordinary, in an age when political truth-telling and courage are often thought in meager supply, that the Contract-With-America crowd is following through on its pledge to balance the budget and is going about it the only way possible, by reforming an entitlement program hugely popular with middle-class voters.

And the plan is, in fact, meritorious, not only because it would save billions upon billions of dollars if enacted, but chiefly because it would introduce market principles into the program, enabling the elderly to shop around for what suits them best.

Democrats, carrying on as if the Republicans were caught building concentration camps, have been trying to scare the elderly into paroxysms of protest, so far to no avail.

Perhaps the elderly have noticed that per capita spending under the Republican plan would rise from $4,816 this year to $8,734 in 2002. That's just a few hundred dollars less than without the proposed changes.

Still, action, above all, is what's needed. Now, that is why the House Republicans' plan is such a valuable start to badly needed Medicare reform.

That is the Cincinnati Post.

Let me read briefly from the Cincinnati Enquirer.

The quacks who have been playing doctor with Medicare for decades always prescribe the same treatment: Bleed taxpayers to keep the cash transfusions coming, but don't close the wounds—that would be painful.

Finally, Republicans have dared to propose some surgery to get Medicare healthy again. And the response from the Clinton administration has been the same old faith-healing.

And then they quote Donna Shalala's response to our plan. They quote Donna Shalala as saying:

We will not go back to the days when older Americans brought bags of apples to pay for their doctor visits,'' was the panic-inducing response from Health and Human Services Secretary Donna Shalala.

And what the Enquirer says to her response, ''That's snake oil.''

''Considering the critical condition of Medicare, the Republican therapy is fairly painless.''

And then it goes into some of the details about our plan, and it says:

Unless something is done, Medicare could go broke and double the federal deficit by 2005, soaking taxpayers and the elderly with increases measured like a runaway fever chart.

It's long past time for a healthy cure before Medicare has a massive stroke. The Republican remedy is a good place to start.

That is a Cincinnati Enquirer.

Mr. JONES. Would you clarify, you or Mr. TATE, for those that might be watching that the tax cuts that have been proposed, $245 billion in tax cuts for working families are more than offset by reductions in savings in Government spending over the next 7 years excluding, excluding Medicare and Medicaid?

Mr. CHABOT. That is exactly correct. The liberals on the other side of the aisle are trying to link the two. They have absolutely nothing to do with each other. The Medicare pay cuts or, excuse me, the tax cuts, were taken care of earlier back in April, and we have a plan that does not affect Medicare at all. The two are entirely separate, but what they are trying to do is play the old political partisan game and scare senior citizens. I think that is reprehensible for them to play that game. What I wish they would do is come with us and work together with us so we can actually solve this Medicare crisis, and I hope the President ultimately will do the right thing as well.

Mr. TATE. Mr. Speaker, I know that our time is running short, very short.

The SPEAKER pro tempore. Actually the time is expired.

Mr. TATE. I just want to thank the gentleman from Ohio and the gentleman from North Carolina for letting me engage in this colloquy with you tonight, and working on the Contract With America, and preserving and protecting Medicare, and I just want to thank you for the opportunity.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair reminds Members that are going to be speaking during the remainder of tonght's activity that they should direct their remarks to the Chair and not to the television audience.

REDISTRICTING IN THE STATE OF GEORGIA

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentlewoman from Georgia [Ms. MCKINNEY] is recognized for 60 minutes.

Ms. MCKINNEY. Mr. Speaker, as this legislative week begins, I would like to take an opportunity to once again

commend the members of the Georgia Legislative Black Caucus who are now preparing to have their annual conference weekend with workshops, and I am absolutely certain that the issue of redistricting will take center stage in that conference weekend.

□ 2230

The Georgia Legislative Black Caucus, under the leadership of State Senator Diane Harvey Johnson, has done a wonderful job, and can never really be commended enough for its dedication and its ability to withstand all of the trials and tribulations of the recently adjourned special session under the leadership of the redistricting task force that, with David Scott at its helm, the Georgia Legislative Black Caucus was able to wade through very treacherous waters.

While the Georgia General Assembly failed to provide the citizens of the State of Georgia with a redistricting plan, certainly the Georgia Legislative Black Caucus can be credited with preventing a horrendous plan from passing onto the desk of the Governor.

I would also like to take a moment to say a few words about one of my leaders in the Georgia Legislative Black Caucus, State Representative Tyrone Brooks. When I was elected to the Georgia House of Representatives in 1988, I began, after having been sworn in in January 1989, to serve with my father, and the two of us became the only father-daughter legislative team in the country. Of course, we were much celebrated, but even though my father had been a member of the Georgia Legislature for over 20 years, it was to State Representative Tyrone Brooks that I have turned for leadership. I am proud that he took me under his wing and made me into half the legislator and civil rights leader that he is for the residents of the State of Georgia.

Mr. Speaker, on the grounds of the Georgia State Capitol there is a statue. The name of that statue is expelled because of color. This statue commemorates the service of 33 black people who were elected, duly elected, to the Georgia legislature, but who in 1868 were expelled for no other reason than the color of their skin.

Since 1965, the Voting Rights Act has utilized the tool of redistricting to enhance equal opportunity in the area of politics, but in 1993, something happened. That something was the Shaw versus Reno case, which set a new standard in redistricting principles. That new standard is a beauty standard, the beauty standard being that districts have to look a certain way in order to be effective, and if those districts do not conform to a particular standard of beauty, then there is something inherently wrong with those districts.

It is through this tool of resdistricting that we have been able to perfect our democracy. I recall from a publication called ''Sister Outsider'' a quote. The quote is, ''For the master's tools will never dismantle the master's house. They may allow us temporarily to beat him at his own game, but they will never enable us to bring about genuine change.''

The question I pose is does my presence in this body, in the United States House of Representatives, dismantle the master's house? What is it about the presence of African-Americans, women, Latinos, other people of color, that causes discomfort to some people in this country? Could it be the things that I dare say, or is it merely just the way I look that causes some people to say, ''This is not your place''? Then, of course, that would compel the highest court in the land, the United States Supreme Court, to apply a double standard.

I have an article here written by one of the members of that community of dedicated lawyers who are out there laboring long and hard, and their only effort is to try and make this country a better place for all Americans. The title of this article is ''Gerrymander Hypocrisy: Supreme Court's Double Standard.'' It was written by Jamon B. Raskin, professor of constitutional law and associate dean at the Washington College of Law at the American University.

It begins:

Racial double standards are nothing new in American law, but the Supreme Court's voting rights jurisprudence has turned farcical. State legislators redrawing Congressional and State legislative districts in the 1990s now carry both a license and a warning from the Court. The license, granted for decades, is to draw far-flung, squiggly lines all over the map in order to guarantee the legislators' reelection or the reelection of incumbent white U.S. House Members. The warning, issued in the Court's 1993 Shaw v. Reno decision, is not to draw any such bizarre districts with the purpose of creating African-American or Latino political majorities.

These two Supreme Court positions are on a logical collision course. From the day it was decided, Shaw looked deeply suspicious, since it imposed strict scrutiny on only those oddly shaped districts where African-Americans or Latinos are in a majority. The Court had never before found that the Constitution required districts to have certain shapes, sizes, or looks. District appearance was a question for the States. Now, in the name of tidy district lines and fighting what Justice Sandra Day O'Connor called ''political apartheid,'' a term never used by the Court to describe slavery, Jim Crow, poll taxes, literacy tests, or white primaries, the court cast doubt on dozens of racially integrated districts represented by blacks and Latinos.

In the illustrative case of Vera versus Richards last August, a panel of three Republican judges threw out as racial gerrymander two majority-black congressional districts and one majority-Latino district in Texas, solemnly invoking Martin Luther King all along the way.

Meanwhile, the same panel categorically rejected challenges to majority-white districts whose perimeters looked every bit as peculiar as those of the minority districts. The panel was not disturbed that House incumbents from Texas were actively involved in the redistricting process, or that they were so influential in getting districts drawn for incumbency protection that all but one of them had been reelected in 1992. Neither were the judges troubled by the fact that minority districts appear contorted precisely because white Democratic incumbents, looking for liberal votes, took big geographic bites out of minority communities.

By blessing the entrenchment of white incumbents and wiping out black and Latino majority districts, the district court is only following the perverse logic of Supreme Court doctrine. The ''equal protection'' clause of the 14th Amendment, enacted in 1868 to dismantle white supremacy, has been twisted by the Court to mean that African-Americans and other minorities may not form a numerical majority in any district unless they are in communities that are geographically compact and residentialy isolated.

Without consciously drawn minority districts, most States would continue to have lily white House delegations. No black has ever been elected to Congress from the South in a majority-white district. Even today, with the new districts (hanging on by a thread), minorities remain underrepresented in Congress and in every State legislature.

Furthermore, these districts discriminate against no one.

On the other hand, ''incumbency protection'' districts are deeply offensive to democratic values.

By fencing out unfriendly voters and potential rivals, incumbents make districts in their own image, and turn elections into a formality. In our self-perpetuating incumbentocracy, voters don't really pick public officials on Election Day because public officials pick voters on redistricting day.

But in the Court's new racial Rorschach test, incumbent-friendly ink blot districts are lawful if the race in the majority is white.

We have, through these districts, the opportunity to elect people who would otherwise not grace these halls, and there has been a lot of misinformation about these districts. Laughlin McDonald is the voting rights litigator for the ACLU. In an effort to try and dispel some of the misinformation about these districts, he wrote two pieces, one of them entitled ''Exploding Redistricting Myths'' and the other one entitled ''Drown in a Sea of Misinformation.'' I will submit both of these pieces to the RECORD, because it is important that all of the misinformation that has been thrown out by various scholarly people be challenged and rebutted at each step along the way.

Mr. Speaker, in the most recently adjourned special session of the Georgia Legislature, we had something very unfortunate happen. Of course, we understood that the 11th Congressional District had been challenged by primarily the Democratic candidate who ran against me, who lost because of an ineffective message, and so was able to find some recourse in the courts. However, something else happened. That something else was that the Second Congressional District was added into the mix, so now the lower court, the same lower court in Georgia that found the 11th Congressional District to be unconstitutional, now is going to have a hearing on the constitutionality of the Second Congressional District of Georgia, which is also a majority-minority district.

The Georgia Legislative News of August 21 chronicles what happens. The headline is ''Parks Attacks Second District,'' and it begins:

In an unexpected legal maneuver, Georgia's Second Congressional District is under attack by Lee Parks, attorney for the original plaintiffs in the Johnson v. Miller suit, which resulted in the 11th District being declared unconstitutional.

What started out as one majority-black district under attack now results in two majority-black districts being under attack. Unfortunately, in the September 26 edition of the Atlanta Constitution, the headline reads, ''Another Majority-Black District At Risk.'' First there was one, and now there are two.

It begins:

About Face: State Admits Racial Gerrymandering. The United States Justice Department has abandoned its defense of Georgia's Second Congressional District, and State attorneys on Monday admitted that race dictated the drawing of its lines, putting the future of another majority-black district in jeopardy.

Now, I know that we have at the Justice Department very young, idealistic, dedicated attorneys who have experienced 30 years of victory in the area of voting rights, and all of a sudden now, after Shaw versus Reno, we have 30 years of precedent being rapidly eroded.

□ 2245

I would just hope that the Justice Department is not losing its will, that it is not punch-drunk after the first round. Now, more than ever, we need people who are dedicated to the proposition that everybody deserves a voice in this Government, to be prepared to fight, to make sure that everyone does have a voice in this Government.

Mr. Speaker, I have been through the story of how in the Georgia legislative special session a particular special interest became so pronounced that it was impossible for the legislature to conclude with a congressional map, and that particular special interest is the kaolin industry that pervades the economy of the State of Georgia and as well the legislature of the State of Georgia. There were maps that were produced, but those maps conveniently excluded the kaolin belt from the 11th Congressional District of Georgia, which I represent.

Mr. Speaker, because it is only fair that those counties be included in the 11th Congressional District, the Georgia legislative Black Caucus fought for the opportunity of the residents of those counties to be able to elect their candidate of choice, and so by fighting, we were not able to have a map.

The whole issue of the double standard can be seen in these maps that I have. The 6th district of Illinois contains a super- majority that is white, of 95 percent, the 6th Congressional District of Illinois has not been challenged in any court.

Mr. Speaker, we also have the 6th Congressional District of Texas, which has a supermajority. That supermajority is white. This district has gone through the same scrutiny as has the 11th Congressional District of Georgia. This district, with its squiggly lines, apparently conforms to the beauty standard. It passes the beauty test. It is a beautiful district, so ruled by the courts. It is constitutional.

Yet the 11th Congressional District of Georgia, which I think is one of the most beautiful districts ever drawn by any legislature in the State of Georgia, has also a supermajority of 64 percent that happens to be black, has undergone the same kind of scrutiny as the 6th Congressional District of Texas, but Georgia's 11th Congressional District has been declared unconstitutional by the lower court and even our own U.S. Supreme Court.

So I stand today before this body as a representative without a district representing people who deserve to have their voices heard in the area of public policymaking. Of course, whatever happens will be determined by the lower court in Georgia, and we will be forced to abide by and will happily abide by the dictates of the law of the land, but of course it does not mean that the law is always right, and it certainly does not mean that the law is color blind.

In 1868 those 33 black members of the Georgia Legislature were expelled because of the color of their skin, and here I stand facing the same fate, but I do not stand alone, and that is because there too have been others, even from this body, who have preceded me. Thank goodness we have this thing called a CONGRESSIONAL RECORD, because we can go back and we can search the RECORD and find the words of other Members of Congress, others similarly situated, others who also faced expulsion for no other reason than the color of their skin.

Mr. Speaker, one such representative, the last, in fact to grace these halls in the beginning of the 20th century was Representative George White from North Carolina. I would like to read what Representative White had to say. This is in 1901:

I want to enter a plea for the colored man, the colored woman, the colored boy, and the colored girl of this country. I would not thus digress from the question at issue and detain the House in a discussion of the interests of this particular people at this time but for the constant and the persistent efforts of certain gentlemen upon this floor to mold and rivet public sentiment against us.

At no time perhaps during the 56th Congress were these charges and countercharges containing as they do slanderous statements more persistently magnified and pressed upon the attention of the Nation than during the consideration of the recent reapportionment bill. As stated some days ago on this floor by me, I then sought diligently to obtain an opportunity to answer some of the statements made by gentlemen from different States, but the privilege was denied me, and I therefore must embrace this opportunity to say out of season, perhaps, that which I was not permitted to say in season.

Now, Mr. Chairman, before concluding my remarks, I want to submit a brief recipe for the solution of the so-called American Negro problem. He asks no special favors, but simply demands that he be given the same chance for existence, for earning a livelihood, for raising himself in the scales of manhood and womanhood, that are accorded to kindred nationalities. Treat him as a man. Go into his home and learn of his social conditions, learn of his cares, his troubles, and his hopes for the future. Gain his confidence, open the doors of industry to him.

This, Mr. Chairman, is perhaps the Negro's temporary farewell to the American Congress. But let me say phoenix-like, he will rise up someday and come again. These parting words are in behalf of an outraged, heartbroken, bruised and bleeding, but God-fearing people; faithful, industrious, loyal people, rising people, full of potential force.

Sir, I am pleading for the life of a human being. The only apology that I have to make for the earnestness with which I have spoken is that I am pleading for the life, the liberty, the future happiness, and manhood suffrage for one-eighth of the entire population of the United States.

George White did not leave Congress quietly. He fixed the record. For as long as there will be a United States of America, there will be people who can pull this CONGRESSIONAL RECORD and find his words there.

I guess you could say I am doing the same thing. For if it is the will of this country that African-Americans can no longer serve in the U.S. Congress, I guarantee you that I will fix this record. I, too, will speak on behalf of an outraged people who only want the opportunity to participate as full citizens in their Government.

The State of Georgia did not want us, three of us; the State of Georgia did not defend the congressional map that produced its most diverse congressional delegation in history, and so the State of Georgia is now prepared to say goodbye to that diversity.

I found a book entitled ''The Passion of Claude McKay.'' Claude McKay did a poem that I would like to read. The title of the poem is, ''If We Must Die.''

If we must die, let it not be like hogs, hunted and pinned in an inglorious spot. While round us bark the mad and hungry dogs, making their mock at our accursed lot. If we must die, oh, let us nobly die so that our precarious blood may not be shed in vain, then even the monsters we defy shall be constrained to honor us, though dead. Oh, kinsmen, we must meet the common foe. Though far outnumbered, let us show us brave and for their thousand blows deal one death blow, what though before us lies the open grave. Like men will face the murderous, cowardly pack, pressed to the wall, dying, but fighting back.

Mr. Speaker, I intend to carry this fight for the preservation of democracy in America, for as long and as far as we can take it. I would like to take this opportunity to thank my colleagues who have all been so kind, courteous, concerned, and committed.

I would like to thank the people from around the country who have taken the time to write letters to us, to place telephone calls to our office, to share their concern about the evil turn that this country has taken, and what it means for average, ordinary Americans, that their representation could

be yanked away from them. If it starts with the 11th Congressional District of Georgia, and then moves over to the Second Congressional District of Georgia, and then sweeps across the South and moves up to the North in Illinois and New York, where will it end?

□ 2300

In fact, we have a very renowned writer in Georgia, Bill Ship, who poses the question, ''Are the bad old days back?'' Of course we certainly hope not.

I do not want there to be a statue on the Grounds of the U.S. Capitol commemorating the service of the 40 plus African-Americans, the Latino-Americans, the Asian-Americans who may too very well be expelled if this awful page in our history is allowed to be written. I certainly do not want another statue on the grounds of the Georgia State Capitol commemorating my service in that body and my service in this body and my expulsion, either.

So I guess I would have to say that it all depends now on the will of the American people. Do we want to assure that our democracy is one that includes everybody, even people like me who do not come from wealth, who are not able to finance the tremendous amounts that it takes to run campaigns and to try and beat back the block voting that occurs in our State, along with the fact that we still have the second primary which requires a candidate to win three times when they should not really have to win but once.

I hope the bad old days are not coming back. I know that they will not come back if the American people will say enough is enough and that what we meant was certainly not this.

Mr. Speaker, I include the two articles referred to in my special order for the RECORD, as follows:

DROWING IN A SEA OF MISINFORMATION

(By Laughlin McDonald)

The debate over majority-minority voting districts is threatened with death by drowning in a sea of misinformation and speculative assumptions. The hard facts are that the increase in the number of minority elected officials, particularly in the South, is the product of the increase in the number of majority-minority districts and not minorities being elected from majority white districts. And because of the prevalence of white bloc voting, minority populations well above 50% are generally necessary for minorities to have a realistic opportunity to elect candidates of their choice.

Of the 17 African-Americans elected to Congress in 1992 and 1994 from the states of the old Confederacy, all were elected from majority-minority districts. The only black in the 20th century to win a seat in Congress from a majority white district in one of the nine southern states targeted by the special preclearance provisions of the Voting Rights Act was Andrew Young of Georgia. He was elected in the bi-racial afterglow of the civil rights movement in 1972 from the Fifth District where blacks were 44% of the voting age population. Still, voting was racially polarized and he got just 25% of the white vote.

Those who have claimed that racial bloc voting was a relic of the past in the new South always brought up the example of Andrew Young. His election was proof that a moderate black candidate who knew how to organize a campaign could pile up white votes and win anywhere, they said. Young proved them wrong. In 1981, after serving in Congress for three terms, being ambassador to the United Nations, and raising more money than in previous campaigns, Young got only 9% of the white vote in his election as mayor of majority black Atlanta. In 1990, Young ran for governor of Georgia. In both the primary and runoff he got about a quarter of the white vote, but running statewide where blacks are 27% of the population, he was defeated. Even for a candidate with extraordinary qualifications, such as Young, racial bloc voting is a political fact of life.

A pattern of office holding similar to that in Congress exists for southern state legislatures. Approximately 90% of all southern black legislators in the 1980s were elected from majority black districts. No blacks were elected from majority white districts in Alabama, Arkansas, Louisiana, Mississippi, and South Carolina.

By 1994, there were 262 black state legislators in the southern states, 234 (89%) of whom were elected from majority black districts. Of the 1,495 majority white legislative districts, only 28 (2%) were represented by blacks, a percentage basically unchanged since the 1970s. For blacks to have a realistic change of winning, they have had to run in majority black districts.

There has also been a substantial increase in the number of minorities elected to city and county offices throughout the South. As with Congress and state legislature, the increase can be traced directly to the creation of majority-minority voting districts.

It is possible, of course, to conflate the exceptions such as Andrew Young with the general rule, but to do so requires one to rely upon anecdotal evidence and ignore the facts. One scholar has concluded based upon a recent study funded by the National Science Foundation, by far the most comprehensive study to date of the impact of the Voting Rights Act, that ''[t]he arguments that Blacks need not run in 'safe' minority districts to be elected, that White voters increasingly support Black politicians, that racial-bloc voting is now unusual—all turn out to be among the great myths currently distorting public discussion.''[1]

Numerous decisions of federal courts support these conclusions. To cite just a few, in Burke County, Georgia the court found ''overwhelming evidence of bloc voting along racial lines.'' In Chattanooga, Tennessee black and white voters ''vote differently most of the time.'' In Arkansas voting patterns were described as being ''highly racially polarized.'' In Springfield, Illinois there was ''extreme racially polarized voting.'' In northern Florida voting was not only polarized but was ''driven by racial bias.''

If whites voted freely for minorities there would be no need to include race in the redistricting calculus, and in places where significant racial bloc voting does not exist the courts have not required the creation of majority-minority districts. But because whites generally vote on racial lines, majority-minority districts are necessary to provide minorities the equal opportunity to elect representatives of their choice.

Some have argued that partisanship, not race, is the determinative factor in elections. Blacks, however, have generally been unable to win in majority white districts no matter whether they were controlled by Democrats or Republicans. The argument also ignores the fact that partisanship is inextricably bound up with race. Much of the political dealignment and realignment that has taken place in this country over the last 30 years has itself been driven by race. Conservative whites have fled the Democratic party for various reasons, but important among them have been the increased participation of blacks in party affairs and the belief that the party was too preoccupied with civil rights.

Majority-minority districts are not a form of segregation, as some have charged. The majority-minority congressional districts in the South are actually the most racially integrated districts in the country and contain substantial numbers of white voters, an average of 45%. Moreover, blacks in the South continue to be represented more often by white than by black members of Congress, 58% versus 42%. No one who has lived through it could ever confuse existing redistricting plans, with their highly integrated districts, with racial segregation under which blacks were not allowed to vote or run for office.

While the converse is exceptional, whites are frequently elected from majority-minority districts. During the 1970s whites won in 48% of the majority black legislative districts in the South, and in the 1980s in 27%. In Georgia in 1994 whites won in 26% of the majority black legislative districts. Given these levels of white success, racially integrated majority-minority districts cannot be dismissed simply as ''quotas'' or ''set-asides'' for minorities.

There is also no evidence that the majority-minority districts cause harm or increase racial tension. In *Miller v. Johnson* (1994) the Supreme Court invalidated Georgia's majority black Eleventh District on the grounds that race was the predominant factor in the redistricting process and the state impermissibly subordinated its traditional redistricting principles to race. The trial court, however, expressly found that the plaintiffs ''suffered no individual harm; the 1992 congressional redistricting plans had no adverse consequences for these white voters.'' The Supreme Court did not disturb these findings.

Farm from causing harm, the evidence suggests that integrated majority-minority districts have promoted the formation of biracial conditions and actually dampened racial bloc voting. In Mississippi, after the creation of the majority black Second Congressional District, Mike Espy, an African-American, was elected in 1986 with about 11% of the white vote and 52% of the vote overall. In 1988 he won re-election with 40% of the white vote and 66% of the vote overall.

In Georgia, the Second and Eleventh Congressional Districts became majority black for the first time in 1992. From 1984 to 1990, only 1% of white voters in the precincts within the Second, and 4% of the white voters in the precincts within the Eleventh, voted for minority candidates in statewide elections. A dramatic and encouraging increase in white crossover voting occurred in 1992. Twenty-nine percent of white voters in the Second and 37% of white voters in the Eleventh voted for minority candidates in statewide elections that year. Whether these trends are temporary or not, they undercut the argument that majority-minority districts have exacerbated racial bloc voting.

In *Miller* the Court stopped far short of saying that a jurisdiction couldn't take race into account in redistricting or that it couldn't draw majority-minority districts. Indeed, Justice O'Connor, who was the crucial vote for the five member majority, wrote in a concurring opinion that where a state redistricts in accordance with its ''customary districting principles'' it ''may well''

[1] Richard Pildes, ''The Politics of Race,'' 108 Harv.L.Rev. 1359, 1367 (1995).

consider race, and that judicial review was limited to ''extreme instances of gerrymandering.'' Such a view is consistent with the Voting Rights Act and the interpretation it has always been given that a jurisdiction must take race into account to avoid diluting minority voting strength.

As a practical matter it is probably impossible to avoid considering race in redistricting. Members of the Court have frequently observed that one of the purposes of redistricting is to reconcile the competing claims of political, religious, ethnic, racial, and other groups. Legislators necessarily make judgments about how racial and ethnic groups will vote. According to Justice Brennal, ''[I]t would be naive to suppose that racial considerations do not enter into apportionment decisions.''

Redistricting by its nature is fundamentally different from other forms of governmental action where, for instance, scarce employment or contractual opportunities are allocated on a race conscious basis. A contractor denied the opportunity to bid on 10% of a city's construction contracts, or a white applicant denied the chance to compete for all the openings in a medical school class, have independent claims of entitlement and injury. But a resident who has not been harmed by a redistricting plan has no legitimate grounds for complaint simply because race was one of the factors the legislature took into account.

Voting districts have traditionally been drawn to accommodate the interests of various racial or ethnic groups—Irish Catholics in San Francisco, Italian-Americans in South Philadelphia, Polish-Americans in Chicago. No court has ever held these districts to be constitutionally suspect or invalid. To apply a different standard in redistricting to African-Americans based upon speculative assumptions about segregation and harm would deny them the recognition given to others. To do so in the name of colorblindness of the Fourteenth Amendment, whose very purpose was to guarantee equal treatment for blacks, would be ironic indeed.

Integrated majority-minority districts are good for minorities because they provide them equal electoral opportunities. But they are also good for our democracy. They help break down racial isolation and polarization. They help ensure that government is less prone to bias, and is more inclusive, reliable, and legitimate. These are goals that all Americans should support.

EXPLODING REDISTRICTING MYTHS

(By Laughlin McDonald)

After the Supreme Court held Georgia's majority black Eleventh Congressional District unconstitutional as an instance of extreme gerrymandering, the governor called the legislature into special session to repair the damage. But it couldn't agree on a new map and has dumped the matter back into the lap of the federal court. As the court prepares to act, let us reconsider, and reject, two of the myths surrounding majority black districts—that they are unnecessary and that they are part of a Republican/African-American cabal that has mortally wounded the Democratic party.

Because of white bloc voting, minority populations well above 50% are generally necessary for minorities to have a realistic chance to electing candidates of their choice. Of the 17 African-Americans elected to Congress in 1992 and 1994 from the states of the old Confederacy, all were elected from majority-minority districts. The only black in this century to win a seat in Congress from a majority white district in one of the nine southern states targeted by the special preclearance provisions of the Voting Rights Act was Andrew Young. He was elected in the biracial afterglow of the civil rights movement in 1972 from the Fifth District where blacks were 44% of the voting age population.

It is possible to conflate the exceptions such as Young with the rule, but to do so one has to ignore the facts. The notion that racial bloc voting is rare and that minorities have an equal chance in majority white districts in the South is simply a myth that continues to cloud public debate over redistricting.

The claim that majority-minority congressional districts are the cause of the decline in fortunes of the Democratic party is also largely a bum rap. White Democrats have been elected to Congress from Georgia under the existing plan. Three were elected in 1992, along with three black Democrats. A white Democrat was also elected in 1994, Nathan Deal, but he defected to the Republican party earlier this year.

Democrats suffered a major reversal in 1992 when a Republican defeated Democratic incumbent Wyche Fowler for the U.S. Senate. Two years later, the state's long time attorney general, a Democrat, left the party and was reelected as a Republican. Neither the statewide election of Republicans nor the defection of Democrats can be laid at the feet of majority black congressional districts.

Democrats have lost ground in Georgia—statewide, in the U.S. Senate, and in the House—for a lot of reasons, including their failure to deliver on health care and campaign finance reform, not to mention the house banking scandal which helped defeat white Democrat Buddy Darden in 1994. But mainly Democrats have been hurt because conservative whites have left the party in growing numbers—a backlash that set in after passage of the major civil rights acts of the 1960s.

Some observers question whether redrawing congressional district lines in Georgia would do much to reverse Republican gains. It is possible, however, to draw constitutionally acceptable plans that protect the black incumbent and create up to three additional Democratic ''opportunity districts.'' But many white Democrats refused to join with blacks in supporting such plans during the abortive special session, either because they wanted the black incumbents out, they thought the party would damage itself further by seeming to give in to black demands, or they were on the verge of quitting the party themselves. Clearly, some of the party's redistricting wounds are self-inflicted.

Deconstructing the majority black districts, whatever its partisan impact, would surely bleach the Congress. That might suit some people just fine, but no system that treats blacks as second class voters and denies them the opportunity that others have to elect candidates of their choice, should pretend to be a real democracy.

Majority-minority districts are not only good for minorities, they are good for the country as a whole. Because they are highly integrated (45% white on average) they help break down racial isolation and encourage biracial coalition building. That has happened in Georgia where white crossover voting increased substantially in the precincts within the Eleventh District after it was created in 1992. Majority-minority districts also help insure that government is more inclusive, reliable, and legitimate. These are goals that all Americans should support.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. TUCKER (at the request of Mr. GEPHARDT) for today and the balance of the week, on account of official business.

Mr. VOLKMER (at the request of Mr. GEPHARDT) for today and the balance of the week, on account of family illness.

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. MATSUI) to revise and extend their remarks and include extraneous material:)

Mr. GIBBONS, for 5 minutes, today.
Mr. SKAGGS, for 5 minutes, today.
Ms. KAPTUR, for 5 minutes, today.
Mr. OWENS, for 5 minutes, today.
Mr. CLAYTON, for 5 minutes, today.
Mr. PALLONE, for 5 minutes, today.
Ms. BROWN of Florida, for 5 minutes, today.
Mr. FARR, for 5 minutes, today.
Mr. BROWN of Ohio, for 5 minutes, today.

(The following Members (at the request of Mr. WALKER) and to include extraneous matter:)

Mr. COBURN, for 5 minutes, on September 28.
Mr. HOEKSTRA, for 5 minutes each day, today and on September 28.
Mr. BALLENGER, for 5 minutes, on September 28.
Mr. SMITH of Washington, for 5 minutes each day, today and on September 28.
Mr. SALMON, 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. MCINNIS, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. CONYERS on H.R. 743 in the Committee of the Whole today.

(The following Members (at the request of Mr. MATSUI) and to include extraneous matter:)

Mr. VISCLOSKY.
Mr. MORAN.
Mrs. THURMAN.
Mr. GORDON.
Mr. LAFALCE.
Mr. BONIOR.
Mr. TORRES in two instances.
Mr. MINETA.
Mr. LANTOS.
Mr. DINGELL.
Mr. HAMILTON in two instances.
Mr. STOKES.
Mr. MATSUI.
Mr. MENENDEZ in four instances.

Mr. KLECZKA in two instances.
Mr. LEVIN in four instances.
Mr. RICHARDSON in two instances.
Mr. PALLONE.
Mr. COSTELLO.
Mr. GEJDENSON.
Mr. CLAY.
Mr. SCHUMER.
Mr. DELLUMS.
Mr. ORTIZ.
Mr. MILLER of California.
Mrs. MALONEY in two instances.
Mr. BARCIA.
Ms. LOFGREN.
Mr. POSHARD in two instances.
Mr. BEVILL.
Mr. SKAGGS.

(The following Members (at the request of Mr. WALKER) and to include extraneous matter:)

Mr. SMITH of New Jersey.
Mr. LEWIS of California in three instances.
Mr. PACKARD.
Mr. BAKER of California.
Mr. CHAMBLISS.
Mr. SHUSTER.
Mr. YOUNG of Florida.
Mr. DAVIS.
Mr. FLANAGAN.
Mr. BEREUTER.
Mr. BASS.
Mr. OXLEY.
Mr. WALKER.

(The following Members (at the request of Ms. MCKINNEY) and to include extraneous matter:)

Mr. BRYANT of Texas.
Mrs. KENNELLY.

SENATE BILL AND CONCURRENT RESOLUTION REFERRED

A bill and a concurrent resolution of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 619. An act to phase out the use of mercury in batteries and provide for the efficient and cost-effective collection and recycling or proper disposal of used nickel cadmium batteries, small sealed lead-acid batteries, and certain other batteries, and for other purposes; to the Committee on Commerce.

S. Con. Res. 21. Concurrent resolution directing that the ''Portrait Monument'' carved in the likeness of Lucretia Mott, Susan B. Anthony, and Elizabeth Cady Stanton, now in the Crypt of the Capitol, be restored to its original state and be placed in the Capitol rotunda; to the Committee on House Oversight.

ENROLLED BILLS SIGNED

Mr. THOMAS, from the Committee on House Oversight, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 1817. An act making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 1996, and for other purposes.

H.R. 1854. An act making appropriations for the legislative branch for the fiscal year ending September 30, 1996, and for other purposes.

BILLS PRESENTED TO THE PRESIDENT

Mr. THOMAS, from the Committee on House Oversight, reported that that committee did on the following date present to the President, for his approval, bills of the House of the following titles:

On September 26, 1995:

H.R. 1854. An act making appropriations for the legislative branch for the fiscal year ending September 30, 1996, and for other purposes.

H.R. 1817. An act making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 1996, and for other purposes.

ADJOURNMENT

Ms. MCKINNEY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 4 minutes p.m.), the House adjourned until tomorrow, Thursday, September 28, 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:

1460. A letter from the Under Secretary of Defense, transmitting a report of a violation of the Anti-Deficiency Act which occurred at the New Orleans District, U.S. Army Corps of Engineers, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

1461. A communication from the President of the United States, transmitting notification that the Federal Government frequency assignments in the spectrum identified for reallocation for exclusive nonfederal use have been withdrawn by the National Telecommunications and Information Administration [NTIA]; to the Committee on Commerce.

1462. A communication from the President of the United States, transmitting an update on the deployment of combat-equipped United States Armed Forces to Haiti as part of the multinational force [MNF] (H. Doc. No. 104–119); to the Committee on International Relations and ordered to be printed.

1463. A letter from the Comptroller General, General Accounting Office, transmitting the list of all reports issued or released in August 1995, pursuant to 31 U.S.C. 717(h); to the Committee on Government Reform and Oversight.

1464. A letter from the Deputy Associate Director for Compliance, Department of the Interior, transmitting notification of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Resources.

1465. A letter from the Secretary of Energy, transmitting the Department's fifth annual report for the Demonstration and Commercial Application of Renewable Energy and Energy Efficiency Technologies Program, pursuant to section 9 of the Renewable Energy and Efficiency Technology Competitiveness Act of 1989; jointly, to the Committees on Commerce and Science.

1466. A letter from the Comptroller General of the United States, transmitting a copy of a report entitled ''Financial Audit: Congressional Award Foundation's Financial Statements for the Fiscal Year Ended September 30, 1994,'' GAO/AIMD–95–172; jointly, to the Committees on Government Reform and Oversight and Economic and Educational Opportunities.

1467. A letter from the Assistant Comptroller General of the United States, transmitting a copy of a report entitled, ''U.S.-Japan Cooperative Development: Progress on the FS–X Program Enhances Japanese Aerospace Capabilities,'' GAO/NSIAD–95–145; jointly, to the Committees on Appropriations, International Relations, and Government Reform and Oversight.

1468. A letter from the Assistant Secretary for Land and Minerals Management, Department of the Interior, transmitting a draft of proposed legislation entitled the ''Yakima Firing Center Withdrawal Act''; jointly, to the Committees on National Security, Resources, Ways and Means, and Transportation and Infrastructure.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. ROBERTS: Committee on Agriculture. H.R. 436. A bill to require the head of any Federal agency to differentiate between fats, oils, and greases of animal, marine, or vegetable origin, and other oils and greases, in issuing certain regulations, and for other purposes; with an amendment (Rept. 104–262, Pt. 1). Ordered to be printed.

Mr. BLILEY: Committee on Commerce. H.R. 436. A bill to require the head of any Federal agency to differentiate between fats, oils, and greases of animal, marine, or vegetable origin, and other oils and greases, in issuing certain regulations, and for other purposes; with an amendment (Rept. 104–262 Pt. 2). Referred to the Committee of the Whole House on the State of the Union.

Mr. DREIER: Committee on Rules. House Resolution 230. Resolution providing for the consideration of the joint resolution (H.J. Res. 108) making continuing appropriations for the fiscal year 1996, and for other purposes (Rept. 104–263). Referred to the House Calendar.

Ms. PRYCE: Committee on Rules. House Resolution 231. Resolution waiving points of order against the conference report to accompany the bill (H.R. 1977) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1996, and for other purposes (Rept. 104–264). Referred to the House Calendar.

Mr. GOSS: Committee on Rules. House Resolution 232. Resolution waiving points of order against the conference report to accompany the bill (H.R. 2126) making appropriations for the Department of Defense for the fiscal year ending September 30, 1996, and for other purposes (Rept. 104–265). Referred to the House Calendar.

Mr. LIVINGSTON: Committee on Appropriations. Report on the revised subdivision of budget totals for fiscal year 1996 (Rept. 104–266). Referred to the Committee of the whole House on the State of the Union.

Mr. CANADY: Committee on the Judiciary. H.R. 1833. A bill to amend title 18, United States Code, to ban partial-birth abortions; with an amendment (Rept. 104–267). Referred to the Committee of the Whole House on the State of the Union.

BILLS PLACED ON THE CORRECTIONS CALENDAR

Under clause 4 of rule XIII, the Speaker filed with the Clerk a notice requesting that the following bills be placed upon the Corrections Calendar:

H.R. 436. A bill to require the head of any Federal agency to differentiate between fats, oils. and greases of animal, marine, or vegetable origin, and other oils and greases, in issuing certain regulations, and for other purposes.

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. ANDREWS:

H.R. 2398. A bill to amend the General Education Provisions Act to allow State and county prosecutors access to student records in certain cases; to the Committee on Economic and Educational Opportunities.

By Mr. MCCOLLUM (for himself, Mr. LEACH, Mrs. ROUKEMA, Mr. GONZALEZ, Mr. VENTO, Mr. ROTH, Mr. LAFALCE, Mr. BAKER of Louisiana, Mr. LAZIO of New York, Mr. KING, Mr. CASTLE, Mr. WELLER, and Mr. EHRLICH):

H.R. 2399. A bill to amend the Truth in Lending Act to clarify the intent of such act and to reduce burdensome regulatory requirements on creditors; to the Committee on Banking and Financial Services.

By Mr. NORWOOD (for himself and Mr. BREWSTER):

H.R. 2400. A bill to establish standards for health plan relationships with enrollees, health professionals, and providers; to the Committee on Commerce.

By Mr. HYDE (for himself and Mr. FAWELL):

H.R. 2401. A bill to provide for monthly payments by the Secretary of Veterans Affairs to certain children of veterans exposed to ionizing radiation while in military service; to the Committee on Veterans' Affairs.

By Mr. HANSEN:

H.R. 2402. A bill to authorize an exchange of lands in the State of Utah at Snowbasin Ski Area; to the Committee on Resources.

By Mr. CLEMENT:

H.R. 2403. A bill to amend title 49, United States Code, with respect to the regulation of interstate transportation by common carriers engaged in civil aviation, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committees on Small Business, Government Reform and Oversight, National Security, and Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GILMAN:

H.R. 2404. A bill to extend authorities under the Middle East Peace Facilitation Act of 1994 until November 1, 1995, and for other purposes; to the Committee on International Relations.

By Mr. WALKER (for himself, Mr. SENSENBRENNER, Mrs. MORELLA, Mr. ROHRABACHER, and Mr. SCHIFF):

H.R. 2405. A bill to authorize appropriations for fiscal years 1996 and 1997 for civilian science activities of the Federal Government, and for other purposes; to the Committee on Science, and in addition to the Committees on Resources, and Commerce, 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. LAZIO of New York (for himself, Mr. LEACH, Mr. MCCOLLUM, Mr. BAKER of Louisiana, Mr. CASTLE, Mr. WELLER, Mr. BONO, Mr. EHRLICH, Mr. CREMEANS, Mr. FOX, Mr. HEINEMAN, and Mrs. KELLY):

H.R. 2406. A bill to repeal the United States Housing Act of 1937, deregulate the Public Housing Program and the program for rental housing assistance for low-income families, and increase community control over such programs, and for other purposes; to the Committee on Banking and Financial Services.

By Mr. BRYANT of Texas (for himself, and Mr. SHAYS):

H.R. 2407. A bill to amend the Forest and Rangeland Renewable Resources Planning Act of 1974, the Federal Land Policy and Management Act of 1976, the National Wildlife Refuge System Administration Act of 1966, the National Indian Forest Resources Management Act, and title 10, United States Code, to strengthen the protection of native biodiversity and to place restraints upon clearcutting and certain other cutting practices on the forests of the United States; to the Committee on Agriculture, and in addition to the Committees on Resources, and National Security, 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. COBURN:

H.R. 2408. A bill to provide for enhanced penalties for health care fraud, and for other purposes; to the Committee on Commerce, and in addition to the Committees on Ways and Means, the Judiciary, and 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. KENNEDY of Massachusetts:

H.R. 2409. A bill to increase the public debt limit; to the Committee on Ways and Means.

By Mr. MURTHA:

H.R. 2410. A bill to amend the Internal Revenue Code of 1986 to provide reductions in required contributions to the United Mine Workers of America combined benefit fund, and for other purposes; to the Committee on Ways and Means.

By Mr. ROBERTS (for himself, Mr. STENHOLM, Mr. GUNDERSON, and Mr. POSHARD):

H.R. 2411. A bill to provide assistance for the establishment of community rural health networks in chronically underserved areas, to provide incentives for providers of health care services to furnish services in such areas, and for other purposes; to the Committee on Commerce, and in addition to the Committee on Ways and Means, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. YOUNG of Alaska:

H.R. 2412. A bill to improve the economic conditions and supply of housing in native American communities by creating the Native American Financial Services Organization, and for other purposes; to the Committee on Banking and Financial Services, 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. LIVINGSTON:

H.J. Res. 108. Joint resolution making continuing appropriations for the fiscal year 1996, and for other purposes; to the Committee on Appropriations.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 127: Mr. BARTON of Texas, Mr. SAXTON, and Mr. ENGEL.

H.R. 156: Mr. GENE GREEN of Texas.

H.R. 250: Mr. DELLUMS.

H.R. 350: Mr. WELDON of Pennsylvania.

H.R. 351: Mr. STOCKMAN, Mr. NORWOOD, and Mrs. CHENOWETH.

H.R. 367: Mr. JOHNSTON of Florida.

H.R. 394: Mr. MINETA, Mr. HINCHEY, and Mr. LANTOS.

H.R. 436: Mr. HANCOCK.

H.R. 491: Mr. MCKEON, Mr. RIGGS, Mr. THORNBERRY, and Mr. BACHUS.

H.R. 497: Mr. UNDERWOOD, Mr. BONIOR, Mr. HOKE, Mr. WISE, Mr. CRAPO, Mr. BARR, Mr. DELAY, Mr. HEINEMAN, Mr. HOBSON, Ms. PELOSI, Mr. DIXON, Mr. HOUGHTON, Mr. GILCHREST, Mr. BOUCHER, Mr. OXLEY, Mr. MEEHAN, Mr. FLANAGAN, and Mr. INGLIS of South Carolina.

H.R. 519: Mr. ROYCE.

H.R. 528: Ms. SLAUGHTER, Mr. QUILLEN, Mr. RAHALL, Mr. CRAPO, Mr. STEARNS, Mr. THORNTON, Mr. MOORHEAD, Mr. SPRATT, Mr. HEFNER, Mr. HILLIARD, Mr. BRYANT of Texas, and Mr. BURTON of Indiana.

H.R. 559: Mr. ENGEL.

H.R. 580: Mr. DOOLEY AND MR. HASTINGS of Washington.

H.R. 596: Mr. ENSIGN.

H.R. 619: Miss COLLINS of Michigan.

H.R. 620: Mr. LIPINSKI.

H.R. 662: Mr. CALVERT and Mr. COX.

H.R. 677: Mr. MEEHAN.

H.R. 682: Mr. PACKARD.

H.R. 777: Mr. BURTON of Indiana.

H.R. 778: Mr. BURTON of Indiana.

H.R. 789: Mr. CHABOT, Mr. NEAL of Massachusetts, Mr. DAVIS, Mr. SAXTON, Mr. BALDACCI, Mr. SPENCE, and Mrs. LINCOLN.

H.R. 911: Mr. RAMSTAD.

H.R. 1005: Mr. LINDER.

H.R. 1023: Mr. EMERSON, Mr. KENNEDY of Massachusetts, and Ms. MCKINNEY.

H.R. 1131: Mr. HASTERT.

H.R. 1278: Mr. JOHNSTON of Florida, Mr. FARR, Mr. FILNER, and Mr. ENGEL.

H.R. 1488: Mr. ZELIFF, Mr. COBURN, Mr. WALKER, Mr. ROBERTS, Mr. SKELTON, Mr. TATE, Mr. WATTS of Oklahoma, Mr. LINDER, and Mr. GRAHAM.

H.R. 1552: Mr. BARCIA of Michigan, Mr. WELDON of Florida, Mr. FOGLIETTA, and Mr. GUTIERREZ.

H.R. 1589: Mr. GREENWOOD.

H.R. 1619: Mr. STARK.

H.R. 1625: Mr. BURTON of Indiana and Mr. LEWIS of Kentucky.

H.R. 1627: Mr. DREIER and Mr. BARTLETT of Maryland.

H.R. 1684: Mr. SABO.

H.R. 1701: Mr. REED.

H.R. 1702: Ms. ROYBAL-ALLARD.

H.R. 1703: Ms. ROYBAL-ALLARD.

H.R. 1704: Ms. ROYBAL-ALLARD.

H.R. 1713: Mr. CUNNINGHAM and Mr. ROYCE.

H.R. 1744: Mr. OWENS.

H.R. 1834: Mr. BAKER of Louisiana, Mr. SHUSTER, Mr. BACHUS, Mr. SHAW, Mrs. WALDHOLTZ, Mr. SAXTON Mr. MONTGOMERY, Mr. NUSSLE, Mr. QUILLEN, and Mr. KIM.

H.R. 1893: Mr. LAZIO of New York, Mr. WYNN, and Mr. KING.

H.R. 1916: Mr. HAYWORTH.

H.R. 1923: Mr. ROTH, Mr. HOSTETTLER, and Mr. ROYCE.

H.R. 1936: Ms. PELOSI, Ms. LOFGREN, Mr. WYNN, Mr. HILLIARD, and Ms. SLAUGHTER.

H.R. 1948: Mr. DURBIN, Ms. LOFGREN, Mr. WYNN, Mr. FRAZER, Ms. SLAUGHTER, Mr. COLEMAN, and Mr. WAXMAN.

H.R. 1963: Mr. BLUTE and Mr. OWENS.

H.R. 1965: Mr. HASTINGS of Florida, Mrs. CLAYTON, Mr. RIGGS, Ms. RIVERS, Mr. BROWN

of California, Mr. ROSE, Mr. FRANKS of New Jersey, and Mr. BORSKI.

H.R. 1968: Mr. FOX.

H.R. 1972: Mr. QUINN, Mr. HEFLEY, Mr. FORBES, Mr. COOLEY, Mr. FRANKS of New Jersey, Ms. LOFGREN, Mr. RICHARDSON, Mr. BAKER of California, and Mr. THORNBERRY.

H.R. 2026: Mr. WILSON, Mr. DINGELL, Mr. SABO, Mr. WAXMAN, Mr. FOX, Mrs. MEEK of Florida, Mr. EHRLICH, Mr. BASS, Mr. LATOURETTE, Mr. SERRANO, and Mr. RAHALL.

H.R. 2071: Mr. FROST and Ms. MCKINNEY.

H.R. 2072: Mr. SMITH of Michigan and Mr. LEACH.

H.R. 2089: Mr. HOEKSTRA, Ms. DUNN of Washington, Mr. DAVIS, Mr. STUMP, Mr. FRANKS of Connecticut, Mr. HASTINGS of Washington, Mr. CUNNINGHAM, Mr. CHRISTENSEN, Mr. POMEROY, Mr. GANSKE, Mr. PETE GEREN of Texas, and Mr. TIAHRT.

H.R. 2098: Mr. STEARNS, Mr. HOSTETTLER, Mr. SCARBOROUGH, Mr. CHRISTENSEN, Mr. BARCIA of Michigan, Mr. CHRYSLER, Mr. COX, Mr. LARGENT, Mr. ROHRABACHER, Mr. SHADEGG, and Mr. BARTON of Texas.

H.R. 2137: Mr. PETE GEREN of Texas.

H.R. 2143: Mr. EVANS.

H.R. 2181: Mr. GENE GREEN of Texas and Ms. SLAUGHTER.

H.R. 2190: Mr. WILSON, Mr. BRYANT of Texas, Mr. WHITE, Mr. LATOURETTE, Mr. THORNBERRY, Mr. DE LA GARZA, Mr. STEARNS, Mr. YOUNG of Alaska, Mr. SHADEGG, Mr. INGLIS of South Carolina, and Mr. LEACH.

H.R. 2193: Mr. BRYANT of Texas, Mr. FILNER, Mr. GONZALEZ, Mr. EDWARDS, Mr. TEJEDA, Mr. OBEY, Mr. FROST, Mr. BARRETT of Wisconsin, Mr. DE LA GARZA, Mr. WYDEN, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. HALL of Texas, Ms. FURSE, Mr. GENE GREEN of Texas, and Mr. MATSUI.

H.R. 2199: Mrs. THURMAN.

H.R. 2200: Mr. DREIER, Mr. HOEKSTRA, Mr. RIGGS, Mr. SCHIFF, Mr. HOKE, Mr. CUNNINGHAM, Mr. HAYWORTH, Mrs. LINCOLN, Mr. HAYES, Mr. BONILLA, Mr. WHITFIELD, Mr. FROST, Mr. CANADY, Mr. KLINK, Mr. GILLMOR, Mr. LATOURETTE, Mr. DICKEY, Mr. CHRISTENSEN, and Mrs. CHENOWETH.

H.R. 2240: Mr. WAXMAN.

H.R. 2265: Mr. STUMP and Mr. WATTS of Oklahoma.

H.R. 2270: Mr. SCARBOROUGH, Mr. STEARNS, Mr. BROWNBACK, Mr. WICKER, Mrs. CHENOWETH, and Mr. TIAHRT.

H.R. 2278: Mr. ROSE.

H.R. 2290: Mr. LIPINSKI, Mr. UNDERWOOD, Mr. GUTKNECHT, Mr. TAYLOR of North Carolina, Mr. SOUDER, Mr. LARGENT, and Mr. ENGLISH of Pennsylvania.

H.R. 2306: Mr. BEREUTER.

H.R. 2310: Mr. MOAKLEY and Ms. VELAZQUEZ.

H.R. 2326: Mr. GENE GREEN of Texas and Mrs. SMITH of New Jersey.

H.R. 2341: Mr. SOUDER and Mr. PACKARD.

H.R. 2344: Mr. TOWNS, Mrs. KELLY, Mr. FILNER, Mr. ACKERMAN, Mr. SCHUMER, and Mr. VENTO.

H.R. 2351: Mr. FOX, Mr. COBLE, and Mr. SOUDER.

H.R. 2374: Mr. WALSH, Mr. GOSS, and Mr. TORKILDSEN.

H. Con. Res. 50: Mr. ROSE.

H. Con. Res. 97: Mr. FILNER.

H. Res. 200: Mr. LIPINSKI, Ms. SLAUGHTER, Mr. WAXMAN, and Mrs. LOWEY.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 1915: Mr. KIM.

H.R. 2202: Mr. KIM.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

42. The SPEAKER presented a petition of the Atlanta City Council, Atlanta, GA, relative to Federal drug abuse prevention programs; which was referred to the Committee on Economic and Educational Opportunities.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 743

OFFERED BY: MR. GENE GREEN OF TEXAS

AMENDMENT NO. 4: Page 8, line 2, strike the semicolon and insert the following:

'': *Provided further,* That if an employer is found to have violated this section—

''(A) the Board shall order the employer to take such affirmative action as is necessary to correct the effects of the violation, including requiring the employer to grant independent labor organizations reasonable access, in a manner that does not interfere with the employer's operation of the facility where the violation occurred, and the Board shall issue a cease and desist order directing the employer not to violate this paragraph at any of its facilities,

''(B) on 3 occasions, the preceding proviso shall not apply;''.

H.R. 743

OFFERED BY: MR. TRAFICANT

AMENDMENT NO. 5: Page 7, line 16, strike ''employees'' and insert ''representatives of employees, elected by a majority of employees by secret ballot who participate to at least the same extent as representatives of management,''.

United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE *104th* CONGRESS, FIRST SESSION

Vol. 141 WASHINGTON, WEDNESDAY, SEPTEMBER 27, 1995 *No. 152*

Senate

(Legislative day of Monday, September 25, 1995)

The Senate met at 9 a.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. THURMOND].

The PRESIDENT pro tempore. Today's prayer will be offered by a guest Chaplain, the Reverend Dr. George Gray Toole, Towson Presbyterian Church in Baltimore, MD.

PRAYER

The guest Chaplain, the Reverend Dr. George Gray Toole, offered the following prayer:

O God, You who have created the nations and so richly blessed our Nation and its people, we acknowledge Your presence and ask for Your guidance for the U.S. Senate. As it meets under the pressure of time and with so many crucial issues before it, we ask You to minister to its Members and support staff. Where weariness prevails, give them strength. Where matters become complex, give them discernment. When hard choices are to be made, give them integrity. Cause them to work in such a way that, when all of this is past, they may be content with the work they have accomplished. We do not ask that all of them be of one opinion, but that they be of one heart in their commitment to the people and principles of this Nation and to the way You have set before each and all of us. That this may be done, we come to You now, that You may lead them first before they seek to lead the people of this Nation. Use their gifts and talents, which are great in number and variety, and have them serve in a manner that will cause the citizens of this Nation to honor them. And in all things, let all that they do praise You. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader, Senator DOLE, is recognized.

SCHEDULE

Mr. DOLE. Mr. President, there will be a period of morning business until 9:15. At 9:15, as I understand—and we do not have staff around—there will be four votes. There will be a vote in relation to the amendment offered by the Senator from West Virginia, Senator ROCKEFELLER; one vote on an amendment offered by the Senator from Montana, Senator BAUCUS; and on one amendment offered by the Senator from Maryland, Senator SARBANES.

Under the previous order, leadership time is reserved.

MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, the Senate will now proceed to morning business, which shall not extend beyond 10 minutes, under the control of the Senator from Alabama [Mr. HEFLIN].

The able Senator from Alabama [Mr. HEFLIN] is recognized.

A BRIGHT STAR IN AMERICA'S CONSTELLATION OF RESTAURANTS

Mr. HEFLIN. Mr. President, whenever I have the pleasure of traveling in north Alabama, I try to visit Bessemer, AL, about a 15-minute drive from the city of Birmingham. One of the many attractions in Bessemer is the Bright Star, one of our Nation's very best family-owned restaurants. Its reputation has been built over the course of this century, with fresh seafood transported from the gulf coast daily, the finest cuts of meat available, and the freshest vegetables and produce.

Actually, I have dined at many fine restaurants during my lifetime, but I consider the Bright Star one of the world's very best. It is certainly on a par with the finest restaurants in New Orleans, San Francisco, Washington, New York, Paris, London, Athens, Vienna, Rome, Budapest, and Copenhagen. At one time, it had Alabama rivals in Montgomery's Elite Cafe and Mobile's Constantine's, but these are unfortunately no longer in existence.

The Bright Star is well-known for its many specialties, but its Greek-style red snapper is truly one of the most superb seafood dishes I have ever tasted. There are also a variety of steaks featured, and the beef tenderloin—which is marinated in special herbs that the Greeks know how to combine and cook in a Mediterranean style—is simply delicious. There is a variety of broiled and fried fish to choose from, as well as giant seafood platters. One of the specialties is a combination lobster and crab meat au-gratin. The broiled seafood platter is widely considered one of the very best to be found anywhere.

One can also enjoy Italian dishes at the Bright Star, such as spaghetti and other types of pasta. Their appetizers are most unique and some of the best include shrimp remoulade, shrimp arnaud, the crab claw platter, and the seafood gumbo. They offer many varieties of salads, but their Greek salad—with or without anchovies—is magnificent. They also have many standard American dishes. Fried chicken and the veal cutlet with spaghetti are popular items on the menu. The chefs have acquired a real knack for preparing vegetables southern-style. They serve everything from turnip greens to blackeyed peas. The desserts include all varieties, ranging from Greek pastries to homemade southern pies, like coconut cream and banana nut.

Printed on recycled paper.

For a hungry person, there is a truly impressive variety of food to choose from at the Bright Star. The Texas special—consisting of the Greek-style snapper, tenderloin of beef Greek-style, and the lobster and crab meat au-gratin—is an entree that does not escape the memory for years to come.

Sunday lunch at the Bright Star is one of its busiest times. After church services, worshipers will flock from miles around, and sometimes delay their Sunday lunch until 2:30 or 3 p.m. in the afternoon, in order to avoid the overflow crowd.

After a University of Alabama football game in Birmingham, fans who have come up from Tuscaloosa will stop by on the way back after the game. In years past, it was not uncommon to see legendary Alabama football figures like Coach Bear Bryant, Hank Crisp, and Frank Thomas. At the Bright Star, political figures are frequent guests. On one occasion, I ran into Senator SHELBY and former Congressman Claude Harris at separate tables.

The history of the Bright Star is rich and quintessentially American. In 1907, Greek immigrant Tom Bonduris established the Bright Star. When its doors opened, it was only a small cafe with a horseshoe-shaped bar, but it soon outgrew three locations, moving to its present site in 1915. Bill Koikos and his brother, Peter, joined in the enterprise when they emigrated from Greece in 1920. Customers were introduced to a new dining atmosphere, complete with ceiling fans, tile floors, mirrored and marbled walls, and murals painted by a European artist traveling through the area, all creating a pleasing effect reflective of that era. While major alterations have occurred since, the same early 20th-century-style atmosphere has been largely preserved.

The Bright Star's reputation and success are easily measured simply by the satisfaction of its clientele. A place like home was the kind of climate fostered by Tom Bonduris in 1907 and kept alive today by the Koikos brothers and their descendants—Bill's wife, Anastasia, and children, Helen, Jimmy, and Nicholas.

As immigrants, Tom Bonduris and Bill and Peter Koikos knew little of the English language and had few possessions when they arrived in this country, but they worked hard and learned to please their customers. By establishing the Bright Star restaurant as a place of ''philotimo''—a place of hospitality from the heart—the Koikos and Bonduris families drew upon the culture and traditions of their ancestors, striking a resounding chord of acceptance with the public which has never faded. They brought with them certain recipes from Greece, and the Koikos family has continued to use these and secret blends of herbs and spices ever since those early days to make their food unique.

Today, the Bright Star is wholly owned and run by the sons of Bill Koikos, Nick, and Jimmy. Nick oversees the general operations of the restaurant, including the kitchen, and Jimmy serves as the greeter of their patrons and as the front man. Their sister, Helen, also plays an active role, working as the cashier on Fridays and Sundays and generally helping out whenever she is needed. The Koikos family has maintained a high level of commitment to hard work over the lifetime of their restaurant.

The employees of the Bright Star are an integral part of the family there, and many of them have been with the restaurant for many years. I ask unanimous consent that a list of the employees who have been with the Bright Star for 10 years or more be printed in the RECORD following my remarks. Among these are Gwendolyn Atkinson, an employee for 32 years; Mary Sherrod, 46 years; Fannie Wright, 33 years; Walter Hoskins, 28 years; and Nita Ray, 27 years.

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

(See exhibit 1.)

Mr. HEFLIN. Mr. President, the long, dedicated, and loyal service of these employees is evidence of the type of employers the Koikos brothers are and the type of family atmosphere they foster in their restaurant.

As American citizens, business owners, and participants in the democratic process, this family has developed and maintained a reputation envied by all those who look to our shores for a new start in life. Today, Koikos family members are among the best to be found in Bessemer—or anywhere, for that matter—and Alabama has an establishment in which it can take great pride. Likewise, the United States of America is a better nation because of the outstanding contributions of those from other lands like the Koikos family, whose mission has been to contribute, and whose members believe that the American dream can still be realized if one has the courage and determination to work toward that dream.

I congratulate all the members of the Koikos family on the tremendous success of the Bright Star, and I personally look forward to enjoying many more dining experiences there in the future. There are still many items on the menu which I have not yet tried, but hope to sample soon.

EXHIBIT 1

BRIGHT STAR EMPLOYEES OF 10 YEARS OR MORE

Gwendolyn Atkinson—32 years.
Betty Bailey—22 years.
Wanda Little—11 years.
Mary Sherrod—46 years.
Robert Moore—11 years.
Dorothy Patton—19 years.
Felisa Tolbert—16 years.
Carl Thomas—18 years.
Fannie Wright—33 years.
Aareen Tolbert—16 years.
Angela Sellers—13 years.
Marlon Tanksley—13 years.
Walter Hoskins—28 years.
Brenda Adams—12 years.
Fumiko Adams—19 years.
Elizabeth Gardner—19 years.
Nita Ray—27 years.
Rita Weems—12 years.
Anne Mull—15 years.
Marie Jackson—20 years.
Sarah Marshall—10 years.
Anthony Ross—10 years.
Faye Kelley—12 years.
Dale Ware—10 years.
Jerome Walker—10 years.

TRIBUTE TO LOU WHITAKER AND ALAN TRAMMELL

Mr. LEVIN. Mr. President, I rise today to pay tribute to two outstanding athletes from my home State of Michigan. They deserve our respect not only for their athletic achievements, which are considerable, but for their professional conduct and dedication to their community.

In an age when professional athletes move from city to city, it is refreshing to talk about these two men. Lou Whitaker and Alan Trammell have been the second baseman and shortstop, respectively, for the Detroit Tigers for 19 years. They have played in more than 1,915 games together. That is more than any other set of teammates in the history of the American League.

We can, and should, admire their achievements on the field. Alan Trammell has won four Golden Glove Awards, been selected for the All-Star game six times, and was voted the Most Valuable Player in the 1984 World Series. Lou Whitaker was voted American League Rookie of the Year in 1978, has won three Golden Glove Awards, and has played on four All-Star teams. More uniquely, he is one of only two second basemen in history to have played in 2,000 games, had over 2,000 hits, and over 200 homeruns. I expect that Alan Trammell and Lou Whitaker will one day be inducted into the Baseball Hall of Fame for these achievements.

Even more though, we should admire their dedication and loyalty to a team and a town—attributes that seem increasingly scarce today. Since 1976, they have been a part of Detroit. I have seen many games where Tram and Lou have turned the double play that has become their hallmark. The amazing thing to consider is the millions of fans in Michigan and across the country that have seen that same feat.

Alan Trammell and Lou Whitaker, through their consistent performance and grace, have given something special to the people of our State. For that they deserve our admiration and our thanks. They will always have a special place in the hearts of millions who have cheered their feats on and off the field.

A RESPONSE TO ABC NEWS' VIEWS OF THE EARLY ROMAN SENATE

Mr. BYRD. Mr. President, modern-day life expectancy now tops seventy

years. Compare that to the life expectancy during the days of the Roman Empire, when the average Roman citizen could expect to live approximately 22 years (June 13, 1994, Gannett News Service). Twenty-two years—an amazing fact, especially when we consider that today, one must attain the age of 25 before serving in the United States House of Representatives and the ripe old age of 30 before contemplating service in the United States Senate.

I mention this not as a point of interest, however, but to underscore the fact that the august members of the Roman Senate—many of whom were in their thirties or forties—were, indeed, the ''senior citizens'' of their time.

Recently, ABC News aired a story in which they questioned the accuracy of two passages in my book, *The Senate of the Roman Republic*. The reporter of this news segment chose to take issue with my assertion that ''the Roman Senate, as originally created was meant to be made up of a body of old men.'' What ABC News failed to mention, however, was the average life expectancy for that period of time—a mere twenty-two years. If the ABC reporter had just looked up the word senate in *Webster's New International Dictionary, Second Edition,* he would have seen that the very definition of senate is ''literally, an assembly of old men or elders * * *'' Further, when Flavius Eutropius, a fourth-century historian, was writing of the origin of Rome, he made reference to Romulus' creation of the first senate, ''* * * he chose a hundred of the older men * * * whom, from their age, he named senators.''

In addition, ABC disputed my claim with respect to the Roman Senate's veto power. As the following excerpts from noted historians will attest, this power of the Senate ebbed and flowed from time to time, but in the main, the Senate preserved, directly or indirectly, its authority and power of ratification or veto over the actions of Roman assemblies. I believe my case is made by the following quotes from prominent historians.

—*A History of the Roman People* (1962) by Heichelheim and Yeo:

The senate possessed still another ancient source of authority summed by the phrases *auctoritas patrum*, which gave it the power to ratify resolutions of the popular assembly before enactment.

—*A History and Description of Roman Political Institutions* (1963) by Frank Frost Abbott:

This view that the senate was the ultimate source of authority was the aristocratic theory of the constitution down to the end of the republican period. . .

* * * * *

Between 449 and 339, then, in the case of both the *comitia centuriata* and the *concilium plebis*, a bill, in order to become a law, required, first, favorable action by the popular assembly, then the sanction of the patrician senators. . . . Now one clause of the Publilian law, as we have already seen, provided that in the case of the centuriate *comitia* the *auctoritas patrum* should precede the action of the *comitia*.''

—*Roman Political Institutions from City to State* (1962) by Leon Homo:

The Senate.—Lastly, the Senate, the stronghold of the Patriciate, which it permanently represented, enjoyed a still more complete right of control. In elections and in voting of laws alike, the decision of the Centuriate Assembly must, to be fully valid and to produce its legal effects, be ratified afterwards by the Senate (*auctoritas Patrum*). Refusal of the Senate to ratify was an absolute veto; it made every decision of the Comitia Centuriata null and void, and they had no legal recourse against it.

* * * * *

So, through the Consuls, the Senatorial oligarchy recovered, in indirect but effective form, the veto, the *auctoritas Patrum*, of which the *Lex Hortensia* had deprived it.

* * * * *

. . . the Senate, in losing its right of veto, . . .

* * * * *

Sulla, in the course of his Dictatorship, restored its [the Senate's] old right of veto, but it was only for a short time.

—*A History of the Roman World 753–146 BC* (1980) by H.H. Scullard, FBA, FSA:

Though the Senate was a deliberative body which discussed and need not vote on business, it had the right to veto all acts of the assembly which were invalid without senatorial ratification.

* * * * *

In all branches of government the Roman people was supreme, but in all the Senate overshadowed them: ''senatus populusque Romanus'' was not an idle phrase.

—*A History of Rome to A.D. 565* (1965) by Arthur E.R. Boak, Ph.D. and William G. Sinnigen, Ph.D.:

The Senate also acquired the right to sanction or to veto resolutions passed by the Assembly, which could not become laws without the Senate's approval.

* * * * *

During the early years of the Republic, the only Assembly of the People was the old Curiate Assembly of the regal period. . . . Its powers were limited to voting, for it did not have the right to initiate legislation or to discuss or amend measures that were presented to it. Its legislative power, furthermore, was limited by the Senate's right of veto.

* * * * *

The legislative power of the Centuries was limited for a long time, however, by the veto power of the patrician senators (the *patrum auctoritas*), who had to ratify measures passed by the assembly before they became law. This restriction was practically removed by the Publilian Law (339), which required the *patres* to ratify in advance proposals that were to be presented to this assembly.

* * * * *

Hence it was called the Council of Plebs (*concilium plebis*) and not the Tribal Assembly. Its resolutions, called plebiscites, were binding on plebeians only; but, from the late fourth century at least, if the resolutions were approved by the Senate, they became valid for all Romans. In the course of the fourth century the consuls began to summon for legislative purposes an assembly that virtually duplicated the Council of the Plebs but was called the Tribal Assembly (*comitia tributa*) because it was presided over by a magistrate with *imperium* and was open to all citizens. It voted in the same way as the Council of the Plebs and its laws were subject to the veto power of the Senate.

—*A History of Rome to the Battle of Actium* (1894) by Evelyn Shirley Shuckburgh, M.A.:

. . . the second ordered the *auctoritas* of the fathers (that is, a resolution of the Senate) to be given beforehand in favor of laws passed in the centuriate assembly . . .

* * * * *

It took from the senators the power of stopping the passing of a law in the centuriate assembly, . . .

Mr. President, though these two matters may seem trivial and insignificant to some, I did want to take this opportunity to assure the readers of my book, *The Senate of the Roman Republic*, that the conclusions drawn are based on a great deal of study on my part. Over the course of many years of research, I have gleaned information, not only from esteemed modern scholars in Roman history, but also from the actual historians of the time. My reference to the Roman Senate as an assembly of old men and to the veto power of the Roman Senate was garnered from these authorities. I recognize that history is sometimes subject to interpretation; therefore, one can only assume that this may have been the premise for the ABC News story.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER (Mrs. HUTCHISON). There being no further morning business, morning business is closed.

DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 1996

The PRESIDING OFFICER. The clerk will report the pending business.

The assistant legislative clerk read as follows:

A bill (H.R. 2099) making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for fiscal year ending September 30, 1996, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

Sarbanes Amendment No. 2782, to restore homeless assistance funding to fiscal year 1995 levels using excess public housing agency project reserves.

Rockefeller Amendment No. 2784, to strike section 107 which limits compensation for mentally disabled veterans and offset the loss of revenues by ensuring that any tax cut benefits only those families with incomes less than $100,000.

Rockefeller Amendment No. 2785 (to committee amendment on page 8, lines 9–10), to increase funding for veterans' medical care and offset the increase in funds by ensuring that any tax cut benefits only those families with incomes less that $100,000.

Baucus Amendment No. 2786, to provide that any provision that limits implementation or enforcement of any environmental

law shall not apply if the Administrator of the Environmental Protection Agency determines that application of the prohibition or limitation would diminish the protection of human health or the environment otherwise provided by law.

The PRESIDING OFFICER. Under the previous order, there are 4 minutes equally divided for debate, and a vote will follow that 4 minutes.

AMENDMENT NO. 2784

Mr. ROCKEFELLER. Madam President, speaking as a proponent of the amendment, this amendment would strike a provision in the bill which cuts off disability compensation to certain veterans who are disabled by reason of mental problems. It cuts off their savings when they reach $25,000. We do that for no other veteran. We do that for nobody else in the country, as far as I know.

The amendment is funded by limiting any tax cut under the budget resolution to families earning less than $100,000.

Madam President, there is no justification whatever for singling out mentally disabled people for discriminatory treatment. There is none.

If these veterans are disabled, we as a nation have said that they are entitled to disability compensation—entitled to it. It is in the law. We have not said they are entitled to compensation only if they are poor. We have not said they are entitled to compensation only if they have savings less than $25,000. We have not said they are entitled to compensation only if they have no sources of funds from anywhere else.

They are entitled to compensation. We have said that they are entitled because of their disability. Are we prepared to say now, for some reason, that mentally disabled people are somehow less entitled as veterans, solely because they are disabled?

This Senator is not; hence, my amendment. I urge my colleagues to waive the Budget Act and then to strike this provision which discriminates against mentally disabled veterans.

Mr. President, during last evening's debate on my amendment to strike the provision from the appropriations bill which provides for a cutoff of compensation to mentally disabled veterans when their savings reach a certain level, we were operating then under a limited time agreement, which I accepted in the interests of moving the progress of the bill. However, there were a number of points made during that debate which should not go unanswered, so I am making this further statement to describe more fully my views on this legislation.

Mr. President, one point that was made a number of times during the debate was that the mentally incompetent veterans we are talking about have all of their needs taken care of by VA. I am not certain what point was being made, but I think it is vital to note that the individuals that are covered by this amendment are not under VA care. However their needs are being addressed, it is not a result of VA activity except to the extent that the veterans use their compensation payments to pay for care.

Another point that must be addressed relates to the relationship of those who might receive some of the veteran's estate at the time of the veteran's death. As I noted in my statement last evening, it is certainly possible that some remote heirs might benefit from a mentally incapacitated veteran's estate. However, the only thing this provision ensures is that the veteran's estate will be diminished unless the veteran has dependents. There is nothing in the provision which limits its effect to noncaring, distant relatives. The existence of a loving, caring nondependent child who sees the veteran daily would not be sufficient to keep this provision from taking effect. It would be triggered in any case in which there are no dependents.

Mr. President, the suggestion was made that this provision is necessary in order to keep remote heirs from inheriting the estates of mentally disabled veterans. I note that no evidence was cited to support the proposition, nor is there any evidence that I am aware of, that would demonstrate that a mentally impaired veteran is any more likely to leave an estate to remote heirs than a mentally competent one. It is important to highlight that the VA process relating to a declaration of incompetency does not mean that a veteran does not have the ability to execute a valid will.

This concern about so-called remote heirs would apply to any disabled veteran who dies without a will. Any veteran—mentally disabled or otherwise—who is able to execute a will and who does so should not have limitations on who can be named as beneficiary under the will, nor any restriction on the amount of the estate that can pass under the will. If there is a governmental interest in restricting inheritance of estates, any part of which is made up of VA compensation—and let me be clear, I do not believe that there is—then it must apply equally to a disabled veteran who is not mentally incompetent.

As many of my colleagues know, the original enactment of this provision was challenged by the Disabled American Veterans in a lawsuit in 1991.

The Federal court that heard the case—and which declared that original enactment unconstitutional—noted that the limitation did not affect the payment of compensation to between 95 to 98 percent of the disabled veterans who have no dependents. It hardly makes sense or can be defended that this small group of mentally disabled veterans should be singled out for this treatment.

Mr. President, the only characteristic that distinguishes the class of veterans that is being singled out in this legislation is their mental injury or disease. Perhaps some believe that these veterans are less likely to object to such governmental intrusion into their lives, but that is hardly a basis for this sort of legislation which takes away compensation to which the veterans are entitled.

Mr. President, it is worth noting that about 85 percent of estates left by mentally incompetent veterans are inherited by close family members. While these individuals may or may not be dependents, that should hardly disqualify them from inheriting the veterans' estates. Indeed, it is very often these individuals—parents, nondependent children, brothers and sisters, other close family members—who have made significant personal sacrifices to care for the veteran during the veteran's lifetime.

Mr. President, it should be noted that the estates of mentally disabled veterans are frequently made up of funds from sources other than VA benefits, and the effect of this provision would be to require these veterans to reduce the overall value of their estates in order to continue to receive the compensation which is their due.

The bottom line, Mr. President, is this: No matter what arguments are put forward in an attempt to justify this provision, in the end it can only be seen as what it is—rank discrimination against mentally disabled veterans. It is unworthy of the Congress and should be rejected.

Mr. President, I am aware of the two reports—a 1982 GAO report and a 1988 VA inspector general report—that are cited as the justification for this provision. While it may be argued that some support for this provision may be found in one or both of these reports, I think that a closer examination will show that this reliance is misplaced.

For example, Mr. President, neither report provided evidence that mentally disabled veterans accumulate more assets than other veterans. Nor did either report find a basis for distinguishing mentally disabled veterans from all other disabled veterans on the issue of the disposition of their estates or as to any other element related to their VA compensation. In fact, neither report looks at competent veterans.

Both reports assumed, with no basis, that mentally disabled veterans do not have wills. This is simply not true.

Neither report studied mentally competent veterans to learn how they dispose of their estates.

The GAO report looked at a small sample—only four regional offices—hardly a sufficient basis on which to make so sweeping a change in VA compensation policy.

With respect to the inspector general's report, my colleagues may not know that the IG did not recommend that compensation payments to mentally incompetent veterans be stopped, but rather recommended that the compensation payments be paid into a special trust fund on behalf of the veterans.

Mr. President, in essence, this provision is establishing a means test for

one very small group of veterans, and doing so on a very scant record. I know that both the House and Senate Veterans' Affairs Committees supported this provision in OBRA 90. We made a mistake then, and nowhere is that demonstrated more clearly than in the district court opinion in the suit brought by DAV.

Our committee could have repeated the mistake in this Congress as we worked to meet our reconciliation mandate. We did not. The Senate should not do so either.

Mr. LEAHY. Mr. President, I am an original cosponsor of the Rockefeller amendment, and I urge my colleagues to vote for its adoption. This is a simple amendment, and its passage will send an important message to America's veterans that we will not forget our obligations to them.

Veteran's medical care accounts for nearly half of the budget of the Department of Veterans Affairs. It provides for the care and treatment of eligible beneficiaries in VA hospitals, nursing homes, and outpatient facilities. When you walk down the halls VA hospitals like the one in White River Junction, VT, you see the proud faces and shattered bodies of men who have given more to their country than just lipservice and taxes. I say men because the overwhelming majority of these veterans are men, although the number of women veterans is rising.

Mr. President, if there is one area where everyone can agree that the Federal Government has a compelling role, it is in the care of our Nation's service disabled and indigent veterans. It is the Federal Government which raises armies and the Federal Government which sends our young people off to war. It is the Federal Government which is obligated to take care of veterans after the shooting stops.

The appropriations bill before us cuts the VA medical care account $511 million below the President's request. No one can stand in front of this body and say that these cuts are not going to affect veterans, because the fact is that they will. They will make a difference in the services provided at White River Junction and at VA hospitals across the country. This amendment restores the medical care fund back to the President's request, and uses the funds from Republican tax cuts to pay for it.

Everyone in this body is familiar with the $245 billion in tax cuts that have been proposed by the Republican leadership. I have been against these cuts from the start, because more than half of the benefits go toward those who make more than $100,000 a year. Let me tell you, I do not hear from too many Vermonters making that much money that say they need a tax cut. I would consider supporting tax cuts that target the lower and middle class, but not this one. By voting for this amendment, we are putting our spending priorities back where they belong, and that is on providing services for the veterans who have earned them.

I think more people around the Senate should heed the words of Abraham Lincoln, which are chiseled on a plaque at the Veterans Administration building a few blocks from here. These words ring as true today as they did in the aftermath of the bloody Civil War: ''To care for him who shall have borne the battle and for his widow, and his orphan.''

I urge my colleagues to join me in voting for this important amendment.

Mr. WELLSTONE. Madam President, I am very proud to be an original cosponsor, I say to my colleagues, of both of these amendments. There is, I think, a very, very direct question for each Senator to answer. In exchange for agreeing not to have any tax giveaways for individuals, families with incomes under $100,000 a year, we will make sure that we do not put into effect an egregious practice of mean testing compensation for veterans that are struggling with mental illness, service-connected.

As the Secretary has said, Jesse Brown, I think one of the best Secretaries we have, the only difference between veterans that are mentally incapacitated and physically is those that are mentally quite often cannot speak for themselves. This would be a terrible and cruel thing if we now have this unequal treatment.

Finally, Madam President, to be able to restore $511 million so we keep a quality of inpatient and outpatient care, that is what this is about; not the tax giveaways for those with high incomes and a commitment to veterans.

These are two extremely important amendments that represent a litmus test for all of us.

Madam President, I am pleased and proud to be an original cosponsor of the two amendments to H.R. 2099, the VA-HUD appropriations bill for fiscal year 1996 that specifically concern our Nation's veterans. My distinguished colleagues who are cosponsoring this amendment are to be congratulated for their efforts to ensure veterans' access to quality VA health care is not seriously compromised and to protect some mentally incompetent veterans who are being targeted for discriminatory, arbitrary, and shameful cuts in VA compensation.

Madam President, while these amendments address two different issues—veterans health care and compensation for the most vulnerable group of American veterans—they are prompted by one basic concern. Our pressing need to balance the budget. Unfortunately this pressing need is being used to justify unequal sacrifice. Veterans with service-connected disabilities and indigent veterans, many of whom earned their VA benefits at great cost on bloody battlefields are seeing those benefits whittled away, while the most affluent of our citizens are exempted from sacrifice. Instead of being asked to share the pain, the wealthy seemingly are supposed to contribute to balancing the budget by accepting substantial tax cuts. What kind of shared sacrifice is this?

I believe that one of the great strengths of these amendments is that they make a significant contribution to righting the balance. The $511 million that would be restored to the medical care account to enable the VA to meet veterans health care needs and the $170 million that is needed to ensure that all mentally ill veterans continue to receive unrestricted compensation are to be offset by limiting any tax cuts provided in the reconciliation bill to families with incomes of less than $100,000.

Our Nation's veterans are prepared to sacrifice for the good of this country as they have done so often in the past, but only if the sacrifices they are asked to make are: First, equitable; second, reasonable; and third, essential. Clearly, these sacrifices that service-connected—particularly mentally incompetent veterans—and indigent veterans are being asked to make meet none of these essential criteria.

Madam President, before I conclude I would like to discuss each of the amendments. One of the amendments would restore to the medical care account $511 million cut from the President's budget for fiscal year 1996. While there may be some doubt as to the validity of VA projections of the precise impact of such a cut on veterans health care, there is little doubt that it would result in some combination of substantial reductions in the number of veterans treated both as outpatients and inpatients as the number of VA health care personnel shrink. According to the VA, this cut could have an impact that is equivalent to closing some sizable VA medical facilities.

While not directly related to this amendment but related to the quality of VA health care generally, this bill also would eliminate all major medical construction projects requested by the President. In the process, some projects involving VA hospitals that do not meet community standards and are deteriorating would not be funded. How can we treat veterans in facilites that do not meet fire and other safety standards? In obsolete facilities that lack separate rest rooms and dressing room areas for men and women veterans? This is a travesty and no way to treat those who have defended our country. Our veterans do not deserve such shabby and undignified treatment and I will do all in my power to see that this shameful situation ends. I hope that all of my colleagues will join me in this long overdue effort.

Madam President, as I pointed out at a Veterans' Affairs Committee hearing a few months ago these cuts could not come at a worse time. We are now talking about cutting $270 billion over the next 7 years from Medicare and making deep cuts in Medicaid. This could lead to a much greater demand for VA services precisely at a time when VA health care capabilities are eroding. Would the VA be able to cope with an

influx of elderly and indigent veterans eligible for health care, but currently covered by Medicare or Medicaid? There sometimes is much talk about a declining veterans population, but much less about an aging veterans population—one that disproportionately requires expensive and intensive care. What happens if this population grows even more as a result of Medicare and Medicaid cuts? Before veterans fall victim to the law of unintended consequences, I strongly urge my colleagues to give careful consideration to the cumulative impact on veterans health care of such concurrent cuts in Federal health care funding.

Regarding the other Rockefeller amendment, I was frankly appalled when I learned that both the House and Senate versions of H.R. 2099 include a provision that limits compensation benefits for mentally incompetent veterans without dependents but does not limit benefits for physically incapacitated veterans without dependents—or any other class of veterans for that matter. As I understand it, compensation for service-connected disabilities paid to mentally incompetent veterans without dependents would be terminated when the veteran's estate reached $25,000 and not reinstated until the veteran's estate fell to $10,000.

Such unequal treatment is outrageous and indefensible. How can we discriminate against veterans who became disabled while serving their country only because they are mentally ill. In eloquent and informative testimony before the Senate Veterans' Affairs Committee, Secretary of Veterans Affairs Jessie Brown, who I regard as an outstanding Cabinet officer and a singularly tenacious and effective advocate for veterans, pointed out that the only difference between veterans who have lost both arms and legs and those who have a mental condition as a result of combat fatigue, is that the latter group cannot defend themselves. Moreover, the Secretary stressed, we are not only talking about veterans who seem to have no organic basis for their mental illness, but also veterans who were shot in the head on the battlefield and as a result of brain damage cannot attend to their own affairs. And, I might add that to make matters worse, this provision amounts to means-tested compensation that applies to only one class of veterans—the mentally ill. I am aware that such a provision was enacted in OBRA 1990 and withstood court challenge, but the fact that it was held to be constitutional makes it no less abhorrent. Fortunately Congress had the good sense to let this onerous provision expire in 1992.

Victimizing the most vulnerable of our veterans while providing tax cuts to our wealthiest citizens smacks of afflicting the afflicted while comforting the comfortable. I urge my colleagues from both sides of the aisle to support the Rockefeller amendment on this subject.

Finally, Madam President, I am very proud to be a Member of the Senate, the oldest democratically elected deliberative body in the world. But I am sure the last thing any of you would want is for this great deliberative body to merely rubber stamp ill-advised actions by the House and in the case of the VA medical account to make matters even worse by appropriating $327 million less than was appropriated by the House.

The veterans health care and compensation protected by these two amendments are by no means handouts, but entitlements earned by men and women who put their lives on the line to defend this great country. They are part and parcel of America's irrevocable contract with its veterans, a contract that long predates the Contract With America we have heard so much about recently.

I have a deep commitment to Minnesota veterans to protect the veterans benefits they have earned and are entitled to and in cosponsoring these amendments I am keeping my faith with them. I urge my colleagues to join me in supporting both amendments.

Mr. ROCKEFELLER. 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 Senator from Missouri.

Mr. BOND. Madam President, thank you very much.

We should be clear about a couple of things. The money is not necessary to take care of incompetent veterans. These veterans are being taken care of through the Veterans Administration system.

They can keep up to $25,000 of their estate, but beyond that we are saying, as the House did, that we should not continue to build up their estate. These are people that do not have a spouse. They do not have a dependent child or dependent parent. This money simply goes to nondependent heirs when these incompetent veterans die.

We had to make tough choices in putting this bill together because of the limits of funds. Madam President, $170 million that would have gone into the estates of these veterans goes to veterans' medical care.

Now, the solution offered by my friend and colleague from West Virginia is to rely on a phony offset. Everybody in this Senate knows that there is no tax cut in this budget. He proposes to offset it against a tax cut. It is not there.

What this budget waiver does is ask our colleagues to waive the Budget Act, to give up on balancing the budget, to forget about our promise to the American people to end the deficit in the year 2002.

This is the ultimate budget buster. This is where the opponents of balancing the budget start the effort to unravel the budget agreement. It is a typical liberal solution—we will not make choices. If they were serious about getting this money back for these veterans, they would have offered a real offset and made choices as we have to do in the appropriations process.

They did not. They said, ''Let's bust the budget. Let's have the ultimate estate builder plan, putting money into the veterans' estates,'' not to go to their heirs, but putting it on the credit cards of our children and grandchildren.

I urge my colleagues not to waive the Budget Act on this matter.

Mr. WELLSTONE. Madam President, I ask unanimous consent I be included as an original cosponsor.

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

Mr. WELLSTONE. I thank the Chair.

The PRESIDING OFFICER. All time has expired. The pending question is on agreeing to the motion to waive the Budget Act for the consideration of amendment No. 2784, offered by the Senator from West Virginia [Mr. ROCKEFELLER].

The yeas and nays have been ordered.

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 yeas and nays resulted, yeas 47, nays 53 , as follows:

[Rollcall Vote No. 465 Leg.]

YEAS—47

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

NAYS—53

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

The PRESIDING OFFICER. On this vote, the yeas are 47, the nays are 53. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion to waive the Budget Act is not agreed to. The point of order is sustained.

Mr. BOND. Madam President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. BOND. I ask unanimous consent that the remaining stacked votes be reduced to 10 minutes in length.

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

AMENDMENT NO. 2785

The PRESIDING OFFICER. Under the previous order, there will be 4 minutes equally divided on the pending question.

The pending question is another motion to waive the Budget Act, amendment No. 2785, offered by the Senator from West Virginia. The Senator will have 2 minutes and the Senator from Missouri will have 2 minutes. The Senator from West Virginia is recognized as soon as the Senate comes to order.

Mr. ROCKEFELLER addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. ROCKEFELLER. I thank the Presiding Officer.

This amendment would provide funding for veterans' health care at the level requested by the President, which is $16.96 billion, and would offset the $511 million increase that that represents by limiting any tax cut under the budget resolution to families that earn less than $100,000.

Again, I think this choice is a simple one. The President simply wanted to keep the funding for veterans' health care services—the people whom we have said have a special entitlement to health care services—consistent with inflation. And it is not even health care inflation. It is regular inflation, which is 3.4 percent. Health care inflation is almost double that.

And so the President's request is below what is truly needed. We are already reducing veterans' health care, but the Senate has reduced it way, way below, and the result will be that we will close some veterans hospitals, that we will deny eligible veterans both inpatient and outpatient care, well over 100,000 of them; and interestingly and importantly, in an organization, that is fighting to hold on to its best health care people, we will lose 6,500 Veterans Affairs' health care professionals. I think this is an unsustainable proposition, and I think the President sought only a modest increase. It was not even an inflationary increase in the real terms of health care.

I hope that the motion to waive the Budget Act will be sustained, and I request the yeas and the nays.

The PRESIDING OFFICER. The yeas and nays have been requested. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays are ordered.

Mr. BOND. Madam President, I yield 1 minute to the chairman of the Veterans' Committee, the Senator from Wyoming.

The PRESIDING OFFICER. The Senator from Wyoming is recognized for 1 minute.

Mr. SIMPSON. Madam President, I chair the Veterans' Affairs Committee. It is always remarkable to have to come here to the floor and get into a debate that somehow reflects that we do not take care of our veterans in America.

When I came to this committee, we were giving veterans $20 billion. In this proposal, it is now close to $40 billion. Everything we have done with veterans health care has gone up. We have more nurses; we have more doctors. Remember this figure if you will, please. Madam President, 90 percent of the health care goes to non-service-connected disability—90 percent non-service-connected disability—not service-connected disability. This is a serious issue. If anyone can believe we do not take care of the veterans of the United States, please drop by my office. The occupancy rates at the hospitals are going down. The population is going down and the budget is going up, just as it should be.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. SIMPSON. So veterans are well taken care of. This is an assault on the budget process.

Mr. BOND. Madam President, only inside the Beltway would a $285 million increase in veterans medical care be attacked as a cut. In a very difficult time we allocated $285 million more for veterans medical care to assure that they can provide the care that is needed for veterans.

To say that this is being offset by a tax cut is more phony baloney. It is an effort to break the budget agreement. We had to make choices. If the proponents were serious about increasing money even more than we have for veterans medical care, they would have come up with a real offset.

Be clear about it: A vote to waive the Budget Act does not improve veterans health care; it merely busts the budget agreement and puts a greater deficit on the American economy and a greater burden on our children and our grandchildren who will have to bear the expense.

I urge my colleagues to vote no.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll.

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

The yeas and nays resulted—yeas 51, nays 49.

[Rollcall Vote No. 466 Leg.]

YEAS—51

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

NAYS—49

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

The PRESIDING OFFICER. On this the vote, the ayes are 51, the nays are 49. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion to waive the Budget Act is rejected. The point of order is sustained.

Mr. BOND. Mr. President, I move to reconsider the vote by which the motion was rejected.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 2786

The PRESIDING OFFICER. The question now occurs on amendment No. 2786, offered by the Senator from Montana [Mr. BAUCUS]. There are 4 minutes for debate to be equally divided.

The Senator from Montana is recognized.

Mr. BAUCUS. Mr. President, this amendment is very simple. It provides that no rider to this appropriations bill would take effect if it would weaken protection of human health and the environment. It is designed to send a strong message, particularly to the House, that we should not use appropriations bills for a back-door attack on environmental protection.

Last night, Senator BOND argued that the bill gives unfettered discretion to EPA and might even be unconstitutional. I might say to my colleagues, I checked with the Justice Department. The Justice Department has reviewed the amendment and concluded that the amendment is constitutional. So that is not a problem.

It is also aimed only at a set of specific rifle-shot riders, and if the administrator, under the amendment, invalidates a particular rider, the administrator would be fully bound by all of the terms and conditions of the underlying law.

Let me remind everyone why this amendment is necessary. We need to reform our environmental laws, to make them not only strong but smart. But the appropriations bill, and particularly the House, is not environmental reform. It contains riders that roll back, eliminate environmental laws. For example, it eliminates the

Great Lakes initiative; it eliminates rules for toxic air emissions from hazardous waste incinerators and refineries; it eliminates enforcement of the wetlands program. In the Environment & Public Works Committee, we are dealing with the wetlands program, working to reform it. This rider eliminates it. It eliminates rules that control discharge of raw sewage into public waters. The list of riders goes on.

The Senate bill takes a much more moderate approach, and I compliment the Senator from Missouri for doing so. But we have to send a strong message to the conferees: We should not load up this bill with riders that would threaten the health and quality of American families.

I urge my colleagues to support the amendment, and I oppose the motion to table.

Mr. President, I ask unanimous consent that Senators MURRAY and WELLSTONE be added as cosponsors of the amendment.

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

Mrs. MURRAY. Mr. President, the level of funding for EPA and the legislative riders contained in this bill mean one thing for the citizens of our Nation: a lower quality of life. To a large degree, the quality of our lives depends on the integrity of our environment; the quality of the air we breathe, the water we drink, and the soil we farm and live on. For the last 25 years EPA has set out to improve and guarantee the quality of life for all Americans by cleaning up our air, water, and soil and keeping them clean. But with inadequate funding and congressionally mandated caveats and barriers, our people and our environment will no longer be adequately protected.

We all need water to live. We are, in fact, 60 percent water ourselves. Clean water is essential to our survival. But riders in this bill would prevent EPA from protecting Americans from drinking water contaminants that are known to be harmful. Because of this bill, the public will continue to be exposed to contaminants like arsenic, radon, and the microbe cryptosporidium.

Arsenic is a known carcinogen. The current arsenic rule, implemented in 1942, poses a 1 in 50 cancer risk—10,000 times worse than is generally considered acceptable. By preventing EPA from issuing a final arsenic rule, this bill will allow over 30 million Americans to continue to drink arsenic-laced drinking water every day.

The same is true of radon. Drinking water containing radioactive radon is known to cause cancer. Controlling radon in drinking water will prevent hundreds of cancers. Over 40 million people will continue to drink radon-contaminated water unless EPA is allowed to act.

In 1994, a cryptosporidium outbreak in a contaminated well in Walla Walla, WA, sickened or hospitalized dozens of people. A groundwater disinfection rule would likely have prevented this outbreak. But this bill would prohibit EPA from requiring any groundwater to be treated to kill parasites.

We also need clean air to breathe. But this bill requires EPA to reevaluate the standards it has imposed on the oil refinery industry to utilize the Most Available Control Technology [MACT] to control emissions from valves and pumps. These leaks account for as much as one-half of total refinery emissions. Industry requested this rider because they believe that emissions have been overestimated. However, the estimated emissions of toxic pollutants from a medium-sized refinery are 240 tons per year, almost 10 times greater than the minimum statutory definition of a ''major source'' of toxic air pollution subject to the same control measures. It seems unlikely that EPA has made such a tremendous overestimation of emissions.

Finally, Mr. President, the report accompanying this bill contains a provision that will certainly delay cleanup of a Superfund landfill in my State of Washington. This landfill is located on the Tulalip Indian Reservation in an estuary of Puget Sound and is disgorging contaminants directly into the sound. The language in this report directs EPA to do more studies and engage in more discussion in the hopes the agency will not implement its presumptive remedy of capping the site. While I agree that the cost to these powerful PRP's might be high, the cost to the people who live around the sound, or eat fish from the sound, or recreate in the Sound is much higher. I have tried to get the committee or the provision's sponsor to insert language that forced the PRP's and EPA to act quickly to stop this seeping mess, but I was not entirely successful. The sponsor promises this will not delay cleanup and that these studies and discussions will be completed within fiscal year 1996. I, and the people who want a clean Puget Sound, can only hope that is the case.

Mr. President, we must remain committed to improving and protecting the quality of life for the citizens of our Nation. This means protecting the environment. I urge my colleagues to support efforts to increase funding for EPA and to strip the legislative riders from this bill.

Mr. LIEBERMAN. Mr. President, I rise in strong support of Senator BAUCUS' amendment because it assures that no provision in the House or the Senate appropriations bills governing EPA's budget will harm public health or the environment.

The No. 1 responsibility we have, and what people demand from us, is to protect the public we serve from harm. This means guarding our national security with a strong defense, and keeping our streets safe from crime. But that also means protecting people from breathing polluted air, from drinking poisonous water, and from eating contaminated food—in other words, protecting people from harms from which they cannot protect themselves.

We often fail to think of these problems in terms of being a threat to our safety and well-being, primarily because the Federal Government has done such a good job in guaranteeing that we have clean air and clean water and edible food. One of the great ironies here is that some of the riders in the appropriations bills this Congress may succeed in attempts to eviscerate our key environmental laws precisely because we have succeeded in diminishing environmental dangers from every day life.

Make no mistake, however, the riders particularly in the House bill will, if they find their way into law, quickly remind people of the very real dangers we have been fighting against for the last generation. The riders would severely limit the agency's ability to ensure that our water is safe, our food is safe, and our air is clean.

What makes these riders particularly outrageous is that they are being done without any opportunity for the public to comment on what would be a revolutionary shift in our national policies. This is essentially the equivalent of tacking on a provision legalizing narcotics in America to the FBI's appropriation.

The riders relating to the Clean Water Act would quite simply end enforcement and implementation of the Clean Water Act. The riders would mean widespread degradation of the water quality in Long Island Sound. It would threaten the sound's beaches and its enormous commercial shellfish industry, which has the top oyster harvest in the Nation. In fact, Long Island Sound supports $5 billion a year in water-quality dependent uses. These economic benefits are due in large part to the improvement in water quality brought about by the Clean Water Act.

The Clean Water Act riders would prevent enforcement of controls for combined sewer overflows and practices to reduce stormwater pollution. These programs were designed to keep raw sewage off beaches and out of waterways and reduce dirty runoff from streets and farms. They are critical to the cleanup and long-term health of Long Island Sound. Last year alone Connecticut had 162 beach closings from too high a count of disease-causing bacteria. These bacteria come from raw untreated sewage that still flows from sewerage treatment systems in Connecticut and New York that are old and being stressed from a growing population in coastal areas. Under the House bill, raw sewage would continue to spill into waters from outdated or inadequate sewage treatment and collection systems. Stormwater controls would be eliminated from many urban areas. The result would be widespread degradation of water quality, which would threaten the State's commercial fishing and shellfishing industry. As

the Connecticut Commissioner of Environmental Protection, Sidney Holbrook, has written about the House bill: ''If enacted in its current form, the bill would adversely impact important water quality and public health initiatives.''

EPA does much more than enforce the law. EPA provides guidance and funding so that States and localities can upgrade and repair their aging sewerage systems. Language in the House bill would completely stop EPA from issuing stormwater permits, providing technical assistance and outreach, and enforcing against the most serious overflow problems.

Let me briefly discuss my concerns with some of the other riders.

One rider would prevent the EPA from enforcing its rule limiting emissions of hazardous air pollutants from refineries. This rule, which has just gone final, would reduce toxic emissions from refinery facilities by almost 60 percent—approximately 53,400 tons per year of toxic emissions and 277,000 tons per year of emissions of volatile organic compounds, the major contributor to smog. The health impacts of hazardous air pollutants include potential respiratory, reproductive, and neurotoxic effects.

The rule simply requires that petroleum refineries seal their storage tanks, control process vents, and detect and seal equipment leaks. About 50 percent of the 165 refining facilities in this country are already meeting or almost meeting the rule's requirements. This rule levels the playing field and provides minimum protections to all communities living in proximity to a petroleum refinery. EPA has made substantial changes from its proposed rule based on the comments of industry, resulting in much greater flexibility. Even the American Petroleum Industry by a vote of 17 to 3 supports the rule. That this rule cannot be enforced by EPA is simply a delay tactic by a small group of refineries that do not want to comply with standard industry practices.

Another rider on the House side would limit EPA's ability to gather data under the toxic release inventory that would give the public a better understanding of toxic chemicals released into their environment and where they work.

The Toxic Release Program is a nonregulatory, noncommand, and control program. It is essentially a market-based program—providing information to the public so that it can make informed choices and enter constructive dialog with facilities in their communities.

I have just mentioned a few riders in my comments—there are more than 25 others that I didn't mention but all affect EPA's duties. The Baucus amendment will assure that none of the appropriations riders will endanger current health and environmental protections that we rely upon and expect and which improve our quality of life.

For these reasons, I urge my colleagues to support this amendment.

Mr. BOND. Mr. President, last night I said that this amendment was breathtaking. First, I extend my sincere thanks to the kind words that the Senator from Montana has made about the measures we put in our bill. He addressed his arguments against the so-called legislative riders in the House bill. Regardless of how good or bad they are, how good or bad ours are, his solution is to give the EPA administrator unfettered authority to disregard a law passed by the Congress and signed by the President.

He claims that the Justice Department advised him it is not unconstitutional. I say look at the Chadha decision, and it is clearly unconstitutional. That is not the question here. The courts would have to decide it. But I do not want to see this body going on record as giving an unelected bureaucrat the authority to disregard a law passed by Congress and signed by the President. This is truly outstanding. So many people in Washington talk about Congress' solutions being ''neat, simple and wrong.'' Well, this goes one step further; it is neat, simple, and unconstitutional.

Let me, for the benefit of my colleagues, read this to you:

> Any prohibition or limitation in this Act on the implementation or enforcement of any law administered by the Administrator of the Environmental Protection Agency shall not apply if the Administrator determines that application of the prohibition or limitation would diminish the protection of human health or the environment otherwise provided by law.

That, to me, gives the EPA Administrator the power to veto, ignore, or totally disregard a law. I am not going to move to table this. I want my colleagues to have the pleasure of voting up or down on the simple proposition.

The PRESIDING OFFICER. A motion to table has already been made.

Mr. BOND. Mr. President, I ask unanimous consent to withdraw the motion to table.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. BOND. I want my colleagues to have the pleasure of voting yes or no on this simple proposition: Do you want the unelected Administrator of the EPA to be able to change laws passed by Congress and signed by the President?

I certainly do not. I urge my colleagues to vote ''no.''

The PRESIDING OFFICER. 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.

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

The result was announced—yeas 39, nays 61, as follows:

[Rollcall Vote No. 467 Leg.]

YEAS—39

Akaka	Feinstein	Mikulski
Baucus	Glenn	Moseley-Braun
Biden	Graham	Murray
Bingaman	Harkin	Pell
Boxer	Inouye	Pryor
Bradley	Jeffords	Reid
Bryan	Kennedy	Robb
Bumpers	Kerry	Rockefeller
Chafee	Kohl	Roth
Cohen	Lautenberg	Sarbanes
Daschle	Leahy	Simon
Dodd	Levin	Snowe
Feingold	Lieberman	Wellstone

NAYS—61

Abraham	Ford	Mack
Ashcroft	Frist	McCain
Bennett	Gorton	McConnell
Bond	Gramm	Moynihan
Breaux	Grams	Murkowski
Brown	Grassley	Nickles
Burns	Gregg	Nunn
Byrd	Hatch	Packwood
Campbell	Hatfield	Pressler
Coats	Heflin	Santorum
Cochran	Helms	Shelby
Conrad	Hollings	Simpson
Coverdell	Hutchison	Smith
Craig	Inhofe	Specter
D'Amato	Johnston	Stevens
DeWine	Kassebaum	Thomas
Dole	Kempthorne	Thompson
Domenici	Kerrey	Thurmond
Dorgan	Kyl	Warner
Exon	Lott	
Faircloth	Lugar	

So the amendment (No. 2786) was rejected.

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

Mr. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2782

The PRESIDING OFFICER. The question is on the amendment numbered 2782 of the Senator from Maryland; 10 minutes will be equally divided, and the Senator from Maryland will be recognized.

Mr. SARBANES. Mr. President, could I inquire of the parliamentary situation, the time situation?

The PRESIDING OFFICER. There is 10 minutes for debate before the vote, 10 minutes equally divided.

Mr. SARBANES. Mr. President, 5 on each side?

The PRESIDING OFFICER. Right.

The Senator from Maryland.

Mr. SARBANES. Mr. President, I yield myself 2 minutes.

Mr. President, I implore my colleagues to support this amendment on the homeless. The committee has cut the money for homeless assistance by 32 percent from last year's level. In fact, the committee level is below the level of the year before last. The House has cut homeless assistance by 40 percent. If we fail to adopt this amendment, our conferees will be working with a figure of 32 percent below last year—a cut of $360 million. The House has a cut of $444 million below last year. If we pass this amendment, we will give our conferees an opportunity in conference to do something about the homeless.

We are making progress in our fight against homelessness and this amendment will advance that cause. This proposal would bring homeless funding

back to last year's level—$1.1 billion. The Appropriations Committee said in its report that ''The committee is worried that the block grant approach with funds less than $1 billion may disadvantage some areas with significant homeless populations and some homeless providers.'' This amendment will bring homeless funding back above the $1 billion level so we can move to a formula grant. A formula grant will make it possible for the States, the localities, the churches, the social service agencies, the civic organizations, and the nonprofit groups to work collectively in a more constructive and positive fashion to resolve the problem of the homeless.

The offset for this amendment comes out of the funds for the renewal of expiring section 8 contracts. The reduction in renewal resources is made possible by a provision in this amendment that allows the Secretary to require housing agencies to use section 8 reserves to renew their expiring contracts. The HUD Secretary has written to us that this offset would not create a problem in renewing expiring contracts. He writes, ''Funding for renewal of expiring contracts can be reduced without any impact on existing recipients.''

The act that encompasses our homeless assistance programs is named after Stewart McKinney—the distinguished former Republican Congressman from Connecticut. Ever since Congressman McKinney's efforts to develop the homeless assistance programs, Federal policies for homeless assistance have enjoyed bipartisan support. I urge my colleagues to continue this bipartisan approach here today.

How much time is remaining?

The PRESIDING OFFICER. The Senator has 2½ remaining of the 5 minutes.

Mr. SARBANES. I yield myself 30 seconds, if the Chair will remind me.

Mrs. Lucie McKinney—the widow of the very distinguished former Republican Congressman—wrote an article a couple of weeks ago about the programs that help the homeless. Let me just quote the end of that article. She wrote:

> We do know how to end homelessness. While the cure is not cost-free, it costs a whole lot less than not facing and solving the problem. Saving lives and saving money—how can that be bad?

I urge my colleagues to support this amendment.

The PRESIDING OFFICER. The Senator has 2 minutes remaining. The Senator from Missouri.

Mr. BOND. Mr. President, I yield myself 2 minutes and ask to be advised when that 2 minutes runs.

Mr. President, this amendment proposes to increase funding for homeless activities by $360 million, certainly a noble objective. But the budgetary offset comes from the appropriations for renewal of section 8 rental subsidy contracts.

There is no dispute that more homeless assistance funding could be used. The committee looked everywhere it could to find this money, to balance the needs of the homeless with those who are now getting existing low-income housing assistance. Despite severe budgetary constraints, the committee increased House-passed homeless funding by $84 million. When combined with amounts released by HUD, homeless activities in fiscal year 1996 should be maintained at current rates.

We provided in the report, because of the tightness of funds, HUD is ''expected to work through negotiated rulemaking and include recommendations made by States and localities as well as homeless assistance providers.''

I find it startling that the Secretary of HUD is now saying he can do without this $360 million. They originally requested $5.8 billion for section 8 renewals. At my request, they reviewed it and came down to $4.8 billion for their request. We were only able to provide them $4.3 billion. And the very persuasive Senator from Maryland is able to convince the Secretary he can take less than $4 billion?

Make no mistake, these section 8 renewals are renewals that can be used for the elderly, the disabled, people with AIDS and others needing homeless assistance. Unfortunately, this is a shell game. It may make ''letters to the editor'' writers feel better, but it is a phony effort to get money where we cannot take it—from those who are without funds for their housing.

I reserve the remainder of my time.

Mr. SARBANES. I yield 1 minute to the Senator from Illinois.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. SIMON. Mr. President, as I mentioned yesterday, I took a little time on Sunday to reread Will Durant's book, ''The Lessons of History.'' He said, through the centuries nations have this struggle between those who are more fortunate and those who are less fortunate. That is what this is all about.

The less fortunate, those who are homeless, we have them on the streets like we did not have when I was a young man and when the Presiding Officer was young. It is going to get worse if we do not deal with it. This is a cutback of 32 percent and is imprudent and unwise.

I support the Sarbanes amendment.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. SARBANES. Mr. President, in closing, let me just underscore that I would prefer that we not take the money out of the section 8 reserves. But we are forced by the budget rules to find an offset. The question before us here is, amongst the priorities, which activities ought to come first? The homeless are at the very bottom of the scale. They are out on the street. We have been trying to put together an infrastructure to try to deal with their needs and we are having some success across the country. Each of you know that in your local communities you have church groups, you have civic organizations, you have community groups who are marshaling their resources to try to deal with the needs of the homeless. They need this Federal support.

The Appropriations Committee has written that the homeless assistance programs would have to get back above $1 billion in order to justify a formula approach. In the Banking Committee last year, we included a formula approach to homeless assistance that was supported unanimously in the committee. That is where we want to get. The funding in this amendment gives us a chance to get there.

The funding in this amendment also gives the chairman of the committee something to work with in the conference. The House is 40 percent below last year's figure. The current Senate figure represents a 32-percent cut. If the Senate goes to conference on that basis, you know the final outcome is going to be somewhere in between. If the Senate bill is allowed to stand, you are going to have a cut of 35 to 40 percent in the funding for the homeless when this bill comes back from conference. The amendment before you today will enable the chairman to work in conference in order to provide adequate resources to deal with this pressing national issue.

I am simply saying to my colleagues, support this amendment: Vote to shift some of this money from section 8 reserves to the homeless programs. I am not happy with doing it, but we think we can handle the section 8 renewal needs out of existing resources and the Secretary has indicated as much in his letter to us. The additional resources for the homeless in this amendment will give us a chance to put a new approach into effect.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, unfortunately, this does not solve the problem. It takes money from those who depend upon section 8 vouchers or certificates. It is saying to all those on section 8—elderly, disabled, people with AIDS—that we are taking $360 million away from the pool for renewing these contracts, and there will be people who are now dependent upon section 8 housing who could be thrown out when their contracts expire.

The Secretary, Secretary Cisneros, said after he revised it, we need $4.8 billion. We were only able in this tight budget time to give him $4.3 billion. I do not believe him when he says that he can make this work with less than $4 billion. I think that is an accommodation.

We all would like to accommodate everything. There is no money there. Unfortunately, this is a smoke and mirrors game. The amendment specifically says that notwithstanding certain provisions of this act, the $360 million ''* * * shall not become available for obligation until September 30, 1996,

and shall remain available until expended.''

What they are saying is, we are taking money away from reserves in 1996 to throw it into spending in 1997, in hopes that it will look better in 1996. We are in danger of taking away the section 8 assistance for people who need it, to make them homeless, to increase the need for the homeless assistance.

I share the concern of the Senator from Maryland and the others for the homeless.

We have worked what I believe is a reasonable compromise. We need to stay with this plan to provide section 8 assistance for those who are now depending upon the Federal Government for their housing.

This is a smoke and mirrors effort that unfortunately does not improve and might endanger the people that we are trying to help.

I move to table the amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. SARBANES. Mr. President, will the Senator withhold the tabling motion as he did on the Baucus amendment, and allow an up-or-down vote?

Mr. BOND. I believe we need to table this one.

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

The legislative clerk called the roll.

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

The result was announced—yeas 52, nays 48, as follows:

[Rollcall Vote No. 468 Leg.]

YEAS—52

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

NAYS—48

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

So the motion to lay on the table the amendment (No. 2782) was agreed to.

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

Ms. MIKULSKI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The majority leader.

Mr. DOLE. Mr. President, I wonder if I might inquire of the managers when they believe we may be able to complete action on this bill?

It is my understanding it is going to be vetoed, but there are still a lot of amendments on the other side. I am not certain how many require rollcalls. If we are going to complete action on two additional bills, Labor-HHS and State-Justice-Commerce, and this is our third day on this bill, I do not know how we can do two others in 2 days. So if anybody knows, when might we complete action on this bill? Plus we will recess the Senate so we will be able to have meetings of the Finance Committee, so we probably will not do anything after this bill the rest of the day.

Mr. BOND addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. If I might respond, we have been working out a number of these amendments. I think we are very close to agreement on a number of them. Some of them clearly are going to require votes. We are ready to line up two, one with an hour time agreement, one with a 45-minute time agreement. Then I cannot say on this side that there are any more of our amendments that should require a vote. I think they can be accepted or would be included in a—excuse me, there is one Senator CHAFEE is going to offer, proposes to offer about the brown fields.

I hope that will be agreed upon. That might require a vote. It should be a short time limit. I would be interested on the minority side in what my colleague sees as the opportunities there.

Ms. MIKULSKI. Mr. President, responding to the Republican leader's desire to move this bill, we have our next two amendments lined up, the Lautenberg amendment and the Feingold amendment. When we asked for the time agreement, that is maximum. Both men are here to offer their amendments.

We intend to move very expeditiously. I recommend that after those two amendments, those votes be stacked. I truly believe we can do a lot of clear out and clean up. I am anticipating that either amendments will be worked out or that they will be withdrawn so they could be offered on other bills. I cannot guarantee that. We are working down our list, as well.

So my recommendation is Lautenberg, Feingold, stacked votes; see kind of where we are, and then we will move right along.

Mr. DOLE. We have one other amendment, the Simon–Moseley-Braun amendment. Is that being worked out?

Mr. BOND. Mr. President, I think we are working out an agreement that that one can be accepted. That is on the transfer of fair housing. I think so long as we can guarantee that the transfer will occur—we do not want to disrupt operations. Our staff is working on it, and I hope we are close to agreement on it. I think we share the same goals. I just want to make sure that the language in the amendment gets us there.

Mr. DOLE. So just let us see—11, 12, 1. Maybe we can complete action on this bill by 2 p.m.?

Ms. MIKULSKI. I think the prickly point here is what Senator BUMPERS chooses to do on the NASA-Russian reactor sale. I think that is a prickly pear.

Mr. DOLE. That could take some time, then.

Ms. MIKULSKI. I think we need to confer with Senator BUMPERS as to what his disposition is. We will do this during the debate, Mr. Leader.

Mr. DOLE. I am still trying to work it out; it may not be able to happen. But if we could do all these appropriations bills and the CR, then we would not be in session next week. But we also have to complete action in the different committees on reconciliation this week. And I understand there has been an objection to the Finance Committee meeting. The Democratic leader has already indicated this to me. I will make the request, so whoever wishes to object can object at this time, because it is very important that that committee meet. And if we have an objection, then when we finish this bill, the Senate will be in recess. Then we will meet until we complete action on that, and then come back to the additional appropriations bills. If we do not finish them this week, we will finish them next week.

OBJECTION TO PERMISSION FOR FINANCE COMMITTEE TO MEET

Mr. DOLE. Mr. President, I understand the objector is on the floor. I ask consent that the Committee on Finance be permitted to meet Wednesday, September 27, 1995, to conduct the markup of spending recommendations for the budget reconciliation legislation.

The PRESIDING OFFICER. Is there objection?

Mr. DASCHLE. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. DASCHLE. I have consulted with a number of my colleagues, some of whom are on the floor, and there is a concern on this side that we have not had an opportunity to have some hearings and discuss this matter in greater detail. The hope was that over the course of whatever period of time we will have more of an opportunity to look at it. As a result of that concern, then we will object at this time.

Mr. DOLE. Mr. President, I do understand that the Democratic leader has consented to six other committees to meet during today's session of the Senate.

I have six unanimous-consent requests for committees to meet during today's session of the Senate. They all have the approval of the Democratic leader.

I ask unanimous consent that these requests be agreed to en bloc, and that each request be printed in the RECORD.

The PRESIDING OFFICER. Is there objection to that request?

Mr. DOLE. That does not include Finance.

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

(The text of the requests is printed in today's RECORD under ''Authority for Committees to Meet.'')

Mr. DOLE. I thank my colleagues and the managers.

Mr. LAUTENBERG addressed the Chair.

The PRESIDING OFFICER. The Senator from New Jersey [Mr. LAUTENBERG].

Mr. WELLSTONE. I wonder if my colleague will yield for a moment? Since I was a part of this objection with the minority leader, I wanted to take 2 minutes, if that would be all right.

Mr. LAUTENBERG. Yes.

Mr. WELLSTONE. Mr. President, the minority leader and I have issued an objection to the Finance Committee meeting. The reason for that, Mr. President, is that I just think that what is going on right now here is a rush to foolishness.

Mr. President, in my State of Minnesota, we just found out a few days ago that as opposed to $2.5 billion in Medicaid cuts, we were going to be seeing $3.5 billion in Medicaid cuts. It was just yesterday that we finally got the specifics of what is going to happen in Medicare. And I just will tell you, Mr. President, that I am pleased to be a part of this with the minority leader because when I was home in Minnesota, I found that it is not that people are opposed to change, but people have this sense that there is this fast track to recklessness here, that we are not carefully evaluating what the impact is going to be on people.

What people in Minnesota are saying is, what is the rush? You all do the work you are supposed to do. How can a Finance Committee today go ahead without any public hearings on these filed proposals, pass it out of the Finance Committee, and then put it into a reconciliation process where we have limited debate?

Mr. President, it seems to me that there is no more precious commodity than health care and the health care of the people we represent. This objection, with the minority leader, is an objection to a process. And this process right now I think is really way off course.

We have no business—the Finance Committee should not pass out proposals without any public hearing, without having experts come in. We have not done that at all. We should not be doing that. Mr. President, this is supposed to be a deliberative body and it is supposed to be a representative democracy. We are supposed to be careful about the impact of what we do on the lives of people we represent. I would just say that I am very proud to be a part of this objection because somebody, somewhere, sometime has to say to people in the country that these changes are getting ramrodded through the Senate. That is what is going on here. The proposal came out yesterday, I say to my colleague from Maryland.

I will tell you, as you look at these specific proposals, I can tell you as a Senator from Minnesota that I know there is going to be a lot of pain in my State. I believe, Mr. President, that the Finance Committee needs to have the public hearing and I believe that Senators need to be back in their States now that we have specific proposals, and we need to be talking to the people who are affected by this.

Let us not be afraid of the people we represent. Let us let the people in the country take a look at what we are doing. What this effort is, is an effort to say ''no'' to this rush to recklessness, ''no'' to this fast track to foolishness. The committee ought to have a public hearing. I think it is unacceptable.

Mr. BOND. Mr. President, I object.

Mr. WELLSTONE. Do I have the floor?

Mr. BOND. The Senator from New Jersey——

The PRESIDING OFFICER. The Senator from New Jersey has the floor.

Mr. WELLSTONE. I will say to my colleague from New Jersey, may I have 1 more minute?

The PRESIDING OFFICER. The Senator from Minnesota no longer has the floor. The Senator only yielded for a question.

The Senator from New Jersey.

Mr. LAUTENBERG. I thought the time the Senator asked for would be considerably shorter, and I ask that we have a chance to move.

Mr. WELLSTONE. May I have 30 seconds?

Mr. BOND. Mr. President, I object.

Mr. WELLSTONE. Enough has been said. People have heard it.

DEPARTMENT OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 1996

The Senate continued with the consideration of the bill.

Mr. BOND. Mr. President, it is important that we move forward on this bill. We have reached an agreement I believe on both sides.

I ask unanimous consent that the Senator from New Jersey be recognized to introduce an amendment on the EPA funding, that there be 1 hour divided in the usual manner and in the usual form, that at the conclusion of that 1 hour the amendment be set aside, and that the Senator from Wisconsin, Senator FEINGOLD, be recognized to introduce an amendment on insurance redlining, that there be 45 minutes divided in the usual form and under the usual procedures, and at the end of that debate that a vote occur on or in relation to the Lautenberg amendment and that no second-degree amendments be permitted, and that the following amendment, the vote on the Feingold amendment, be 10 minutes in length and no second-degree amendments be permitted, but that the vote occur on or in relation to the Feingold amendment.

The PRESIDING OFFICER. Is there objection?

Mr. FEINGOLD. Reserving the right to object.

The PRESIDING OFFICER. There is no reserving the right to object.

Mr. FEINGOLD. Mr. President, I object.

I simply want to clarify a point with the manager.

Ms. MIKULSKI addressed the Chair.

The PRESIDING OFFICER. There was objection. Has the Senator objected?

Mr. FEINGOLD. I simply wanted to ask clarification with regard to the unanimous-consent request. I was only attempting to make sure that I can make that clarification before the unanimous-consent agreement is entered into.

I ask unanimous consent to ask a question of the manager with regard to this request.

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

Mr. FEINGOLD. I thank the Chair. Under our time agreement, our time is 45 minutes. My understanding is we would have 30 minutes on our side. Is that inconsistent with the Senator's understanding?

Mr. BOND. I ask there be an hour equally divided.

Mr. FEINGOLD. That will be fine. I thank the manager.

The PRESIDING OFFICER. Is there objection to the request as so modified? Without objection, it is so ordered.

Mr. LAUTENBERG addressed the Chair.

The PRESIDING OFFICER. The Senator from New Jersey.

PRIVILEGE OF THE FLOOR

Mr. LAUTENBERG. Mr. President, first, I ask unanimous consent that a detailee in my office, Lisa Haage, be granted the privilege of the floor.

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

AMENDMENT NO. 2788

(Purpose: To increase funding for Superfund, the Office of Environmental Quality, and State revolving funds and offset the increase in funds by ensuring that any tax cut benefits only those families with incomes less than $100,000)

Mr. LAUTENBERG. Mr. President, on behalf of myself, Senators MIKULSKI, DASCHLE, BAUCUS, KERRY, BIDEN,

MURRAY, SARBANES, PELL, and KENNEDY, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from New Jersey [Mr. LAUTENBERG], for himself, Ms. MIKULSKI, Mr. DASCHLE, Mr. BAUCUS, Mr. KERRY, Mr. BIDEN, Mrs. MURRAY, Mr. SARBANES, Mr. PELL, and Mr. KENNEDY, proposes an amendment numbered 2788.

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

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

The amendment is as follows:

On page 141, line 4, strike beginning with ''$1,003,400,000'' through page 152, line 9, and insert the following: ''$1,435,000,000 to remain available until expended, consisting of $1,185,000,000 as authorized by section 517(a) of the Superfund Amendments and Reauthorization Act of 1986 (SARA), as amended by Public Law 101–508, and $250,000,000 as a payment from general revenues to the Hazardous Substance Superfund as authorized by section 517(b) of SARA, as amended by Public Law 101–508: *Provided*, That funds appropriated under this heading may be allocated to other Federal agencies in accordance with section 111(a) of CERCLA: *Provided further*, That $11,700,000 of the funds appropriated under this heading shall be transferred to the Office of Inspector General appropriation to remain available until September 30, 1996: *Provided further*, That notwithstanding section 111(m) of CERCLA or any other provision of law, not to exceed $64,000,000 of the funds appropriated under this heading shall be available to the Agency for Toxic Substances and Disease Registry to carry out activities described in sections 104(i), 111(c)(4), and 111(c)(14) of CERCLA and section 118(f) of the Superfund Amendments and Reauthorization Act of 1986: *Provided further*, That none of the funds appropriated under this heading shall be available for the Agency for Toxic Substances and Disease Registry to issue in excess of 40 toxicological profiles pursuant to section 104(i) of CERCLA during fiscal year 1996*: Provided further*, That none of the funds made available under this heading may be used by the Environmental Protection Agency to propose 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), as amended (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 appropriate tribal leader, or unless legislation to reauthorize CERCLA is enacted.

LEAKING UNDERGROUND STORAGE TANK TRUST FUND

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out leaking underground storage tank cleanup activities authorized by section 205 of the Superfund Amendments and Reauthorization Act of 1986, and for construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed $75,000 per project, $45,827,000, to remain available until expended: *Provided*, That no more than $8,000,000 shall be available for administrative expenses: *Provided further*, That $600,000 shall be transferred to the Office of Inspector General appropriation to remain available until September 30, 1996.

OIL SPILL RESPONSE

(INCLUDING TRANSFER OF FUNDS)

For expenses necessary to carry out the Environmental Protection Agency's responsibilities under the Oil Pollution Act of 1990, $15,000,000, to be derived from the Oil Spill Liability trust fund, and to remain available until expended: *Provided*, That not more than $8,000,000 of these funds shall be available for administrative expenses.

PROGRAM AND INFRASTRUCTURE ASSISTANCE

For environmental programs and infrastructure assistance, including capitalization grants for state revolving funds and performance partnership grants, $2,668,000,000, to remain available until expended, of which $1,828,000,000 shall be for making capitalization grants for State revolving funds to support water infrastructure financing; $100,000,000 for architectural, engineering, design, construction and related activities in connection with the construction of high priority water and wastewater facilities in the area of the United States-Mexico Border, after consultation with the appropriate border commission; $50,000,000 for grants to the State of Texas, which shall be matched by an equal amount of State funds from State resources, for the purpose of improving wastewater treatment for colonias; and $15,000,000 for grants to the State of Alaska, subject to an appropriate cost share as determined by the Administrator, to address wastewater infrastructure needs of Alaska Native villages: *Provided*, That beginning in fiscal year 1996 and each fiscal year thereafter, and notwithstanding any other provision of law, the Administrator is authorized to make grants annually from funds appropriated under this heading, subject to such terms and conditions as the Administrator shall establish, to any State or federally recognized Indian tribe for multimedia or single media pollution prevention, control and abatement and related environmental activities at the request of the Governor or other appropriate State official or the tribe: *Provided further*, That from funds appropriated under this heading, the Administrator may make grants to federally recognized Indian governments for the development of multimedia environmental programs: *Provided further*, That of the $1,828,000,000 for capitalization grants for State revolving funds to support water infrastructure financing, $500,000,000 shall be for drinking water State revolving funds, but if no drinking water State revolving fund legislation is enacted by December 31, 1995, these funds shall immediately be available for making capitalization grants under title VI of the Federal Water Pollution Control Act, as amended: *Provided further*, That of the funds made available under this heading in Public Law 103–327 and in Public Law 103–124 for capitalization grants for State revolving funds to support water infrastructure financing, $225,000,000 shall be made available for capitalization grants for State revolving funds under title VI of the Federal Water Pollution Control Act, as amended, if no drinking water State revolving fund legislation is enacted by December 31, 1995.

ADMINISTRATIVE PROVISIONS

SEC. 301. MORATORIUM ON CERTAIN EMISSIONS TESTING REQUIREMENTS.

(a) MORATORIUM.—

(1) IN GENERAL.—The Administrator of the Environmental Protection Agency (referred to in this subsection as the ''Administrator'') shall not require adoption or implementation by a State of a test-only or I/M240 enhanced vehicle inspection and maintenance program as a means of compliance with section 182 of the Clean Air Act (42 U.S.C. 7511a), but the Administrator may approve such a program if a State chooses to adopt the program as a means of compliance.

(2) REPEAL.—Paragraph (1) is repealed effective as of the date that is 1 year after the date of enactment of this Act.

(b) PLAN APPROVAL.—

(1) IN GENERAL.—The Administrator of the Environmental Protection Agency (referred to in this subsection as the ''Administrator'') shall not disapprove a State implementation plan revision under section 182 of the Clean Air Act (42 U.S.C. 7511a) on the basis of a regulation providing for a 50-percent discount for alternative test-and-repair inspection and maintenance programs.

(2) CREDIT.—If a State provides data for a proposed inspection and maintenance system for which credits are appropriate under section 182 of the Clean Air Act (42 U.S.C. 7511a), the Administrator shall allow the full amount of credit for the system that is appropriate without regard to any regulation that implements that section by requiring centralized emissions testing.

(3) DEADLINE.—The Administrator shall complete and present a technical assessment of data for a proposed inspection and maintenance system submitted by a State not later than 45 days after the date of submission.

SEC. 302. None of the funds made available in this Act 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. Section 304 of the Clean Air Act (42 U.S.C. 7604) shall not apply with respect to any such requirement during the period beginning on the date of the enactment of this Act and ending September 30, 1996.

SEC. 303. None of the funds provided in this Act may be used within the Environmental Protection Agency for any final action by the Administrator or her delegate for signing and publishing for promulgation a rule concerning any new standard for arsenic, sulfates, radon, ground water disinfection, or the contaminants in phase IV B in drinking water, unless the Safe Drinking Water Act of 1986 has been reauthorized.

SEC. 304. None of the funds provided in this Act may be used during fiscal year 1996 to sign, promulgate, implement or enforce the requirement proposed as ''Regulation of Fuels and Fuel Additives: Individual Foreign Refinery Baseline Requirements for Reformulated Gasoline'' at volume 59 of the Federal Register at pages 22800 through 22814.

SEC. 305. None of the funds appropriated to the Environmental Protection Agency for fiscal year 1996 may be used to implement section 404(c) of the Federal Water Pollution Control Act, as amended. No pending action by the Environmental Protection Agency to implement section 404(c) with respect to an individual permit shall remain in effect after the date of enactment of this Act.

SEC. 306. Notwithstanding any other provision of law, for this fiscal year and hereafter, an industrial discharger to the Kalamazoo Water Reclamation Plant, an advanced wastewater treatment plant with activated carbon, may be exempted from categorical pretreatment standards under section 307(b) of the Federal Water Pollution Control Act, as amended, if the following conditions are met: (1) the Kalamazoo Water Reclamation Plant applies to the State of Michigan for an exemption for such industrial discharger and (2) the State or the Administrator, as applicable, approves such exemption request based upon a determination that the Kalamazoo Water Reclamation Plant will provide treatment consistent with or better than treatment requirements set forth by the EPA, and there exists an operative financial contract between the City of Kalamazoo and the industrial user and an approved local

pretreatment program, including a joint monitoring program and local controls to prevent against interference and pass through.

SEC. 307. No funds appropriated by this Act may be used during fiscal year 1996 to enforce the requirements of section 211(m)(2) of the Clean Air Act that require fuel refiners, marketers, or persons who sell or dispense fuel to ultimate consumers in any carbon monoxide nonattainment area in Alaska to use methyl tertiary butyl ether (MTBE) to meet the oxygen requirements of that section.

EXECUTIVE OFFICE OF THE PRESIDENT

OFFICE OF SCIENCE AND TECHNOLOGY POLICY

For necessary expenses of the Office of Science and Technology Policy, in carrying out the purposes of the National Science and Technology Policy, Organization, and Priorities Act of 1976 (42 U.S.C. 6601 and 6671), hire of passenger motor vehicles, services as authorized by 5 U.S.C. 3109, not to exceed $2,500 for official reception and representation expenses, and rental of conference rooms in the District of Columbia, $4,981,000: *Provided,* That the Office of Science and Technology Policy shall reimburse other agencies for not less than one-half of the personnel compensation costs of individuals detailed to it.

COUNCIL ON ENVIRONMENTAL QUALITY AND OFFICE OF ENVIRONMENTAL QUALITY

For necessary expenses to continue functions assigned to the Council on Environmental Quality and Office of Environmental Quality pursuant to the National Environmental Policy Act of 1969, the Environmental Improvement Act of 1970 and Reorganization Plan No. 1 of 1977, $2,188,000.

ADMINISTRATIVE PROVISIONS

SEC. 401. Section 105(b) of House Concurrent Resolution 67 (104th Congress, 1st Session) is amended to read as follows:

''(b) RECONCILIATION OF REVENUE REDUCTIONS IN THE SENATE.—

''(1) CERTIFICATION.—(A) In the Senate, upon the certification pursuant to section 205(a) of this resolution, the Senate Committee on Finance shall submit its recommendations pursuant to paragraph (2) to the Senate Committee on the Budget. After receiving the recommendations, the Committee on the Budget shall add such recommendations to the recommendations submitted pursuant to subsection (a) and report a reconciliation bill carrying out all such recommendations without any substantive revision.

''(B) The Chair of the Committee on the Budget shall file with the Senate revised allocations, aggregates, and discretionary spending limits under section 201(a)(1)(B) increasing budget authority by $760,788,000 and outlays by $760,788,000.

''(2) COMMITTEE ON FINANCE.—Funding for this section shall be provided by limiting any tax cut provided in the reconciliation bill to families with incomes less than $150,000.''.

Mr. LAUTENBERG. Mr. President, this amendment will do three things. It will restore funding for hazardous waste cleanup and for sewage treatment plants at last year's levels and provide funds for the Council of Environmental Quality to enable it to continue its work to meet its important responsibilities.

First, Mr. President, I commend our colleague, the chairman of the subcommittee, Senator BOND, for his work on this bill and for adding over $650 million to the EPA budget. I know that he has done his best under very difficult circumstances. He deserves credit for that. In no way should my request here be viewed as being critical of the effort. But nevertheless, Mr. President, I believe that we are going to have to do better and hope that we can find a way to do it.

I also want to thank my friend and colleague from Maryland for her hard work on the subcommittee bill and hope also she will be with me as we work our way through this to try and adopt this amendment.

Mr. President, even with the additions that were made by the subcommittee, the bill still would cut EPA by more than 22 percent from the President's request. That is far more than many other agencies.

Unfortunately, these deep cuts in EPA's budget are indicative of a much broader attack on the environment in this Congress. This year, we have seen efforts to undercut the Clean Water Act, dismantle the community right-to-know law, weaken the laws protecting endangered species and making environmental regulations that are almost impossible to promulgate. It seems that there is no end to the new majority's assault on the environment.

That is not what the American people voted for last November. They do not want environmental laws curtailed. They do not want to see the gutting of our attempt to improve the environment.

A recent Harris poll showed that over 70 percent of the American public, of both parties, believe that EPA regulations are just right or, in fact, not tough enough. Clearly, most Americans care about our environment, feeling, in many cases, very strongly about it.

Mr. President, $432 million of this amendment restores money for the Hazardous Waste Cleanup Program. The bill reported by the Appropriations Committee calls for a cut of roughly a third in hazardous site cleanup funding. That will mean many hazardous waste sites will not get cleaned up, and many people who live near these sites will continue to be exposed to dangerous and often lethal chemicals.

I recognize that some critics of the Superfund say we should not provide money to the program unless some of its problems are fixed, and I agree we have to fix the problems. But while the program has had its problems in the past, which we are presently working to correct, people still want the cleanups to continue. While the controversy surrounding the program has focused largely on the issue of liability, there is no dispute about the need to clean up these sites, nor about the need for Federal funds to help do so.

Communities concerned about the health of their citizens need this money to move ahead with cleanups, while the responsible parties, those accused of doing the pollution, who created the pollution, litigate amongst themselves trying to avoid paying for their obligation. Federal money also is needed if those responsible cannot be found or refuse payment.

In addition, while everyone agrees that responsible parties should lead cleanup efforts where possible, Government oversight is necessary to assure that agreements are met and the public health is protected.

About 260 sites in 44 States will not be cleaned up because of the funding cuts in this bill. Just look at the map, and we see that cleanups will stop, the red indicating that 1 to 5 cleanups will be delayed; in the blue area, 6 to 10 cleanups will be delayed; and in the area where we see green, including New Jersey, California, Florida, more than 10 cleanup attempts will be delayed. We cover almost the whole map. The only places where there is no delay is where we see the States outlined in white. It is a pretty ominous review that we are looking at.

Beyond the severe environmental and health consequences that are apparent by delays, this will mean also 3,500 jobs will be lost in the private sector, and that would cause enormous loss of time getting rid of the hazardous waste blight that exists across our country.

Also, sites that communities plan to use for economic redevelopment will not be available for use in the communities. As land lays contaminated and unusable, local communities will suffer economic losses that cannot be recouped.

In my own State of New Jersey, 16 sites will see their cleanup delayed or terminated. For example, efforts will be halted at the Roebling Steel site, a former steel manufacturer next to the Delaware River, a company that had an illustrious history. Material manufactured there was sent all over the world, but they fell on hard times, and now we are dealing with a contamination that was left from their operation. Runoff from the precipitation on the site may have already contaminated the Delaware River and surrounding wetlands.

Approximately 12,000 people in this area depend on ground water for their drinking water. An adjacent playground is contaminated with PCB's and heavy metals, including lead.

Mr. President, hazardous waste sites have significant negative consequences for human health, and these can range from cancer to respiratory problems to birth defects. The need to prevent these kinds of diseases more than anything else is what makes funding Superfund so important.

The second part of my amendment, Mr. President, will restore money to the States' revolving loan funds. The Clean Water Act requires that cities and towns comply with minimum waste treatment standards. States report that they will need $126 billion to comply with these requirements.

This amendment keeps funding for the State revolving loan fund at last year's level by restoring $328 million.

Finally, my amendment would add just over $1 million to continue the work for the Council on Environmental Quality. For a small amount, CEQ can

coordinate the administration's environmental programs. This is important, especially with respect to the coordination of environmental impact statements.

To fund these increases, Mr. President, my amendment would reduce the tax break that otherwise will be provided in the reconciliation bill this year. From all indications, this tax break will be targeted largely at the wealthiest individuals in America and a variety of special interests.

Mr. President, the rich or poor in this country do not want to leave a contaminated environment for their children or their grandchildren, and I am sure that if this proposition that we have put forward is closely examined and we say, all right, if tax breaks are going to be given, we have to make sure that they are for the lower income, not just the top people or wage earners in our country.

So, Mr. President, I am sure that if forced to choose between a tax break for the rich and strengthening environmental protections, I believe that Americans would strongly support the environment and thusly this amendment.

I urge my colleagues to support this amendment for the well-being and health of our citizens and our environment.

Mr. President, I yield the floor.

Mr. BOND. Mr. President, I yield myself 10 minutes.

Mr. President, I thank the distinguished Senator from New Jersey for his kind words. I appreciate the comments he made about our efforts here. But I wish we could have his support for the measure as passed by the committee and sent to the floor.

I must rise in strong opposition to the amendment on substantive grounds and also the fact that it busts the subcommittee's 602(b) allocation.

I will address, as I have previously, the budgetary sleight of hand and the smoke and mirrors that have been suggested as an offset. But let me talk about some of the substantive provisions, because I agree with the Senator that they are very important.

As he noted, we worked very hard to increase funding for the environment because we have made great progress in the environment in this country. We need to continue that progress. Everything that we are doing in this bill is designed to ensure that the progress we have made continues.

We have urged the EPA to pay heed to and adopt the recommendations of the National Academy of Public Administration, who have told EPA how they can do a better job of utilizing their funds, be more effective, and make sure that we get the most for our dollars in the environmental programs.

That study was requested when my colleague, the Senator from Maryland, was chairman of the committee. It is something I support because I believe we can make progress. But I do not believe that this amendment can be supported, and I will raise a budget act point of order to it.

Let me talk, though, about the substance. First, Superfund. While there may be disagreement on how we reform the program, there is virtually no disagreement that I know of that the program must be reformed. We have studies by the dozens outlining the problems with the Superfund Program. There have been 90-day reviews and 30-day reviews to improve the program. There have been Rand studies, CBO studies, GAO reports, and the National Commission on Superfund Reform.

We are all familiar with the morass of litigation, the excessive administrative burdens, the length of time to clean up the sites. Most of us have heard from our constituents, small businesses, mom and pop operations that were bankrupted because their trash was hauled legally to a dump which later became a Superfund site and they became liable.

We have all heard the stories about EPA requiring cleanups so clean that kids can eat the dirt, even when there were no kids near the site, where it is an industrial site, where nobody has even proposed to bring in a day care center or to make it a playground for a school.

When we devote our resources to overutilization of cleanup techniques in an area where they are less necessary, we take away from funds where they can be put to uses right away, where they can have a positive impact on human health and the environment and avoid dangers.

But the list of grievances against the Superfund goes on and on and on. We have poured billions of dollars into this program with little to show for it. We have spent billions of dollars and we have only about 70 sites which have actually been cleaned up and deleted from the national priorities list. We have hundreds of studies going on at sites and even more being litigated. This is a wonderful opportunity for full employment for lawyers, for administrative hassles, and that is not what we ought to be about. We ought to be about cleaning up Superfund sites.

In his first speech to Congress, President Clinton declared, ''I would like to use the Superfund to clean up pollution for a change and not just pay lawyers.'' I believe I was one of a large group of Senators who stood and applauded that statement. I believe there is very strong agreement on both sides of the aisle that the President set the proper tone: clean up pollution, stop paying lawyers. There is little disagreement on either side that the program is not working, or not working as well as it should.

The committee limited Superfund funding to $1 billion, as in the House, because the committee recognized that it was time to stop throwing away money at a wasteful, broken program. The committee's recommendations will fund sites which pose an immediate threat to human health and the environment and sites which are currently at some active stage in the Superfund cleanup pipeline.

Our recommendations reflect the findings of a General Accounting Office report, which I requested. This General Accounting Office report says that two-thirds of the Superfund sites GAO looked at do not pose human health risks under current land uses.

We are spending two-thirds of the money in the current Superfund Program on sites that do not pose a significant hazard to human health now or in the future under current land uses. I am not suggesting that these sites are not important and should not be cleaned up. I am saying that for these sites, we can delay cleanups until we reform the program so that we can concentrate our efforts on those sites which will provide a benefit in lessening dangers to human health and to ensure that commonsense solutions are implemented.

The committee's recommendation reflected the fact that the reauthorization process is well underway. It will be a transition year, as it should be, for the Superfund Program. Therefore, we should only fund critical activities pending implementation of a reform program.

Now, the Senator's amendment also would double funding for the Council on Environmental Quality. I point out that this committee has recommended continuing the Council on Environmental Quality at last year's funding. We would save CEQ, where the House wants to terminate that body.

The question will be whether we terminate it or not. The ultimate conference committee will not come out with more than $1 million because we have put that amount in and the House has already passed.

Despite some concerns that many may have that the CEQ is duplicating other agencies, this committee found, and I believe that CEQ does perform a valuable function; it performs a function of coordinating the activities of the administration and all the different bodies which may act on environmental matters.

However, I think it should be limited to activities which are statutory in nature and which do not duplicate other agencies' activities. The funding provided is about the same level as the current level funding for CEQ.

Now, the third point as to State revolving funds which the Senator's amendment would add $328 million. I fully support added funding for States to meet environmental mandates. That is why the bill before us carves out a special appropriation just for State funding.

We increased funding for the State activities that comprises more than 40 percent of the EPA appropriations because that is money going to the places where it can actually clean up the environment.

We believe that with reforms that can be implemented either by legislation or through the administrative procedures, we can ensure that the States will do a better job because they will not be limited just to cleaning up one particular kind of pollution but can direct their efforts to pollution which occurs in the air, the water, and the land, and not be limited just to one medium.

Included in this funding that we have recommended is an increase of $300 million in funding for clean water State revolving funds over the current budget. Last year's bill contained some $800 million in sewer treatment earmarks. Those were nice for all of us to go home and take credit for, but they did not maximize the available funds for cleaning up the environment.

We eliminated those earmarks so we can provide adequate funding for State revolving funds. I think the bill addresses the concern about the need for State revolving funds.

I think that the bill is sound on environmental grounds, sound substantively, and I say that all of the talk about tax cuts, eliminating tax cuts, is so much political rhetoric. There are no tax cuts in this budget. There is no offset.

We had to make tough choices in the subcommittee and the full committee. We chose to increase the allocation for EPA, but we are doing so within the constraints imposed upon us by Congress in the budget resolution.

This amendment would bust the budget resolution. If the Senator was concerned, really concerned about getting more money in the environment, then he could have offered an amendment which would have proposed legitimate offsets. He did not do so.

I urge my colleagues to oppose the waiver of the Budget Act.

I reserve the time. I yield the floor.

Ms. MIKULSKI. Mr. President, I thank the Senator from New Jersey for his advocacy in the issues of environmental protection, protecting public health, safety, and having the concern particularly for the environmental problems in an urban area. Senator LAUTENBERG has been a longstanding advocate and a longstanding expert in this issue as a member of the authorizing committee.

I also want to acknowledge Senator BOND's efforts to really support a streamlining of a lot of the regulatory process.

I am pleased to be a cosponsor of Senator LAUTENBERG's amendment to partially restore funding to some of EPA's most important programs.

This amendment adds: $431.6 million to the Superfund Program, $328 million to the Water Infrastructure State revolving funds, and $1.188 million to the Council on Environmental Quality [CEQ].

I am particularly concerned about the $431.6 million cut below the current funding for the Superfund Program.

Superfund was designed to address one of our Nation's worst public health and environmental problems—hazardous waste.

There are 1,300 sites that have been placed on the national priorities list, which is the listing of the most serious hazardous waste sites in the country.

The health risks posed to people who live near these sites are significant. I think we owe it to our communities to ensure that these toxic dumps are cleaned up.

What happens if we do not restore funding to the Superfund Program?

There will be no funding for about 120 new, long-term cleanup projects, cleanup of about 160 immediate public health threats could be significantly delayed, and we risk letting polluters get off the hook because we will not be able to reach and enforce settlements for cleanups.

The Lautenberg amendment will restore funding to ensure that public health is protected, polluters continue to clean up their messes, and new research continues to develop cheaper, cleaner, and faster ways to clean up toxic wastes.

I also have serious concerns about the reduction of $586 million below the President's request that this bill contains for water infrastructure State revolving funds.

This cut means that about 107 wastewater treatment projects will not proceed.

It also means that, because State revolving fund dollars are reinvested over time, a reduction in infrastructure investments will be felt in future years.

The immediate loss of $587 million will result in a cumulative loss of $2.3 billion in funding over the next 20 years.

In my home State of Maryland this funding is a big deal.

Mr. President, Maryland's Eastern Shore relies heavily on two things, fishing and tourism. These represent a huge chunk of the local economy.

EPA's most recent water quality inventory reports that 37 percent of the Nation's shellfish beds are restricted, limited, or closed.

I'm afraid that this funding level could cause water quality to continue to decline, which is no small concern for States like mine which depend heavily on rivers and coastal waters.

In addition, last year 85 beaches in Maryland were closed to protect the public from swimming in unsafe waters.

I do not know about the rest of my colleagues, but when I go to the beach I want to take a swim or wade in the surf. None of that can happen if we do not protect our waters.

I am very concerned that this decrease in funding will have serious adverse effects on the Chesapeake Bay.

The funding that Maryland gets from the State revolving fund program is critical to preventing the water pollution that runs off into the bay. All of our efforts to clean the bay, at both the State and Federal level, will be wasted if we cannot control this runoff.

The bill also requires that the Safe Drinking Water Act be reauthorized by April 30, 1995.

If the program is not reauthorized, all drinking water State revolving funds will be transferred to clean water State revolving funds.

This means that nearly 270 projects to improve substandard drinking water systems which serve nearly 29 million Americans will not be funded if reauthorization does not occur.

I hope the Senate does not forget the recent cryptosporidium outbreak in the Milwaukee, WI, water supply which caused about 400,000 people to get sick, resulting in the deaths of 100 people.

Finally, I think it is important that this amendment funds the Council on Environmental Quality at the President's request.

CEQ is the Federal office that is responsible for coordinating our national environmental policy. If we did not have the CEQ, the job of coordinating Federal environmental policy would be left to executive level staff inside the Office of the President. This would mean that congressional oversight would be limited.

Make no mistake about it, the American people care about protecting public health and the environment.

There are many issues that have been raised about the Superfund Program, many legitimate issues raised about the safe drinking water. I do not believe we should cut the budget. I believe we should streamline the regulations.

Cutting the budget, in effect, deregulates or eliminates these regulations. We have come so far on cleaning up the environment. I am grateful in this bill that there is funding for the Chesapeake Bay Program, and we are seeing the bay come back to life.

We have seen the work that we have done on air pollution and water pollution. In Maryland we see that good environment is good business because it does affect our seafood industry. It does affect the ability of business. Good environment means that there is a reward for businesses that do comply.

There are many things I could say about this amendment but I think Senator LAUTENBERG said it best as he always does. He has my support for this amendment. He has my support for restoration of these cuts in the environmental programs in round two. I believe that President Clinton will veto this bill in round two.

I hope with the new allocation we could overcome where we are essentially cutting America's future by cutting the environmental programs.

Mr. LAUTENBERG. Mr. President, I ask the Chair how much time remains for our side on debate?

The PRESIDING OFFICER. The Senator has 14 minutes remaining.

Mr. LAUTENBERG. I want to take a few minutes to respond to the comments of the distinguished chairman of the subcommittee.

I first will explain very briefly why it is that I complimented him even as I

voted against the subcommittee bill. It is fairly simple. I think yeoman work was done. I think that the distinguished Senator from Missouri gave it a good effort but I still feel that we are not adequately protecting our communities against environmental pollution.

To me it is fairly simple, because I think that the legacy that each of us in America can best leave our children, the grandchildren, and those that follow, rich or poor, is to leave them a cleaner environment; to continue the progress that has been made in some areas.

In 1973, only 40 percent of our streams were fishable and swimmable, which is really the test for the quality of the water. Now it is 60 percent.

If we do not fund the revolving fund and insist on cleaning up—treating wastewater before it gets to the streams, I do not want to be crude, but it will go in some cases direct from the toilet into the rivers, into the lakes. That is an outrageous condition for a country as well off, despite our problems, as this country of ours is.

Superfund sites—there is always a question raised by those that are skeptical about how dangerous these sites are.

Mr. President, I have to respond by talking about a condition in, coincidentally, in Forest City and Glover, MO. A 1995 study among residents who lived near Superfund sites shows an increase in reports of respiratory problems and increased pulmonary function disorder.

Investigators have reported elevated rates of birth defects in children of women living near 700 hazardous waste sites in California; children of women living near sites with high-exposure rates to solvents have greater than twice the rates of neural birth defects such as spina bifida. The study goes on. There is a real hazard there.

I can tell you this, I do not want my kids drinking water from a water supply, a groundwater supply that may have been leached into by contaminants left by a polluter.

I have to ask this question as well. Why is it that suddenly in the American diet or the American purchases in the food market—water? People walk around with bottles of water like they were a belt on their pants. It is quite remarkable that now, suddenly, that has become a major business.

Why? I bet it is because people just like spending money. I bet it is because people love carrying these water bottles in their backpacks or back pockets. It is plain they are afraid to drink the water that comes out of the tap. Face up to it.

What we are saying is we do not want a tax cut for the rich in this country, for the richest in this country—that is where the money comes from. It does not come from smoke and it does not come from mirrors; it comes from eliminating a tax break for the wealthiest in our society. I think that is a very good idea. I do not know anybody who could not use more money, even the most profligate spender, but the fact of the matter is this is a country in deep financial distress and the last thing we ought to be doing is giving a tax break for those who do not need it and who would be a lot better off if we invest our money in our society, presenting our kids with a cleaner environment, not having to worry about the air that our parents breathe or the ground our kids play on. I think that is a much better investment than a tax cut for the rich—be they idle or earned.

The fact of the matter is, Mr. President, the Superfund—and I discussed this in my office with my very able staff yesterday—the title suggests something that escapes understanding that the American people have about what it all means. Superfund ought to have a different name. It ought to be getting rid of threats to the health of people in the community. Superfund has some connotation that it is a major spending program by Government and that we all enjoy throwing money down the drainpipe.

That is hardly the case. Superfund is a program that works, and the money that we spend in litigation is not out of the Superfund trust fund. Rather, it is spent between companies trying to dislodge themselves from their liability; between insurance companies and their insured, the insurance company denying the claim, the insured saying, ''You insured me for that and I want you to pay; that is why I paid those premiums.'' So that is where a lot of the money comes from for litigation. It is not out of the Superfund trust fund.

Mr. President, I think we have to get the definitions very clear. Superfund was and is a very complicated program. It was begun in 1980, almost in innocence, just responding to the threat of environmental pollution and the health hazards that it represented for children. We have not discussed the environment that is affected as well, the pollution of lakes and ponds and streams, water supplies, all of those things.

Mr. President, when we look at Superfund we say it is almost 15 years old now, what has happened? I will tell you what has happened. Mr. President, 289 sites have been cleaned up. That is not bad. We have 1,300 sites to go, but we are better at it. We move faster on it. And if we fail to fund it at the proper level and lose a lot of the skills and expertise that is now resident in EPA and in the Superfund department, it will take a long time to rebuild those skills and reorganize the structure. That is not a way to do business, not when you have long-term projects that are inevitably more complicated than expected.

But we are gaining knowledge all the time, and, again, every one of the sites on the Superfund list has begun to have some attention, whether it is in the drawing of specifications that would be applied to construction or just simply a track for beginning the appropriate engineering studies.

I was fortunate a few weeks ago. I was able to go to a site in the southern part of my State, a site that was one of the worst industrial pollution sites in the country. There was a responsible party. They paid a significant share of it.

By the way, I think it is very interesting to note that, of the money spent on Superfund cleanup, 70 percent came from responsible parties—not just from the trust funds, the Superfund trust fund.

I was able to go to this community. It is called the Lipari landfill site. It was a site that was contaminated over a number of years. Now it is clean enough to introduce fish back in the site. I stood there with a bunch of schoolchildren, fourth and fifth grade, and we put smallmouth bass in there and we put bigmouth bass in there. I think that was for Senators' benefit.

We put fish back in the pond. The kids were so excited. I was excited. I even got my feet wet in there. But the fact of the matter is, that was a turning point for the community. They were celebrating revival. They were celebrating almost, if I may call it in religious terms, a redemption. The community center point, a halcyon lake, was now going to be able to be used for recreational purposes by the children of the community. So we saw a Superfund success.

Once again, if I may ask, how much time do I have?

The PRESIDING OFFICER. The Senator has 4½ minutes.

Mr. LAUTENBERG. Mr. President, I yield the floor. I understand my colleague from Delaware is on his way and wants to speak. I hope I can reserve the remainder of that time.

The PRESIDING OFFICER. Who yields time?

Mr. BOND. Mr. President, I yield myself such time as I may require. I believe the Senator from New Hampshire is on his way to the floor. As chairman of the subcommittee with responsibility over Superfund, I think it is very important he share with us his views. I do hope we can yield back some of the time so we can move on. This is a very important amendment, but I believe we have outlined it rather clearly.

I would like to begin by agreeing with my colleague from New Jersey. He said many things that I agree with, particularly about largemouth bass. I love to go bass fishing, too. I want to see our waters cleaned up. We want to move together on that. He says we want to stop raw sewage going into lakes, rivers and streams. That is why, in this committee bill, we increase by $300 million the money going into the State revolving fund.

The Senator from New Jersey made a very clear case for dealing with Superfund sites where there is human health at risk. I could not agree with him more. We need to be cleaning up these Superfund sites where there are

human health risks. Unfortunately, two-thirds of the money being spent right now is going to sites which do not involve immediate human health risks or risks under current land uses. So we put in $1 billion and said ''prioritize those sites where human health risks exist now or might exist in the future.'' And then let us reform the program.

The Senator from New Jersey talked about the tremendous hassles, the litigation, the administrative time and hassle that is going into the Superfund debates. We need to get out of debates on who is responsible and move forward with cleaning up. I look forward to working with the Senator from New Jersey to do that.

He also talks about people who are afraid to drink the water. We need to authorize the safe drinking water fund. Again, we are working on that together in the Environment and Public Works Committee. I think it is very important that we cut through the chaff and get down to the serious job of making sure that our drinking water supply is safe. I look forward to working with him there.

Let me just put a couple of things into perspective. The Senator from New Jersey says that our budget for EPA is 22 percent below the request.

Let me put that in perspective. It should come as no secret to this body that we are making cuts. The subcommittee's allocation was 12 percent below last year's. There have been virtually no cuts in the Department of Veterans Affairs, the largest portion of the budget of this subcommittee.

Second, most of the reductions in the Environmental Protection Agency have come from earmarked sewage grants and unauthorized State revolving funds and Superfund, where we proposed to target the resources in Superfund to those instances where human health is at risk or may be at risk under current land uses.

We agree that protecting human health from Superfund sites is vitally important. We have not cut money for standard setting, for technical assistance, for enforcement. Those are held close to the current levels despite the subcommittee's constrained allocation. And, as I stated before, the committee's recommendation increases State grants. It recognizes the importance of fully funding the States so they can meet the environmental mandates. But, frankly, where we come down to disagreement is when the Senator contends—I believe without any justification at all—that the money for busting the budget in the environment is going to come from tax cuts from the wealthy.

Unlike President Clinton's budget, this budget does not include in its budget tax cuts for anybody, even the tax credit for working families that we would like to see involved. That is not in this budget. There is no money to be used in this budget from these cuts for tax increases. If this Senator's amendment is agreed to, and the Budget Act point of order is waived, we will break the budget. There will be no tax cuts, and we will not be on a path to balance the budget by the year 2002.

This is simply a budget busting amendment, and I urge my colleagues not to support it.

Mr. President, I see the distinguished Senator from New Hampshire has arrived.

The Senator from Delaware came in earlier. I ask the Senator from New Jersey if he wishes to proceed.

Mr. LAUTENBERG. I thank the Senator from Missouri.

Mr. President, how much time do we have?

The PRESIDING OFFICER. Four minutes and ten seconds.

Mr. BOND. Mr. President, how much remains on our side?

The PRESIDING OFFICER. Fourteen and one-half minutes.

Mr. LAUTENBERG. I yield to the Senator from Delaware 3½ minutes.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Mr. President, I thank my colleague.

Mr. President, I rise to join with my colleague, the distinguished ranking member of the subcommittee, Senator MIKULSKI, in support of our environmental protection laws.

Mr. President, I think our Republican friends should be straight up. Why do they not just eliminate the Clean Air Act, eliminate the Clean Water Act, and drastically reduce the requirements? Why do you not just do that? Otherwise, the local municipalities, the cities, and the States are not going to be able to meet the requirements of these acts.

I heard all of this talk last year about unfunded mandates. My Lord, did my Republican colleagues bleed over what we were doing to the poor States. They bled and they wept and they talked about the unholy Federal Government, and about what it was hoisting upon States. Folks, you cannot have it both ways.

I say to my friends from New Hampshire and Missouri: Either do it or do not do it. Step up to the plate with a little truth in legislating. OK? This bill is the ultimate unfunded mandate. They know darned well the voters will kill them if they denigrate the Clean Water Act; and they will kill them politically if they denigrate the Clean Air Act. They know what will happen if they attempt to gut these environmental laws. I have not had a single mother or father, or anyone, come up to me and say, ''You know, you folks in the Federal Government are spending too much time determining whether my water is clean.'' Not one has complained about a Federal bureaucrat trying to clean their water.

So what do you do here? You do what you are getting real good at. You say, ''OK, we are not going to denigrate the Clean Air Act nor the Clean Water Act. We are just not going to give the EPA the money, and we are not going to give the States money.'' So all the little communities now, like one in my State which has a toxic waste dump with 7,000 drums of toxic waste sitting there contaminating the water supply, have to fend for themselves. That site is contaminating the area with 2,000 people living within 1 mile of it. And what do we say with this one? We say, ''We think they should still clean that up, and we do not want to give you an unfunded mandate. But you find the money, State. Clean it up.''

Look. This bill is an unfunded mandate, or a backdoor way of trying to lower the water quality and lower the air quality. It is one of the two. If it is done in the name of balancing the budget, I understand that mantra. I voted for a constitutional amendment on balancing the budget. I am for balancing the budget. Let us balance people's checkbooks in terms of how much money they pay the Federal Government in taxes. Do you want to balance something? Balance it that way. Balance it that way. But do not say to the States, ''We want you to keep the water clean and the air clean. We are not changing the Federal standard on that. But, by the way, we are not going to send you the money. We are not going to step in there.''

What do you think you are all going to do to local taxes, folks? What do you think is going to happen here? These folks are going to save you money. Oh, they are going to save you money all right. One of two things will happen. Your water is dirty, or your local taxes are going up—one of the two. But in the meantime, people making over $100,000 bucks will get a tax cut. That is not right.

Mr. President, though not as severe as the House version, the bill before us today does much to protect businesses from liability but little to protect American families from pollution.

The addition of nearly one dozen legislative riders—or loopholes for polluters—is, in my view, just plain wrong.

An appropriations bill is not the place to hastily form policies which will affect the drinking water of every American family, the air every American child breathes.

We hear so much about unfunded mandates, in fact, one of the first pieces of legislation passed by this Congress was an unfunded mandates bill which makes it harder for the Federal Government to impose costs upon States.

As a former county councilman I support this effort. Yet, the bill before us cuts the Environmental Protection Agency's budget by a whopping $1 billion.

Who is going to pick up the cost for these necessary protection efforts? State and local governments—an unfunded mandate. That is why this amendment is so necessary.

By cutting hazardous waste cleanup efforts by 36 percent, this bill will prevent additional progress from being made at our most dangerous toxic sites.

One such site in my home State of Delaware—an industrial waste landfill in New Castle County—contains over 7,000 drums of toxic liquids and chemicals.

The soil is contaminated with heavy metals. The ground water is contaminated. About 2,000 people live within 1 mile of the site.

I want that site cleaned up. I want those families to live and raise their children in a clean, safe environment.

The level of funding in the bill would jeopardize future progress at this site—and I am not going to put Delaware's communities at risk.

The bill as currently written also cuts by over $328 million assistance to local governments in meeting their Clean Water Act responsibilities.

These funds are desperately needed by local communities to modernize facilities which treat wastewater pollution.

The cut means that raw sewage will pollute local waters, potentially reaching America's coastline, places such as Rehobeth and Dewey Beaches in Delaware.

Years ago, I literally dredged raw sewage from the floor of the Delaware Bay to demonstrate just how polluted that waterway once was.

Today it is much cleaner, and raw sewage is no longer as severe a problem.

I am not going to turn back the clock on that progress—America's beaches should be littered with vacationers, not sewage.

Lastly, Mr. President, the amendment provides an extremely modest amount of funding for the Council on Environmental Quality.

The former Republican Governor of Delaware, Mr. Russ Peterson, a man whom I have the utmost respect and admiration for, formerly chaired this Council.

It's mission is simple: To eliminate duplication and waste by coordinating the Government's use of environmental impact statements, in the process saving the taxpayers' money.

It is a wise use of resources, the return is far greater than the investment and we ought to support it.

Mr. President, this amendment will not add one penny to the Federal deficit or debt.

It is funded by simple fairness—any future tax cut provided in the budget bill both Chambers are now working on should go to the middle class only.

It is as simple as that.

The middle class has been taking a beating over the past two decades. They have played by the rules, paid their taxes, done right by their children, and yet their standard of living has fallen.

Violence has encroached upon their lives unlike any other time in our history. Women, and even men, no longer feel safe walking to their cars at night across dimly lighted parking lots. Armed robberies at automatic teller machines are now commonplace in safe suburban areas.

The middle class have earned a tax break, they deserve help sending their children to college, or buying their first home.

Mr. President, this amendment puts environmental protection for America's families, ahead of liability protection for polluting special interests and I urge its adoption.

Mr. BOND. Mr. President, I yield myself 1 minute.

I always enjoy hearing my colleague from Delaware talk. It is very entertaining. But it has nothing to do with this bill. If he is talking about unfunded mandates, the Superfund is not an unfunded mandate. Ninety percent comes from the Superfund trust fund. We are saying we must reform the program so that we spend less money on the cleanups and that the States' share of 10 percent will go down.

He is talking about not giving enough money to the States. We put $300 million more in the State revolving fund because we are concerned. It is a wonderful rhetoric, an enjoyable argument; just not this bill. And this bill is what we are talking about. The amendment has nothing to do with the comments, the very delightful comments, of my friend from Delaware.

I yield 5 minutes to the Senator from New Hampshire.

Mr. SMITH. I thank the Senator from Missouri for yielding.

Mr. President, I would like to address a few brief comments regarding the amendment that has been offered by my colleague, the Senator from New Jersey. As the Senate knows, Senator LAUTENBERG is the ranking member of the Subcommittee on Superfund, which I chair. I have worked closely with the Senator on the reauthorization of this program. I am very familiar with his concerns and understand the concerns that he has regarding this program.

But I think we must point out, Mr. President, that this program, to put it mildly, has had its share of problems over the past 15 years. It has had some successes. But its cleanup rate, success ratio, has been very, very low without getting into a lot of detail here.

This has been a failed program. It is very premature at this point in the process—given the reconciliation before us that Senator BOND has already addressed—to simply say we are going to dump $400 million into the Superfund Program without knowing at this point what the reforms are or what the reforms should be.

During the last 9 months of our subcommittee, the Senate Superfund Subcommittee has held seven hearings on Superfund. Senator LAUTENBERG attended all of those hearings. They were very extensive. I know there was a lot of information provided on how this program should be changed. There were many divergent ideas, and no one with all of the answers. There was a series of exchanges between people. Many had ideas that were in conflict with each other.

One issue, as I indicated in my opening sentence, was made very clear in all of those hearings. The bottom line as we walked out of those hearings was that Superfund was a well-intentioned program but a deeply troubled program. It makes no sense to simply out of the blue take $400 million from somewhere else, anywhere else—I do not care where it comes from, the rich or from wherever you want to take it. From wherever you take it, to put $400 million into a troubled program before we have addressed the reforms that need to be made is a mistake.

I urge my colleagues to reject this amendment at the urging of the Senator who chairs that committee, who is prepared within the next few days to present to the full Senate, certainly to the committee, Environment and Public Works Committee, and ultimately to the full Senate a comprehensive reform which I believe is fair and that I believe will address many of the concerns we feel about the Superfund Program.

Given the pendency of this reauthorization effort, I just cannot see how providing these additional moneys now to the Superfund Program is a good use of very limited financial resources. It is premature.

I am not saying, I wish to emphasize to the Senator from New Jersey, that at some point I would not like to have additional funds for that program. Maybe they would be needed. But at this point it is premature, and I must for that reason urge the rejection of the Lautenberg amendment.

If we are successful—and I believe we will be—in reauthorizing a streamlined and improved Superfund Program within the next few weeks, it is certainly possible that next year I might be here saying that when we look at the fiscal year 1997 VA-HUD-independent agencies program, money should be shifted within that program to the Superfund Program, perhaps at the expense of something else. I very well might make that case.

In view of the problems that we now face, in view of the fact that we are on the verge now of presenting these reforms, this amendment is simply premature. I think the Senate and all of my colleagues deserve the opportunity to address these concerns to see what the real problems of the Superfund Program are, to see how we are addressing those problems one by one, from the liability issue, to the State involvement issue, to the remedy issue. All of these issues are going to be fully addressed, including the funding issue, in the reform bill, and I hope my colleagues would await that bill, pass judgment on that bill, before simply dumping additional resources into the Superfund Program.

I yield back any time I might have to my colleague from Missouri.

Mr. BOND addressed the Chair.

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

Mr. BOND. I express my sincere thanks to the chairman of the subcommittee. I realize what a difficult

job this is. We look forward to working with him. It is vitally important for the environmental health and well being of this country to reauthorize this measure. He has taken the lead in that very difficult effort. We look forward to seeing that measure in committee and coming to the floor so we can perform some badly needed surgery to make sure the Superfund does what everybody expects it would do, and that is clean up dangerous sites and to do it on a priority basis.

Now, Mr. President, I believe there are no further speakers on my side, so I am prepared to yield back the remainder of my time. As I said before, there is no offset. It is totally smoke and mirrors. But in the technical language, Mr. President, the adoption of the pending amendment would cause the Appropriations Committee to breach its discretionary allocation as well as breach revenue amounts established in the fiscal year 1996 budget resolution. Therefore, pursuant to section 302(f) and 306 of the Congressional Budget Act, I raise a point of order against the amendment.

Mr. LAUTENBERG addressed the Chair.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. I move to waive the application of the Budget Act as it pertains to the pending amendment.

Mr. BOND. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second on the motion to waive? There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. LAUTENBERG. Mr. President, I also ask unanimous consent—since the amendment last night was prepared, there have been some amendments that were proposed here, and I simply ask unanimous consent to modify the amendment to not inadvertently strike any language that was previously adopted by the Senate. These changes make no substantial change in my amendment.

The PRESIDING OFFICER. Is there objection to the request?

The Chair hears no objection, and it is so ordered.

The amendment, as modified, is as follows:

On page 141, line 4, strike beginning with ''$1,003,400,000'' through page 152, line 9, and insert the following: ''$1,435,000,000 to remain available until expended, consisting of $1,185,000,000 as authorized by section 517(a) of the Superfund Amendments and Reauthorization Act of 1986 (SARA), as amended by Public Law 101–508, and $250,000,000 as a payment from general revenues to the Hazardous Substance Superfund as authorized by section 517(b) of SARA, as amended by Public Law 101–508: *Provided,* That funds appropriated under this heading may be allocated to other Federal agencies in accordance with section 111(a) of CERCLA: *Provided further,* That $11,700,000 of the funds appropriated under this heading shall be transferred to the Office of Inspector General appropriation to remain available until September 30, 1996: *Provided further,* That notwithstanding section 111(m) of CERCLA or any other provision of law, not to exceed $64,000,000 of the funds appropriated under this heading shall be available to the Agency for Toxic Substances and Disease Registry to carry out activities described in sections 104(i), 111(c)(4), and 111(c)(14) of CERCLA and section 118(f) of the Superfund Amendments and Reauthorization Act of 1986: *Provided further,* That none of the funds appropriated under this heading shall be available for the Agency for Toxic Substances and Disease Registry to issue in excess of 40 toxicological profiles pursuant to section 104(i) of CERCLA during fiscal year 1996*: Provided further,* That none of the funds made available under this heading may be used by the Environmental Protection Agency to propose 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), as amended (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 appropriate tribal leader, or unless legislation to reauthorize CERCLA is enacted.

LEAKING UNDERGROUND STORAGE TANK TRUST FUND

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out leaking underground storage tank cleanup activities authorized by section 205 of the Superfund Amendments and Reauthorization Act of 1986, and for construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed $75,000 per project, $45,827,000, to remain available until expended: *Provided,* That no more than $8,000,000 shall be available for administrative expenses: *Provided further,* That $600,000 shall be transferred to the Office of Inspector General appropriation to remain available until September 30, 1996.

OIL SPILL RESPONSE

(INCLUDING TRANSFER OF FUNDS)

For expenses necessary to carry out the Environmental Protection Agency's responsibilities under the Oil Pollution Act of 1990, $15,000,000, to be derived from the Oil Spill Liability trust fund, and to remain available until expended: *Provided,* That not more than $8,000,000 of these funds shall be available for administrative expenses.

PROGRAM AND INFRASTRUCTURE ASSISTANCE

For environmental programs and infrastructure assistance, including capitalization grants for state revolving funds and performance partnership grants, $2,668,000,000, to remain available until expended, of which $1,828,000,000 shall be for making capitalization grants for State revolving funds to support water infrastructure financing; $100,000,000 for architectural, engineering, design, construction and related activities in connection with the construction of high priority water and wastewater facilities in the area of the United States-Mexico Border, after consultation with the appropriate border commission; $50,000,000 for grants to the State of Texas, which shall be matched by an equal amount of State funds from State resources, for the purpose of improving wastewater treatment for colonias; and $15,000,000 for grants to the State of Alaska, subject to an appropriate cost share as determined by the Administrator, to address wastewater infrastructure needs of Alaska Native villages: *Provided,* That beginning in fiscal year 1996 and each fiscal year thereafter, and notwithstanding any other provision of law, the Administrator is authorized to make grants annually from funds appropriated under this heading, subject to such terms and conditions as the Administrator shall establish, to any State or federally recognized Indian tribe for multimedia or single media pollution prevention, control and abatement and related environmental activities at the request of the Governor or other appropriate State official or the tribe: *Provided further,* That from funds appropriated under this heading, the Administrator may make grants to federally recognized Indian governments for the development of multimedia environmental programs: *Provided further,* That of the $1,828,000,000 for capitalization grants for State revolving funds to support water infrastructure financing, $500,000,000 shall be for drinking water State revolving funds, but if no drinking water State revolving fund legislation is enacted by December 31, 1995, these funds shall immediately be available for making capitalization grants under title VI of the Federal Water Pollution Control Act, as amended: *Provided further,* That of the funds made available under this heading in Public Law 103–327 and in Public Law 103–124 for capitalization grants for State revolving funds to support water infrastructure financing, $225,000,000 shall be made available for capitalization grants for State revolving funds under title VI of the Federal Water Pollution Control Act, as amended, if no drinking water State revolving fund legislation is enacted by December 31, 1995.

ADMINISTRATIVE PROVISIONS

SEC. 301. MORATORIUM ON CERTAIN EMISSIONS TESTING REQUIREMENTS.

(a) MORATORIUM.—

(1) IN GENERAL.—The Administrator of the Environmental Protection Agency (referred to in this subsection as the ''Administrator'') shall not require adoption or implementation by a State of a test-only or I/M240 enhanced vehicle inspection and maintenance program as a means of compliance with section 182 of the Clean Air Act (42 U.S.C. 7511a), but the Administrator may approve such a program if a State chooses to adopt the program as a means of compliance.

(2) REPEAL.—Paragraph (1) is repealed effective as of the date that is 1 year after the date of enactment of this Act.

(b) PLAN APPROVAL.—

(1) IN GENERAL.—The Administrator of the Environmental Protection Agency (referred to in this subsection as the ''Administrator'') shall not disapprove a State implementation plan revision under section 182 of the Clean Air Act (42 U.S.C. 7511a) on the basis of a regulation providing for a 50-percent discount for alternative test-and-repair inspection and maintenance programs.

(2) CREDIT.—If a State provides data for a proposed inspection and maintenance system for which credits are appropriate under section 182 of the Clean Air Act (42 U.S.C. 7511a), the Administrator shall allow the full amount of credit for the system that is appropriate without regard to any regulation that implements that section by requiring centralized emissions testing.

(3) DEADLINE.—The Administrator shall complete and present a technical assessment of data for a proposed inspection and maintenance system submitted by a State not later than 45 days after the date of submission.

SEC. 302. None of the funds made available in this Act 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. Section 304 of the Clean Air Act (42 U.S.C. 7604) shall not apply with respect to any such requirement during the period beginning on the date of the enactment of this Act and ending September 30, 1996.

SEC. 303. None of the funds provided in this Act may be used within the Environmental

Protection Agency for any final action by the Administrator or her delegate for signing and publishing for promulgation a rule concerning any new standard for arsenic (for its carcinogenic effects), sulfates, radon, ground water disinfection, or the contaminants in phase IV B in drinking water, unless the Safe Drinking Water Act of 1986 has been reauthorized.

SEC. 304. None of the funds provided in this Act may be used during fiscal year 1996 to sign, promulgate, implement or enforce the requirement proposed as ''Regulation of Fuels and Fuel Additives: Individual Foreign Refinery Baseline Requirements for Reformulated Gasoline'' at volume 59 of the Federal Register at pages 22800 through 22814.

SEC. 305. None of the funds appropriated to the Environmental Protection Agency for fiscal year 1996 may be used to implement section 404(c) of the Federal Water Pollution Control Act, as amended. No pending action by the Environmental Protection Agency to implement section 404(c) with respect to an individual permit shall remain in effect after the date of enactment of this Act.

SEC. 306. Notwithstanding any other provision of law, for this fiscal year and hereafter, an industrial discharger to the Kalamazoo Water Reclamation Plant, an advanced wastewater treatment plant with activated carbon, may be exempted from categorical pretreatment standards under section 307(b) of the Federal Water Pollution Control Act, as amended, if the following conditions are met: (1) the Kalamazoo Water Reclamation Plant applies to the State of Michigan for an exemption for such industrial discharger and (2) the State or the Administrator, as applicable, approves such exemption request based upon a determination that the Kalamazoo Water Reclamation Plant will provide treatment consistent with or better than treatment requirements set forth by the EPA, and there exists an operative financial contract between the City of Kalamazoo and the industrial user and an approved local pretreatment program, including a joint monitoring program and local controls to prevent against interference and pass through.

SEC. 307. No funds appropriated by this Act may be used during fiscal year 1996 to enforce the requirements of section 211(m)(2) of the Clean Air Act that require fuel refiners, marketers, or persons who sell or dispense fuel to ultimate consumers in any carbon monoxide nonattainment area in Alaska to use methyl tertiary butyl ether (MTBE) to meet the oxygen requirements of that section.

SEC. 308. None of the funds appropriated under this Act may be used to implement the requirements of section 186(b)(2), section 187(b) or section 211(m) of the Clean Air Act (42 U.S.C. 7512(b)(2), 7512a(b), or 7545(m)) with respect to any moderate nonattainment area in which the average daily winter temperature is below 0 degrees Fahrenheit. The preceding sentence shall not be interpreted to preclude assistance from the Environmental Protection Agency to the State of Alaska to make progress toward meeting the carbon monoxide standard in such areas and to resolve remaining issues regarding the use of oxygenated fuels in such areas.

''SEC. . ENERGY EFFICIENCY AND ENERGY SUPPLY PROGRAMS.

(a) PRIORITY FOR SMALL BUSINESSES.—During fiscal year 1996 the Administrator of the Environmental Protection Agency shall give priority in providing assistance in its Energy Efficiency and Energy Supply programs to organizations that are recognized as small business concerns under section 3(a) of the Small Business Act (15 U.S.C. 632(a)).

(b) STUDY.—The Administrator shall perform a study to determine the feasibility of establishing fees to recover all reasonable costs incurred by EPA for assistance rendered businesses in its Energy Efficiency and Energy Supply program. The study shall include, among other things, an evaluation of making the Energy Efficiency and Energy Supply Program self-sustaining, the value of the assistance rendered to businesses, providing exemptions for small businesses, and making the fees payable directly to a fund that would be available for use by EPA as needed for this program. The Administrator shall report to Congress by March 15, 1996 on the results of this study and EPA's plan for implementation.

(c) FUNDING.—For fiscal year 1996, up to $100 million of the funds appropriated to the Environmental Protection Agency may be used by the Administrator to support global participation in the Montreal Protocol facilitation fund and for the climate change action plan programs including the green programs.''

EXECUTIVE OFFICE OF THE PRESIDENT

OFFICE OF SCIENCE AND TECHNOLOGY POLICY

For necessary expenses of the Office of Science and Technology Policy, in carrying out the purposes of the National Science and Technology Policy, Organization, and Priorities Act of 1976 (42 U.S.C. 6601 and 6671), hire of passenger motor vehicles, services as authorized by 5 U.S.C. 3109, not to exceed $2,500 for official reception and representation expenses, and rental of conference rooms in the District of Columbia, $4,981,000: *Provided,* That the Office of Science and Technology Policy shall reimburse other agencies for not less than one-half of the personnel compensation costs of individuals detailed to it.

COUNCIL ON ENVIRONMENTAL QUALITY AND OFFICE OF ENVIRONMENTAL QUALITY

For necessary expenses to continue functions assigned to the Council on Environmental Quality and Office of Environmental Quality pursuant to the National Environmental Policy Act of 1969, the Environmental Improvement Act of 1970 and Reorganization Plan No. 1 of 1977, $2,188,000.

ADMINISTRATIVE PROVISIONS

SEC. 401. Section 105(b) of House Concurrent Resolution 67 (104th Congress, 1st Session) is amended to read as follows:

''(b) RECONCILIATION OF REVENUE REDUCTIONS IN THE SENATE.—

''(1) CERTIFICATION.—(A) In the Senate, upon the certification pursuant to section 205(a) of this resolution, the Senate Committee on Finance shall submit its recommendations pursuant to paragraph (2) to the Senate Committee on the Budget. After receiving the recommendations, the Committee on the Budget shall add such recommendations to the recommendations submitted pursuant to subsection (a) and report a reconciliation bill carrying out all such recommendations without any substantive revision.

''(B) The Chair of the Committee on the Budget shall file with the Senate revised allocations, aggregates, and discretionary spending limits under section 201(a)(1)(B) increasing budget authority by $760,788,000 and outlays by $760,788,000.

''(2) COMMITTEE ON FINANCE.—Funding for this section shall be provided by limiting any tax cut provided in the reconciliation bill to families with incomes less than $150,000.''.

Mr. LAUTENBERG. Mr. President, is there any time remaining?

The PRESIDING OFFICER. The Senator's time has expired.

Mr. LAUTENBERG. I yield the remainder of my time.

AMENDMENT NO. 2789 TO THE EXCEPTED COMMITTEE AMENDMENT ON PAGE 51, LINE 3, THROUGH PAGE 128, LINE 20

(Purpose: To strike the provision relating to spending limitations on Fair Housing Act enforcement, and for other purposes)

The PRESIDING OFFICER. Under the previous order, the Senator from Wisconsin is recognized.

Mr. FEINGOLD. I thank the Chair.

Mr. President, I ask unanimous consent that the pending committee amendment be temporarily set aside and it be in order to take up the committee amendment beginning on page 51, line 3.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. FEINGOLD. Mr. President, I send an amendment to the desk on behalf of myself and Senators MOSELEY-BRAUN, MIKULSKI, SIMON, KENNEDY, BRADLEY, and WELLSTONE.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows.

The Senator from Wisconsin [Mr. FEINGOLD], for himself, Ms. MOSELEY-BRAUN, Ms. MIKULSKI, Mr. SIMON, Mr. KENNEDY, Mr. BRADLEY, and Mr. WELLSTONE, proposes an amendment numbered 2789 to the excepted committee amendment on page 51, line 3, through page 128, line 20.

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

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

The amendment is as follows:

On page 125, strike lines 12 through 17.

Mr. FEINGOLD. Mr. President, I understand there is a 30-minute time allotment on our side; is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. FEINGOLD. I yield myself such time as necessary.

Mr. President, the amendment I am offering today will strike the provision buried in the VA–HUD appropriations bill that I believe would likely have serious consequences for the protection and enforcement of the civil rights laws in our country.

The committee bill, unfortunately, includes a provision that would prevent HUD from spending any of its appropriated funds to ''sign, implement, or enforce any requirement or regulation relating to the application of the Fair Housing Act to the business of property insurance.''

Believe it or not, this provision would banish HUD from investigating any complaints of property insurance discrimination, or ''insurance redlining'' as it is more commonly known. The term ''redlining'' actually evolved from the practice of particular individuals in the banking industry using maps with red lines drawn around certain neighborhoods. These individuals would then instruct their loan officers to avoid offering their financial services to residents of these redlined neighborhoods. These redlined neighborhoods typically were low income

and minority communities, and it resulted in the unavailability of the financial services that were necessary to purchase a home or a business or an automobile.

But even as Congress identified and moved to curb these discriminatory practices in the banking industry, a disturbing and growing level of discrimination was emerging from the insurance industry that would continue to deny certain individuals the basic opportunity to own their own home or to start a small business.

Property insurance, as we all know, is almost an absolute requirement to obtaining a home loan. And this was best illustrated by Judge Frank Easterbrook of the U.S. Seventh Circuit Court of Appeals in that court's ruling that redlining practices are illegal and a violation of the Fair Housing Act.

The judge was speaking for a unanimous court when he observed:

Lenders require their borrowers to secure property insurance. No insurance, no loan; no loan, no house; lack of insurance thus makes housing unavailable.

Mr. President, the key question, of course, is does redlining actually exist as a practice? Countless new reports and studies indicate that there is a prevalent and growing level of discriminatory underwriting in the insurance industry. Studies such as the 1979 report of the Illinois, Indiana, Michigan, Minnesota, Ohio, and Wisconsin advisory committees to the U.S. Commission on Civil Rights and the recent study on home insurance in 14 cities released by the community advocacy group ACORN have pointed out that insurance redlining practices are, in fact, widespread in America. These reports highlight the fallacies of the contention that lack of adequate insurance in many of these communities is due to economics, or that it is simply due to statistically based risk assessment.

In addition, there is, unfortunately, some substantial anecdotal evidence that suggests individuals residing in minority and low-income communities are systematically denied affordable or adequate homeowners insurance.

The ramifications of reducing access to affordable and adequate homeowners insurance have proven severe for urban areas with large minority communities. Without property insurance, an individual cannot obtain a home loan. Without a home loan, an individual cannot obtain a home. Thus, refusing to provide property insurance to an individual because he or she lives in a predominantly minority community has to be a clear violation of the civil rights protections of the Fair Housing Act.

My own interest in this matter is longstanding, but it especially grew out of a widely reported redlining abuse in the city of Milwaukee, WI, where it was well documented that insurance redlining was occurring on a widespread basis. I was outraged that this sordid, documented discrimination was occurring, not only in my own home State, but apparently in many other States as well, including Illinois, Missouri, and Ohio.

Mr. President, it is important not to forget who these redlining victims really are. They are hard-working Americans. They have played by the rules. And they are just trying to buy a home. They are trying to bring a sense of stability and vitality to their families and to their communities, many times communities that desperately need that kind of stability and vitality.

Unfortunately, as happened in Milwaukee, they often run into a brick wall of ignorance and injustice. The pattern of discrimination in Milwaukee led seven of our Milwaukee residents to join with the NAACP to file suit against the American Family Insurance Co. An unprecedented and historic out-of-court settlement was reached in this case between the parties where the insurance company actually agreed, rather than go forward with the litigation, to spend $14.5 million compensating these and other Milwaukee homeowners who had been discriminated against, as well as some of the funds for special housing programs in the city of Milwaukee.

Mr. President, for those of my colleagues who might think such discrimination in the insurance market is limited to Milwaukee, WI, I assure you this is not the case. There is ample reason to believe that insurance redlining does occur. It occurs all across this country. And we should be taking steps to enhance the Government's ability to combat this form of discrimination.

Mr. President, that is just the opposite of what is happening here. We are not taking the steps forward that need to be made. The language in this bill would actually take us about five steps backward. The provisions of this bill are a direct attempt to stop the Federal Government from investigating complaints of discrimination under the Fair Housing Act. That is what it is.

Mr. President, I have to say that I am very disturbed by this behind-closed-doors attempt to undermine the civil rights laws of this country. There have been no hearings on this proposal by either the Banking Committee or the Judiciary Committee.

Mr. President, I would like to know where the mandate for this change to our fair housing laws came from. I would like to know where the supporters of this radical language feel that the American people are somehow overprotected from racial and ethnic discrimination. Was this part of the Contract With America, to roll back the civil rights protections of this Nation? I did not see it in there.

I am very troubled that this would even be attempted. The supporters of this new language claim that the Fair Housing Act does not say one word about property insurance. It is true that the original act does not say that. But as a result of the Fair Housing Act amendments of 1988, Mr. President, which were signed by President Reagan, HUD promulgated regulations that specifically placed property insurance under the umbrella of the Fair Housing Act. These regulations were then promulgated by the Bush administration.

Let me repeat that. For those who might think HUD's involvement in combating property insurance discrimination is simply an initiative of the Clinton administration, that is categorically wrong. The regulations were as a result of a law that passed Congress with strong bipartisan support and was signed into law by President Ronald Reagan. And then the regulations were promulgated under the administration of President George Bush. So let us set aside the faulty assertion that HUD's role in enforcing the Fair Housing Act as it applies to property insurance is somehow just a new effort to expand the Federal Government's regulatory powers over a particular industry.

Mr. President, the supporters of this new language also say that regulating the insurance industry should be the sole domain of the States as mandated under the McCarran-Ferguson Act.

Mr. President, this, also, is a diversionary tactic. This is not an issue of regulating the insurance industry. The States are the regulators of the insurance industry. What this is, Mr. President, is an argument about whether the Federal Government has the ability to enforce the civil rights of those who have been discriminated against when they are attempting to purchase a home. That is what this is about—not taking away the powers of the States to regulate insurance. And this argument also fails to recognize that virtually every Federal court that has ruled on this issue, including the sixth circuit and the seventh circuit, have held that the Fair Housing Act applies to property insurance and that HUD was legally authorized to enforce the FHA as it relates to homeowners insurance.

Mr. President, I would like to begin to conclude these remarks by reading from an editorial in opposition to this ill-advised language, and that led to the attempt to strike the language.

Mr. President, this is not an article from The Washington Post or the New York Times. It is from the National Underwriter, which is the trade publication of the insurance industry. Let us see what they say about this attempt to gut the enforcement by HUD.

The editorial said:

However receptive the Republican-controlled Congress is to business rewrites of legislation, and however large public antipathy to poverty and affirmative action programs seems, we feel the overwhelming majority of Americans believe in the fundamental principle that all U.S. citizens deserve equal access to the same goods and services, including those offered by insurers.

. . ..while the industry may not be looking to avoid redlining or civil-rights oversight, insurers certainly appear to be using a legislative end-run to keep HUD from trying to

rectify legitimate insurance redlining and civil-rights wrongs.

That is what the insurance industry has even said about some of their counterparts' effort to block this.

So, Mr. President, I ask unanimous consent that the text of that editorial be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. FEINGOLD. Mr. President, I find it remarkable that the trade publication of the very industry in question has observed this is nothing more than a backdoor attempt to stop HUD from combating legitimate and real redlining abuses and discriminatory practices. I am not out here on the floor today to throw a blanket indictment on the insurance industry. I know many individuals in my home State who work in the industry, and it is my firm belief the vast majority of those people are decent, hard-working Americans who would join with me and the Senator from Maryland and the Senator from Illinois and others in condemning this sort of bigotry and discrimination. Unfortunately, it is evidence that these sort of abuses do occur. And the Federal Government has to do all it can do to enforce the Fair Housing Act as is required under current law.

I hope my colleagues will set aside their partisan and political differences and adhere to a set of principles that I think we really could all agree on. That not only includes the principle that every American should be free from discrimination wherever it may occur, but also a commitment and dedication to protecting and enforcing the civil rights in this country and continuing to battle the various forms of bigotry and discrimination that continue to pervade this Nation.

So, I urge my colleagues to reject the committee language which would quite simply block HUD's effort to fight insurance redlining, and I ask support for the amendment.

EXHIBIT 1

[From the National Underwriter, Aug. 21, 1995]

INSURER ATTACK ON HUD COULD BACKFIRE

As bald expressions of lobbying muscle go, the insurance industry's recent success in cutting off the U.S. Department of Housing and Urban Development's insurance purse strings in the House was certainly impressive.

But in the real world—that is, the world outside the D.C. Beltway—the industry's legislative coup may not play as well.

A broad coalition of insurers and their associations—led by the National Association of Mutual Insurance Companies, the National Association of Independent Insurers, State Farm and Allstate—pushed for language in this year's House version of the HUD appropriations bill which precludes the agency from using its funding for any insurance-related matter. That would effectively end HUD's much-feared initiative to set and enforce anti-redlining standards for property insurers.

Whatever their antipathies to having HUD stick its nose in their business, we think this coalition made a major miscalculation.

With recent court decisions running against them and a high level of public concern over insurers writing off rather than underwriting inner cities, insurers have simply tried to legislate away the heat without addressing the underlying problems which prompted HUD to act in the first place.

But the heat will not dissipate so easily, as National Fair Housing Alliance Executive Director Shanna Smith made clear. There are still the courts to consider—and in case the insurance industry has forgotten, if there is one thing consumer groups are good at, it is grassroots organizing of a particularly loud and visible sort that attracts the press and gives CEOs and public relations officials ulcers, not to mention shareholders.

The insurance industry—which isn't exactly held up by the public as an example of enlightened corporate interest to begin with—can almost certainly count on organized, deep and sustained consumer outrage if it pushes through the ban on funding for HUD insurance oversight.

All this for what? A one-year reprieve? (As part of an annual budget bill, the insurance funding ban is only for fiscal year 1996, and would need to be renewed annually.)

However receptive the Republican-controlled Congress is to business rewrites of legislation, and however large public antipathy to poverty and affirmative-action programs seems, we feel the overwhelming majority of Americans believe in the fundamental principle that all U.S. citizens deserve equal access to the same goods and services, including those offered by insurers.

HUD Secretary Henry Cisneros called the insurance funding ban ''an affront to civil rights.'' And the National Association of Insurance Commissioners has unequivocally stated that urban poor and minority consumers do not have the same access to insurance products as their wealthier, suburban and white counterparts.

NAMIC's vice president of federal affairs, Pamela Allen, says insurers don't seek to avoid redlining issues or civil rights laws, but simply want to avoid dual regulation.

Perhaps this argument has some merit, but while the industry may not be looking to avoid redlining or civil-rights oversight, insurers certainly appear to be using a legislative end-run to keep HUD from trying to rectify legitimate insurance redlining and civil-rights wrongs.

Fiscally constrained state insurance regulators, with less restrictive unfair trade practices laws, do not have HUD's ability to conduct major probes and extract national settlements from large multi-state carriers.

NFHA's Ms. Smith told the National Underwriter: ''I wish the presidents of the [insurance] companies would meet with us. They are sending subordinates in and they are not getting a clear picture of the seriousness of the charges against them.''

If this is true, then we think insurers are jeopardizing their reputations by trying to make HUD go away. Instead of stiff-arming consumer and community-housing groups working with HUD in the process, insurers should act in good faith to seek out and repair any problems which might exist.

We know it is unlikely the industry will back off on this issue as it goes to the Senate. But suffice it to say when the next in the never-ending series of industry op-ed pieces on improving insurers' poor public image appear on these pages, we think we will be able to point out one example of what not to do.

Mr. FEINGOLD. Mr. President, how much time is remaining?

The PRESIDING OFFICER. There are 18 minutes 13 seconds left for the proponents of the amendment.

Who yields time?

Mr. BOND. Mr. President, I yield myself 10 minutes.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. First, let me agree with my friend from Wisconsin that we do not support nor do I think the insurance industry would support redlining. We believe that everyone should have access to all services, whether they be insurance or housing or credit, not in any way limited by race, gender or other impermissible classifications.

What this language in the bill does—published, reviewed by the committee and the subcommittee, and brought here on the floor, not behind some closed doors, as he implied—is to say very simply that HUD should follow the law, a novel concept, perhaps one that may be a little foreign when one has perfect, pure motives. But even pure motives do not warrant disregard of the law.

Section 218 of the VA–HUD appropriations bill prohibits the use of any funds provided by the bill for the application of the Fair Housing Act to property insurance. This provision was also included in the House version of the bill. In theirs, however, it went farther, and I think that may have been what the Senator was addressing. He said you could not even look into the existence of it. We did not say that in our bill.

This provision, however, is an important means of eliminating duplication and wasteful expenditures of taxpayers' money. HUD's Office of Fair Housing and Equal Opportunity has devoted substantial resources to regulatory and other activities aimed at addressing alleged property insurance discrimination, purportedly pursuant to the Fair Housing Act. HUD not only has devoted its own personnel to these activities, it has paid millions of taxpayers' dollars to fund studies by outside consultants, to hire large law firms to do investigations and to fund enforcement efforts by private groups. HUD's property insurance activities and efforts to regulate insurance are unwarranted and beyond the scope of the law, beyond the scope of the Fair Housing Act and in contravention of the McCarran-Ferguson Act.

Every State and the District of Columbia have laws and regulations addressing unfair discrimination in property insurance, and they should be enforced. The States are actively enforcing these antidiscrimination provisions. Certainly, we can urge them to do better, but the law gives that responsibility to the States, and that is where the argument should be made.

The States are employing a wide variety of measures to ensure neither race nor any other factor enters into a decision whether to provide a citizen property insurance. In light of these comprehensive State-level protections,

HUD's insurance-related activities do more than add another unnecessary layer of Federal bureaucracy. The application of the Fair Housing Act to property insurance not only unnecessarily duplicates State action, but it also contravenes Congress' intent regarding the scope of the law.

Congress never intended the Fair Housing Act to warrant HUD to regulate property insurance practices. The act expressly governs home sales and rentals and the services that home sellers, landlords, mortgage lenders, real estate providers and brokers provide, but it makes no mention whatsoever of the separate service of providing property insurance.

Indeed, a review of the legislative history shows that Congress specifically chose not to include the sale or underwriting of insurance within the purview of the act.

Further, application of the Fair Housing Act to insurance defies Congress' specific decision 50 years ago that in the area of insurance regulation, in particular, the States should remain unencumbered by Federal interference. In the McCarran-Ferguson Act of 1945, Congress determined that unless a Federal law ''specifically relates to the business of insurance,'' that law shall not be deemed applicable to insurance practices. By applying the Fair Housing Act to insurance, HUD simply disregards the fact that the law does not ''specifically relate to the business of insurance.''

Some argue that HUD's actions are justified by court decisions, citing two appellate court rulings, one in the seventh circuit and one in the sixth circuit. But these decisions do not, in fact, confirm that the Fair Housing Act applies to insurance. Indeed, they are expressly contradictory in connection with the Fourth Circuit Court of Appeals in Mackay.

A favored position is that HUD included in the 1989 Fair Housing Act regulations a reference to nondiscrimination in the provision of property or hazard insurance or dwellings. But HUD took this action without expressed legislative authority from Congress. Unless the Supreme Court should interpret the HUD regulation as giving itself legislative authority, then there is no national authority for applying the Fair Housing Act to property insurance.

I believe that the American people want Congress to have the Federal Government perform those functions it should perform, and it is required by constitutional law or other practice to do that effectively, to do our job well and to return to State and local governments those activities which are expressly left to the States and local governments. Regulation of insurance is one of those.

As for the Federal Government, I think we have to streamline regulatory activities, and that means hard choices. However, there is one area where Federal spending should be cut back, where it should not be a problem to determine whether cutbacks are appropriate, and that is when HUD's activities go beyond the scope of the law. If HUD is not authorized to do it, in fact, is expressly prohibited from doing it, we have said in this bill, ''Don't spend any more money to do it.''

This would not be in question if HUD had not been going beyond the scope of the law in spending millions of dollars already. There is simply no justification, in a time of scarce resources, when HUD needs to be providing assistance in housing for those in grave need, to take away from that vital function funds that could go for housing and apply them to insurance-related activities that duplicate existing comprehensive State regulations, at the expense of the American taxpayer and at the expense of those people who depend upon federally assisted housing for their shelter.

This should be an easy choice for this body: Provide housing assistance to those who need it, deal with the problems of the homeless, but get HUD out of an area where it has no authority, no responsibility and, in fact, has spent millions of dollars beyond its authority.

Mr. President, I reserve the remainder of my time.

Mr. FEINGOLD. Mr. President, I yield 10 minutes to the Senator from Maryland.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, I rise as a very strong cosponsor of the Feingold/Moseley-Braun amendment. As has been stated by the author of the amendment, this amendment would strike the provisions in this bill that prohibit HUD from enforcing fair housing laws as they pertain to property insurance. What does that mean? It means that the amendment that we are cosponsoring would eliminate the prohibition that now in the law says that HUD will not be able to prevent redlining in property insurance.

The language that is currently in the bill would bar HUD from preventing insurance companies from discriminating on the basis of race, sex, nationality, religion, or disability. This has primarily manifested on the issue of race.

Property insurance, as we know, is necessary to qualify for a home mortgage loan. Allowing property insurance companies to disregard the housing act could end up denying not only insurance to homeowners but actually would be an impediment to owning homes themselves. As a Senator who has always worked for social justice, I cannot support the provision currently in this bill.

I am directly affected by this. I live in Baltimore City. I now pay more for insurance. I pay more for my property insurance. I pay more for my car insurance. I pay more not because of who I am, what I am, but because of my zip code, and there is a prejudice against that zip code simply because it is in Baltimore City.

Yes, I live 8 blocks from a public housing project. I live around the corner from a shelter for battered women. I live in a Polish community that is also now historic in gentry.

We have one of the lowest crime rates in Baltimore City. We have one of the lowest auto theft rates in the city. We have one of the lowest rates of problems related to fires, theft, robbery, assault, mayhem, but we pay more. And why? Not because we are good citizens, but because we live in a certain zip code.

Now, hey, at least, though, I can get the insurance. I pay more, perhaps unjustly, but I pay more, and so do my neighbors. So do those young students at the Johns Hopkins School of Public Health. So do the Polish ladies who belong to the Society of Sodality. So do the priests at St. Stanislaus Church, and so do the people of color who live around us in the neighborhood. Now, I do not think that happens to be right.

Also in Baltimore County and Prince Georges County we have a rising number of African-American middle-class people who have access to home ownership, often primarily because of what is in this bill.

Through the VA and through the FHA, this subcommittee—and I know this chairman has promoted home ownership. Now, though we are promoting home ownership on one side of the Federal ledger, we are going to deny the Federal Government's ability to enforce antiredlining in property insurance. I do not think that works.

At a time in our Nation's history when civil rights violations are universally rejected by people of conscience, and I know 99 other people in this body who also agree with that, I cannot understand why the Senate wants this type of provision. I hope that all Senators will find this provision as unsettling as I do. I urge my colleagues to support this amendment.

Now, we can talk about States rights. I will not start the debate here on States rights. But the phrase ''States rights'' has been a code word word and buzzword for so long under the guise of States rights that often there has stood prejudice in our society. I am not going to bring that up.

But what I will bring up is when we talk about duplication, about the fact that States and local governments have one set of laws and the Federal Government should not duplicate—when I was in the Baltimore City Council, I passed the first legislation in the city government to prevent discrimination on the basis of disability. Then some 12 years later, we passed a Federal law. Nobody in the Baltimore City Council said, ''Oh, no, BARB, we do not need that because you did this 12 years ago.'' Well, we needed it there, and we need it now. When we look at the fact that it is the Federal Government that is promoting home ownership, the Federal Government has a role in making sure the people who benefit from VA

and FHA can get the property insurance to protect their property.

I have a letter from the Fair Housing Coalition, and I ask unanimous consent to have it printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

SEPTEMBER 11, 1995.

Hon. BARBARA MIKULSKI,
U.S. Senate, Washington, DC.

DEAR SENATOR MIKULSKI: We are a group of national civil rights and community organizations writing to express our united opposition to anti-civil rights provisions passed as part of the FY 1996 VA–HUD appropriations bill by the U.S. House of Representatives. The first provision exempts an entire industry from complying with basic, civil rights protections under the Fair Housing Act. The second defunds the community-based infrastructure which undertakes enforcement as well as preventive efforts to eliminate all forms of housing discrimination. Together, these two provisions go beyond curtailing HUD's enforcement activities related to homeowners insurance discrimination.

The House language would bar the U.S. Department of Housing and Urban Development from preventing insurance companies from discriminating on the basis of race, sex, national origin, color, religion, familial status or disability in determining which homes or homeowners qualify for homeowners insurance. Without homeowners insurance, potential homeowners cannot qualify for a home mortgage loan and consequently cannot purchase or own their own home.

Discrimination in the provision of homeowners insurance continues to plague middle-class, working-class and integrated and minority neighborhoods. Complaints from homeowners, as well as studies and investigations demonstrate the current pervasiveness of this problem. For example, a study by the National Association of Insurance Commissioners found that it is more difficult for residents of minority and integrated neighborhoods to obtain insurance coverage and that these homeowners often pay more for inferior coverage. Equally damaging are the extra efforts African-American and Latino homeowners must undertake in order to obtain any type of coverage.

The insurance industry responds that monitoring of homeowners insurance is the purview of the states and outside the jurisdiction of the Fair Housing Act. However, the Sixth and Seventh Circuit Courts of Appeal have determined that HUD has authority to investigate insurance discrimination complaints and that the Fair Housing Act prohibits insurance redlining.

If this anti-civil rights rider remains, HUD would be required to suspend all activities pertaining to property insurance. Ordinary citizens will be denied the HUD administrative process for resolution of their complaints. In fact, HUD would be prohibited from continuing the investigation and settlement efforts of the 28 insurance discrimination complaints now pending. The benefits of an effective conciliation process will be lost, leaving only the option of costlier, private litigation—an option few ordinary citizens can afford. The ability of society as a whole to redress the consequences of discrimination in homeowners insurance will also be seriously curtailed because no state insurance law provides protection to insurance consumers equivalent to the protections of the Federal Fair Housing Act.

The House language also removes the Fair Housing Initiatives Program (FHIP) which provides funding to nonprofits, municipalities and universities across the country to enable them to provide education, outreach, enforcement and counseling to both citizens and industry associations on all forms of housing discrimination. FHIP-funded organizations provide training and information to landlords, real estate agents, mortgage lenders and other members of the real estate industry about their responsibilities and protections under the Fair Housing Act. FHIP-funded organizations are also the first resource available to victims of all forms of housing discrimination. Such agency intervention often results in informal resolution of complaints so that they never reach HUD or the courts.

The House language goes far beyond exempting the insurance industry from HUD enforcement of the Fair Housing Act. It eliminates all HUD efforts to ensure that homeowners insurance is provided to every American on an equal basis. By defunding FHIP, the U.S. Congress also would be abandoning support for the nonprofits, municipalities and universities which undertake enforcement as well as preventive measures to reduce all forms of housing discrimination.

This coalition is united in its belief that guaranteeing equal access to the opportunity of homeownership is a quintessential federal activity. The availability of homeowners insurance is no different than the availability of a home mortgage loan on equal terms.

We urge you to continue the bipartisan tradition of supporting the Fair Housing Act by opposing efforts to exempt the insurance industry from complying with this crucial civil rights protection and by supporting continued funding for FHIP.

Sincerely,

American Civil Liberties Union.
Bazelon Center for Mental Health Law.
Center for Community Change.
Lutheran Office for Governmental Affairs.
Mexican American Legal Defense and Education Fund.
National Association for the Advancement of Colored People.
NAACP Legal Defense and Educational Fund, Inc.
National Asian Pacific American Legal Consortium.
National Council of La Raza.
National Fair Housing Alliance.
National Low Income Housing Coalition.
National Puerto Rican Coalition, Inc.
National Urban League.
NETWORK: A National Catholic Social Justice Lobby.
People for the American Way.

Ms. MIKULSKI. Mr. President, what they point out is that the National Association of Insurance Commissioners found it is more difficult for residents of minority and integrated neighborhoods to obtain insurance coverage and that these homeowners often pay more for inferior coverage. Equally damaging are the efforts of African-American and Latino owners, what they must undertake in order to obtain any type of coverage. And if this civil rights rider would continue, HUD would be required to suspend most activities pertaining to property insurance and, in fact, it would even mitigate solving some of the problems we face.

I know about the McCarran-Ferguson Act. I tried to end discrimination in insurance when I was in the House of Representatives. I heard enough about that to qualify for law school. But one thing I do know is that when the insurance industry complains that it is exempt from coverage under the Fair Housing Act because of this, that is not so.

The position of the Federal Government and the courts is that the McCarran-Ferguson Act does not supersede or impair Federal authority to enforce the Fair Housing Act. While every State has property insurance laws that prohibit unfair discrimination, no State law provides the protection to insurance consumers equivalent to the protection of the Federal Fair Housing Act.

Also, the insurance industry claims that all minority or ethnic homeowners who are eligible for insurance are able to purchase it. Yet investigations by the National Fair Housing Alliance have found that while some minorities have been able to attain insurance, this coverage is often inferior. In many instances, they found out that African-Americans or Latinos, when they called an agent, did not receive a return call or a followup phone call.

Also, insurance companies claim that the disclosure of underwriting and pricing mechanisms would violate trade secrets, damaging their profits. But Connecticut requires the filing of the underwriting guidelines and makes them publicly available, and there is no evidence that it has a detrimental effect on any of the company's profits.

Also, the insurance industry claims that it costs more to provide insurance in urban neighborhoods, which is why they say it must be so high. While the industry makes that claim, they have never presented any evidence to document that. The evidence, for example, from the Missouri Insurance Commission shows that is not true.

Because, again, of the activities of the Federal Government to make home ownership available, we now have many of our African-American constituents living in the suburbs. It is a wonderful happening in Maryland. It is exciting to see that. I would hate to see that after working so hard to have access to the American dream, the ability to get insurance turns into an American nightmare because of an action taken by the Federal Government that says it is wrong to redline on the basis of race, gender, national origin, or disability, to be able to get the property that you worked so hard to get, and to not be able to have it insured.

Mr. President, I yield the floor.

Mr. WELLSTONE. Mr. President, I speak today in support of the amendment offered by Senator FEINGOLD that will strike section 218, a provision in the bill that would bar HUD from using funds to pursue claims of property insurance redlining. I am proud to be a cosponsor of this amendment.

I want to make it very clear that I believe the U.S. Senate should not set the precedent of exempting property insurance from fair housing laws. The Senate report accompanying H.R. 2099 states that section 218 ''prohibits the use of any funds by HUD for any activity pertaining to property insurance.'' What this means is that HUD could not

investigate any Fair Housing claims of property insurance redlining. If the provision is not stricken, Americans might be kept from buying houses because they might not be able to get homeowners insurance. I believe that all Americans have the right to homeowners' insurance regardless of race or ethnicity or the neighborhood where they live.

The insurance industry claims that this type of denial of coverage is not taking place, but HUD reports that it continues to process and settle thousands of claims of property insurance redlining. Unfortunately, the practice of denying coverage to Americans because of the neighborhood they live in or the color of their skin is still happening. The Wall Street Journal on September 12, 1995, reported in an article titled, ''Study Finds Redlining Is Widespread in Sales of Home-Insurance Policies,'' that a ''study by the Fair Housing Alliance and other civil rights groups found that minority callers to insurance agents were often denied service or quoted higher rates than white callers seeking insurance for similar homes in predominately white neighborhoods.''

If HUD is barred from investigating claims of property insurance redlining, Americans will be denied the protection of a basic civil rights law. I do not think that insurance companies should be exempt from property insurance provisions in the Fair Housing Act.

This is a simple amendment that will protect all Americans from discrimination by insurance companies when they are trying to purchase homeowners insurance. I want to thank my colleague for offering this important amendment.

Mr. KENNEDY. The pending appropriations bill would prevent enforcement of the Fair Housing Act against the insurance industry. I rise in support of the Feingold amendment to strike this ill-considered proposal.

Equal access to housing is a right guaranteed to all Americans, and the Fair Housing Act is one of the pillars of our civil rights laws. Discrimination against racial and ethnic minorities seeking to rent or purchase housing is just as repugnant as employment discrimination or discrimination in public accommodations.

In the wake of the Supreme Court's Adarand decision, the country is currently engaged in an important debate about affirmative efforts to promote the integration of minorities into American society. But whatever the outcome of that debate, I had thought that the basic pillars of our civil rights laws—the laws that prohibit discrimination against minorities—were not up for grabs in the current Congress. Yet the attack on the Fair Housing Act embodied in the pending bill raises doubts about this Congress' commitment to eradicating discrimination.

The bill before us contains two unacceptable provisions relating to the Fair Housing Act. First, it shifts the authority to enforce violations of the Fair Housing Act from the Department of Housing and Urban Development to the Department of Justice. Second, the bill bars enforcement of the Fair Housing Act in the area of housing insurance redlining.

We have reached an agreement with the Senator from Missouri to postpone the transfer of enforcement authority while the committees of jurisdiction consider this complex question. But the insurance proposal is still in the bill, and the pending Feingold amendment would strike it.

I was one of the authors of the 1988 fair housing amendments, a comprehensive effort to improve and expand enforcement of the laws designed to protect the civil rights of those seeking to buy or rent property. One of the clear purposes of the 1988 act was to end discrimination in the provision of property insurance. Since that time, every court which has addressed the issue has agreed that the Fair Housing Act covers property insurance discrimination.

The reasoning behind the 1988 amendments is simple. The ability to obtain property insurance is a precondition to buying a home. Without property insurance, a lender will not provide a mortgage. Without a mortgage, most Americans would not be able to afford a home. The 1988 fair housing amendments were intended to insure that all Americans can apply equally for property insurance—without discrimination.

Even today, it is more difficult for residents of predominately minority communities to obtain property insurance. And when they can secure insurance, it is often at an inflated price. The Department of Housing and Urban Development, using the 1988 fair housing amendments, is successfully working to end this fundamental violation of civil rights. We cannot now take a step backward and deny millions of Americans the chance to own their own home by making it more difficult for them to obtain property insurance.

One effect of this provision would be to take enforcement of the laws against ''redlining'' out of Federal hands and effectively leave such enforcement to the vagaries of State law. While some States have statutes prohibiting some aspects of discrimination in the provision of property insurance, these laws do not go as far as the Fair Housing Act in preventing discrimination. For example, as of 1993, only 26 States had specific prohibitions on the offensive practice of insurance redlining.

In addition, no State law provides redress equivalent to the Federal Fair Housing Act. State laws simply do not provide the breadth of coverage or range of remedies which are currently available under Federal law. Why then, should we limit the remedies due to victims of housing discrimination?

This Congress has consistently rejected efforts to give States exclusive control over civil rights, and there are sound historical reasons for that. We should not make an exception to that simple principle. We must not move backward in the fight to end housing discrimination. We must ensure, through the pending amendment, that all Americans have equal access to the housing market—without discrimination.

Mr. BRADLEY. Mr. President, I rise in support of the Feingold amendment to strike the language in this bill barring the Department of Housing and Urban Development from enforcing the Fair Housing Act against insurance redlining. The language in this bill will deny the protection of a basic civil rights law to people subject to discrimination by a particular industry. Because insurance redlining is a reality in America, efforts to eliminate such discrimination should be aggressively undertaken. Sadly, by stripping HUD of its enforcement authority, this bill will allow such discrimination to flourish.

Mr. President, insurance redlining is a serious problem in this country. Recently, American Family Mutual Insurance Co. settled a redlining case by paying $16.5 million. The lawsuit was filed by seven African-American homeowners in Milwaukee who were either turned down, offered inferior policies, or charged more money for less coverage on home insurance policies. The insurance company settled the lawsuit after it was discovered that a manager at the company wrote to an agent who was willing to write insurance for African-Americans: ''Quit writing all those Blacks.''

In addition, Mr. President, the National Fair Housing Alliance conducted a 3-year investigation—partially funded with $800,000 from a HUD grant awarded when Jack Kemp was HUD Secretary—using white and minority testers posing as middle-class homeowners seeking property insurance coverage. The test covered nine major cities and targeted Allstate, State Farm, and Nationwide Insurance. The homes selected were of comparable value, size, age, style, construction, and were located in middle-class neighborhoods.

The investigation uncovered the fact that discrimination against African-American and Latino neighborhoods occurred more than 50 percent of the time. Astoundingly, in Chicago, Latino testers ran into problems in more than 95 percent of their attempts to obtain insurance, while in Toledo, African-Americans experienced discrimination by State Farm 85 percent of the time. While white testers encountered no problems obtaining insurance quotations and favorable rates, African-American and Latino testers encountered the following problems:

Failure by insurance agents to return repeated phone calls;

Failure to provide quote information;

Giving preconditions for providing quotes—inspection of property, credit rating checks;

Failure to provide replacement-cost coverage to homes of blacks and Latinos; and

Charging more money to blacks and Latinos, while providing less coverage.

Mr. President, property insurance discrimination is illegal under the Fair Housing Act. Under Secretary Cisneros, HUD has been an active participant in enforcing the Fair Housing Act and ensuring that property insurance discrimination ceases. The insurance industry has been fighting in court to restrict HUD's authority to enforce insurance redlining. The industry has not been successful in the judicial arena in its efforts to stop HUD's enforcement activities. Thus, the industry has now turned to Congress to restrain stepped-up Federal fair lending enforcement efforts.

Insurance redlining directly affects the ability of African-Americans, Asians, and Hispanics to purchase a home, because the denial of insurance results in the denial of a mortgage loan, which in turn results in the inability to purchase a home. Mr. President, opponents of affirmative action in Congress have argued that strong enforcement of civil rights laws is the appropriate mechanism to stop discrimination. However, efforts are now underway to strip the one agency that has been aggressively battling housing discrimination of its enforcement authority and remove a whole category of discrimination—insurance redlining—from the reach of the law. This effort needs to be stopped in its tracks.

The PRESIDING OFFICER. Who yields time?

Mr. BURNS. Mr. President, I want to associate myself with the words of the chairman of this committee and make a couple of points.

Whenever we start talking about Government and Government rules and regulations, first of all I do not think anybody deplores discrimination at any stage more than I do. Because we would allow this into this bill will not take care of the problems that we seem to be facing in insurance redlining.

Of course, I still believe in the jurisdiction of McCarran-Ferguson. Every State and the District of Columbia have laws and regulations addressing unfair discrimination in property insurance. Do we become redundant and put one law on top of another, thinking that the Federal enforcement will be any better than the State enforcement? I think that is a question.

Congressman KENNEDY over on the House side offered an amendment to strike the language prohibiting HUD from promulgating Federal regulations and it was soundly defeated, bipartisan, by a 266-to-157 margin.

What we are seeing with this amendment is exactly what this Senator and the American people do not want to see—the Federal Government getting involved in something where the States clearly have jurisdiction. It might surprise you that even Congressman DINGELL, former chairman over on the House side, in a letter dated November 3, 1994 to Secretary Cisneros of HUD, and Alice Rivlin, said this:

> It is important to note that the Fair Housing Act does not explicitly address discrimination in property insurance. Nor does the legislative history that accompanies the act indicate any intention to apply these provisions to business insurance.

He went on and added:

> It is also particularly significant because the legislative history of the act reveals that in 1980, in 1983, 1986, and 1988, Congress specifically rejected attempts to amend the act to cover property insurance.

So we are going into an area that clearly is the jurisdiction of the States. I think we are also going into an area where we become very, very redundant on the laws, and putting one on top of the other probably does not take care of the problem that all of us want to see taken care of.

I ask my colleagues, if redundancy is part of what we are trying to fight out in this Government, then maybe we should take a look and see what we are doing here where the States clearly have jurisdiction.

Mr. President, I yield the floor. I reserve the balance of my time.

Mr. FEINGOLD. I yield to the Senator from Illinois 4 minutes.

Ms. MOSELEY-BRAUN. Thank you, Mr. President. I do not agree with the Senator's use of the term ''redundancy.'' If anything, this debate is kind of déjà vu all over again. This is precisely the battle lines that were drawn in the civil rights debates that happened in this very Chamber 30, 40 years ago, and that I had hoped our Nation had moved beyond.

This is an issue of civil rights. This is an issue of civil rights for all Americans—not just African Americans, not just minority Americans, but all Americans.

Mr. President, since the passage of the Civil Rights Act of 1964 and all other legislation intended to provide equality of opportunity to all Americans, since that time the Congress has consistently rejected the argument that the Federal Government should leave the enforcement of civil rights to the exclusive jurisdiction of the States.

Members may recall—before my time, certainly—but people may recall the arguments made in the 1960's about States rights and how the States should have exclusive province for enforcement of civil rights. The Congress stepped in and said, ''No, that is not correct. We have a very real national interest in ensuring that all Americans have effective remedies for acts of discrimination.''

Mr. President, that is precisely what this debate is about. As a recent editorial stated:

> If State laws are effective and States are actively investigating opposing penalties . . . why has every significant legal action been taken by private attorneys or the Federal Government? Why have such actions been taken almost exclusively under the jurisdiction of Federal fair housing law and not State insurance codes? Where, for example, was the Wisconsin insurance commissioner throughout the 8 years during which the case against American Family was being investigated and litigated?

In short, Mr. President, the antiredlining protections of the Federal Fair Housing Act have provided us with the ability to have enforcement of fair housing laws, have provided us with the ability to enforce antidiscrimination laws and antiredlining laws. Because of that protection, Americans are better off; our country is better off.

I plead with my colleagues not to allow this issue to become one of division among us, but rather to bring us together and allow for the protections of the law against redlining, against discrimination, to continue.

I encourage support for the amendment of Senator FEINGOLD.

The PRESIDING OFFICER. The Senator from Wisconsin has 6 minutes remaining.

Mr. FEINGOLD. I yield 3 minutes to the senior Senator from Illinois.

Mr. SIMON. Mr. President, I rise in strong support of the Feingold amendment.

It is very interesting that the Senator from Missouri, the senior Senator from Missouri, mentioned the McCarran-Ferguson Act. The Association of Attorneys General of the States unanimously wants that repealed.

I can remember when Attorney General Ed Meese, not a flaming radical, testified before the Judiciary Committee that McCarran-Ferguson ought to be repealed.

When Senator BOND says, ''We do not support redlining,'' that is like saying we do not support going through this red light, but we are not going to arrest you if you do go through this red light. That just does not make any sense.

I am old enough, Mr. President, to remember the 1954 school desegregation decision by the U.S. Supreme Court, and we thought we were going to move into an integrated society.

But our housing pattern has prevented the kind of progress that we should have. The National Association of Insurance Commissioners recognizes that this is a serious problem. The pattern of housing discrimination is clear. It is probably one of the most blatant areas of discrimination that remains in our society.

When I was a young, green State legislator, I was a sponsor of fair housing legislation to prohibit discrimination, and I remember it was a very emotional issue at that point. I can remember talking to groups and sometimes someone would ask the question: Will this not lead to mixed marriages? And I said that I thought all marriages were mixed marriages.

The questioner would respond: Well, that is not exactly what I meant. And of course they would spell out their worry about interracial marriages, and I would say: How many of you in here married the boy or girl next door? I

never, ever had anyone raise their hand. Then I said: If you really are concerned about racially mixed marriages, then have people move next door; then you will solve what you see as a problem.

The fact is, Mr. President, if we pass this without the Feingold amendment, we are going to make it easier to discriminate. That is the reality. Part of the American dream ought to be to have a home that you like and to be able to pay for that home. We should not be denying that dream. That is what this bill does without this amendment.

I hope that we can appeal to some of our colleagues on the other side of the aisle to stand up for civil rights on this issue. We should not take a step backward.

Mr. BURNS. Mr. President, I want to finish with one point here and then I think I will yield some time to the other side because I think we have pretty much made our point.

When we look at the McCarran-Ferguson Act, it says:

No act of Congress shall be construed to invalidate, impair, or intercede any law enacted by any State for the purpose of regulating the business of insurance unless such act specifically relates to the business of insurance.

In other words, what they are saying, if we want to change the McCarran-Ferguson Act, it has to be done in freestanding legislation.

Basically, I will go right back to say that we are just adding redundancy. We are adding another layer of bureaucracy to try to deal with something the States are having success in enforcing. I think we are laying one law on top of another law.

Mr. President, I yield 10 minutes of extra time to the manager on the other side and I yield back the balance of our time.

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

The Senator from Wisconsin now has 13 minutes and 5 seconds.

Mr. FEINGOLD. I yield myself a moment to say that I certainly thank the Senator from Montana for his great courtesy in yielding some of his time.

I will now yield 7 minutes to the junior Senator from Illinois.

Ms. MOSELEY-BRAUN. I thank Senator FEINGOLD.

Mr. President, I want to also thank the Senator from Montana and the Senator from Wisconsin for yielding me additional time. I tried to talk fast because I thought we were under greater time constraints than we are. I do want to address the whole question of regulation.

Mr. President, this issue has nothing to do with regulation. It is about civil rights. Enforcement of antiredlining provisions does not regulate insurance; rather, it prohibits discrimination. It works to ensure that insurance, like all other goods and services, is available to all citizens regardless of race.

We cannot allow, we should not allow, civil rights protections to be rolled back in the name of insurance reform. There is no reason, Mr. President, why discrimination in insurance should be treated any differently than any other form of housing discrimination.

Enforcement of the Fair Housing Act does not involve regulation. Regulation of rates or other aspects of the insurance business is indeed a State responsibility, and no one has argued that point.

What HUD is obligated to do, and what it has done under this section of the law, is to enforce civil rights laws that prohibit discrimination. No one has offered any valid explanation to show why this particular industry should be exempted from civil rights antidiscrimination laws.

In the absence of the Feingold amendment, that is what this Congress will be doing.

Mr. President, I appeal to my colleagues that the smokescreen of State rights to regulate insurance is just that in this instance. This is very clearly an issue going to the heart of enforcement of our laws prohibiting discrimination of all types.

I hope that my colleagues will support the attempt by Senator FEINGOLD to add back into the law the protections against insurance redlining that his amendment provides. I call on my colleagues to take a good, close look at what is at stake in this debate. We talked. There are a lot of words around all of these issues. But the reality of it is that when anyone has to pay more for any good or service just because of the color of his or her skin, that is a situation that these United States, I hope, has moved away from and will continue to move away from and will never go back to. To suggest we go back to that under the guise of the sloganizing about States rights is shortsighted, counterproductive, antediluvian, and I frankly would be stunned if that would be the kind of signal this Congress wants to send to the American people.

I therefore express strong support for the Feingold amendment and hope my colleagues will do so as well.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, I yield myself such time as I require.

I thank the junior Senator from Illinois not only for her statement, but for her great leadership on this issue. I share her view. I will be stunned if this body, that has risen to the occasion on many instances, actually goes forward and takes this extremely serious and harsh act with regard to the civil rights laws of our country.

There was a suggestion at the beginning by the Senator from Missouri that somehow there would still be an ability for HUD to do something about this problem if we do not reverse this. But what the language says in the current committee amendment is:

None of the funds provided in this act will be used during fiscal year 1996 to sign, promulgate, implement, or enforce any requirement or regulation relating to the application of the Fair Housing Act to the business of property insurance.

That is pretty clear. Maybe they can think about the issue during their coffee break, but they are not going to be able to do a darned thing about it. Do not let anyone kid you, this completely guts HUD's ability to do something about property insurance discrimination.

Then there was an attempt, I know in good faith, to suggest that somehow the McCarran-Ferguson Act prevents the Federal Government from taking this step. Let us look at the plain language of the Fair Housing Act. The Fair Housing Act, which is also a law of our country just as much as the McCarran-Ferguson Act, says it is unlawful ''* * * to make unavailable or deny housing because of race, and prohibits discrimination in the provision of services [in the provision of services] in connection with the sale of a dwelling.''

Any American will tell you that homeowners insurance is the provision of services in connection with the sale of a dwelling. It is clearly within the ambit of that statute and it has been litigated. It has been litigated in the legal circuit that both the Senator from Illinois and I live in, the seventh circuit. They took up the question of whether the McCarran-Ferguson Act prevented the application of the Fair Housing Act to property insurance and they ruled that in fact it was perfectly consistent with and within the provisions of that law. So this, too, is a red herring. It is a red herring that attempts to obfuscate the fact that this is a direct assault on years and years of trying to do something at the national level about a widespread national effort by some elements in the insurance industry to prevent honest, hard-working Americans from owning a home.

I have come out to the floor since the November 8 election and I have voted to send some powers back to the States. I agree with that sentiment in many areas. I voted for the unfunded mandate bill. With some concern, I voted for the Senate version of the welfare bill. I voted to let the States decide what the speed limit should be. I voted to let the States decide whether we should have helmet laws. I voted to let the States decide what the drinking age should be. I even voted to let them decide whether or not to have seatbelt laws. But this goes too far. This is ridiculous, to suggest you simply leave a consistent national pattern of discrimination up to the States.

I recently received a letter from James Hall of Milwaukee. Mr. Hall was one of the lead attorneys in the Milwaukee redlining case that went to the Seventh Circuit Court of Appeals. In this letter, Mr. Hall laid out the reasons why the plaintiffs in this case chose the Federal route rather than relying on the Wisconsin State laws and courts.

I ask unanimous request that the text of the letter be printed in the RECORD.

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

HALL, PATTERSON & CHARNE, S.C.,
Milwaukee, WI, September 26, 1995.

Re: Insurance Redlining.

Hon. RUSSELL FEINGOLD,
Hart Senate Office Building,
Washington, DC.

DEAR SENATOR FEINGOLD: The purpose of this letter is to discuss aspects of my involvement in the lawsuit *NAACP, et al.* vs. *American Family Mutual Insurance Company*, which was filed in United States District Court for the East District of Wisconsin in July 1990 and resulted in a settlement in the spring of 1995. I understand that you are familiar with the terms of the Settlement Agreement and the involvement of the United States Justice Department in arriving at the settlement with the defendant American Family Insurance Co.

The attorneys for the plaintiffs (the NAACP and seven individuals), decided to commence the action in the United States District Court, as opposed to Wisconsin state courts. There were several reasons for our decision and why similarly situated plaintiffs may decide to utilize the federal courts:

1. We believed that the scope and range of remedies and relief obtainable under Title VIII in federal court were superior to those which we could expect to obtain in state court. There was more precedent in terms of Title VIII litigation and remedies (although not necessarily in the area of insurance redlining). This included the possibility of advancing a disparate impact theory of proof as opposed to relying totally on having to prove ''intent.''

2. It is very difficult to proceed with complex litigation while advancing on theories that may or may not hold water. For instance, the District Court dismissed one of the plaintiffs' causes of action based on state insurance law, finding that it was not clear that the state law intended a private cause of action. It is likely that litigants pursuing theories under state law will find themselves in uncharted waters advancing causes of action without precedent when proceeding under various state statutes. Fortunately, in our case, we had other causes of action, including the Fair Housing Act claim, which survived.

3. While the McCarran-Ferguson Act could have potentially created a problem, we advanced the theory (and the Seventh Circuit Court of Appeals agreed), that the Fair Housing Act provisions are consistent with the provisions of the Wisconsin statutes outlawing insurance discrimination. Accordingly, the McCarran-Ferguson Act was not found to have been violated. However, there may be serious questions concerning the ability to proceed in states which enact legislation providing, for instance, that state statutes are the exclusive remedy for discrimination. (It is doubtful that any state would pass legislation which is outright inconsistent with the federal Fair Housing Act, for instance, providing that insurance discrimination is lawful.)

4. Another consideration involves the situation a national or regional insurer conducts business in several states. In order to meaningfully address that insurer's practices, it may be necessary to commence litigation in each of the various states. It is much more convenient and cost-effective to be able to utilize the federal system.

All of the above reasons, but in particular, uncertainties about the burdens of proof and the scope of remedies, resulted in our decision to bring the action in the United States District Court. We appreciate the efforts of yourself, Senator Mosley Braun, and others aimed at continuing to allow HUD to have the ability to have meaningful involvement in this very important area of the law which affects the lives of millions of Americans.

If I may be of assistance in any way, please advise.

Sincerely,

JAMES H. HALL, Jr.

Mr. FEINGOLD. Mr. President, this should not be done, even in the name of the Contract With America, which I do not support, but I have supported some provisions of this. This really defaces the notion of devolution to the States. Some things still have to be done by the Federal Government and one thing for sure is combating discrimination in this country.

Mr. President, I urge all my colleagues to support this amendment.

How much time remains?

The PRESIDING OFFICER. There are 6 minutes and 28 seconds remaining.

Mr. FEINGOLD. Mr. President, I yield the remainder of my time.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. FEINGOLD. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BOND. 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. BOND. Mr. President, I move to table the Feingold amendment. 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.

AMENDMENT NO. 2788

The PRESIDING OFFICER. Under the previous order, the question occurs on the motion to waive the Congressional Budget Act for the consideration of amendment number 2788 offered by the Senator from New Jersey [Mr. LAUTENBERG]. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. LOTT. I announce that the Senator from North Carolina [Mr. FAIRCLOTH] is necessarily absent.

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

The yeas and nays resulted—yeas 45, nays 54, as follows:

[Rollcall Vote No. 469 Leg.]

YEAS—45

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

NAYS—54

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

NOT VOTING—1

Faircloth

The PRESIDING OFFICER. If there are no other Senators wishing to vote or change their vote, on the vote the ayes are 45 and the nays are 54. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

The point of order is sustained and the amendment falls.

Mr. BOND. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. DOLE. 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. BOND. Mr. President, I ask unanimous consent that the call for the quorum be dispensed with.

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

AMENDMENT NO. 2789

Mr. BOND. I ask unanimous consent that the vote ordered for amendment No. 2789 be vitiated and that the motion to table be withdrawn.

We are prepared to accept the amendment on this side.

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

The question occurs on agreeing to the amendment.

So the amendment (No. 2789) was agreed to.

Mr. BOND. I move to reconsider the vote.

Ms. MIKULSKI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. CHAFEE addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

AMENDMENT NO. 2790 TO COMMITTEE AMENDMENT ON PAGE 143, LINE 17 THROUGH PAGE 151, LINE 10

Mr. CHAFEE. Mr. President, I have an amendment that has been agreed to by the managers.

I ask consent that the pending committee amendments be set aside in order to consider the committee amendment on page 143, line 17.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. CHAFEE. 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 Rhode Island [Mr. CHAFEE] proposes an amendment numbered 2790 to the committee amendment on page 143, line 17 through page 151, line 10.

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

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

The amendment is as follows:

On page 150, strike lines 12 through 24, and insert the following: ''for this fiscal year and hereafter, an industrial discharger that is a pharmaceutical manufacturing facility and discharged to the Kalamazoo Water Reclamation Plant (an advanced wastewater treatment plant with activated carbon) prior to the date of enactment of this Act may be exempted from categorical pretreatment standards under section 307(b) of the Federal Water Pollution Control Act, as amended, if the following conditions are met: (1) the owner or operator of the Kalamazoo Water Reclamation Plant applies to the State of Michigan for an exemption for such industrial discharger, (2) the State or Administrator, as applicable, approves such exemption request based upon a determination that the Kalamazoo Water Reclamation Plant will provide treatment and pollution removal consistent with or better than treatment and pollution removal requirements set forth by the Environmental Protection Agency, the State determines that the total removal of each pollutant released into the environment will not be lesser than the total removal of such pollutants that would occur in the absence of the exemption, and (3) compliance with paragraph (2) is addressed by the provisions and conditions of a permit issued to the Kalamazoo Water Reclamation Plant under section 402 of such Act, and there exists an operative.''

Mr. CHAFEE. Mr. President, this deals with a pharmaceutical plant in Kalamazoo, MI, and the pretreatment requirements for that plant. We are amending the underlying language that is in the bill.

This amendment has been agreed to by those involved, such as the distinguished junior Senator from Michigan and the senior Senator from Michigan, as well as the managers of the bill.

Mr. President, let me set the stage for this amendment by saying a few words about the pretreatment program under the Clean Water Act, our most successful environmental law.

The subject we are discussing is sewage treatment. Prior to enactment of the Clean Water Act, one of our Nation's most serious water pollution problems was the discharge of untreated sewage—domestic waste collected from homes, workplaces and other institutions—collected by sewers and quite often discharged without treatment to lakes, rivers and streams.

Untreated sewage creates a host of problems. It presents health hazards to those who would use the water for recreation or fishing. The nutrients in the sewage promote the growth of algae that robs the water of oxygen needed by the fish and other organisms living in the water. And the loading of sediments and toxic chemicals can kill birds and other wildlife depending on the aquatic environment for food and habitat.

So, in 1972 we committed the Nation to solving this problem by building a series of municipal sewage treatment plants. We have invested more than $120 billion—more than $65 billion of that in Federal dollars—to build, 16,000 sewage treatment plants across the country. They remove the sludge from the water. They clarify the water before it is discharged. They kill the pathogenic organisms in the sewage that would otherwise spread disease. And they dramatically reduce the nutrient loadings.

It has been a big success. For instance, you hear that Lake Erie was brought back from the dead or that the Potomac River is once again a place for recreation. That is the result of the Clean Water Act and these sewage treatment plants.

One essential part of this effort under the Clean Water Act is called the pretreatment program. Sewage treatment plants receive more than domestic waste for our homes and workplaces. They also receive billions of gallons of industrial wastewater.

Tens of thousands of manufacturing plants and commercial businesses dump the waste from their processes into the sewer. These industrial discharges contain hundreds of different kinds of pollutants—industrial solvents, toxic metals, acids, caustic agents, oil and grease, and so on.

Sewage treatment plants are not generally designed to handle all of these industrial chemicals. In fact, the industrial discharges can cause severe damage to sewage treatment plants. And even where the plant is not damaged by the industrial chemicals, the plant does not treat the toxics—it does not destroy them—it merely passes them through to the water or to the land where the sludge from the plant is disposed.

Because of these problems with industrial waste, Congress established the pretreatment program under the Clean Water Act. It requires that industries treat their wastes before putting them into the sewer. That is why the program is called pretreatment. Pollution control equipment is installed at the industrial plant and it is operated to remove pollutants such as metals and sediment or to neutralize pollutants including acids and caustics before the wastewater is put into the sewer.

This is the background for this amendment. The Clean Water Act has fostered a very successful program to treat domestic sewage. An essential part of this program is a requirement for pretreatment of industrial wastewater before it is put into the sewer and sent to the sewage treatment plant. Substantial reductions in the toxic pollution of our rivers and lakes have been achieved by the cities that operate pretreatment programs.

Let me break down the argument for the pretreatment program into four points.

First, the pretreatment program protects sewage treatment plants from damage by these industrial chemicals. The toxics in industrial waste can interfere with the chemical and biological processes used by the centralized sewage treatment plant.

Second, because sewage treatment plants are not designed to treat many of these industrial wastes—the plant merely passes the waste along to the environment—pretreatment is required before the discharge. Treatment before the discharge is much more efficient because it occurs before the industrial waste from one plant is mixed with all the other material that goes into the sewer.

At the industrial plant you have a very concentrated waste stream. Applying control equipment to that stream can remove substantially all of the toxic agents. But put that waste into the sewer untreated and mix it with millions of gallons of wastewater from homes and workplaces and it is much more difficult to remove the toxic constituents.

It stands to reason that a treatment method applied to a small concentrated waste stream will be more effective and less costly than attempting to remove the same amount of material diluted in a large quantity of wastewater.

Third, the pretreatment program simplifies the task we face under the Clean Water Program. It would be virtually impossible to set pollution standards for every single chemical that is discharged to the environment. To know what impact a particular chemical has on a particular waterbody is a question that may take years of study to answer—for that one chemical and one lake or stream. To know how hundreds of different industrial chemicals affect the aquatic environments receiving pollution from the 16,000 different sewage treatment plants is a challenge way beyond the best science we have today.

We get around this impossible task by asking that those who discharge

their industrial wastes to our rivers and lakes—and to the sewage treatment plants that discharge to our rivers and lakes—use the best available pollution control technology before the waste leaves their plant.

And fourth, the pretreatment program establishes a uniform level of controls across the whole Nation. It is no secret that the States and cities of our country are in daily competition to attract and hold jobs. One factor in locating a new business is the regulatory climate that applies in a State or city. It is cheaper to do business where the regulations are not so strict.

Prior to the Clean Water Act, many States had difficulty establishing effective pollution control programs because of their fear that business would move elsewhere. A State putting on tight controls to cleanup a lake or river faced the prospect that its employers would flee across the State line to keep production costs down. That fear was in part removed when the Clean Water Act established a uniform level of treatment required of all plants in each industry all across the Nation. Standards issued by EPA under the pretreatment program that apply to all the plants in an industry all across the country relieve some of the pressure on States that want to have good programs of their own.

So, that is the background for this amendment. The pretreatment program is a very sensible part of a very successful national effort to reduce the adverse effects of sewage discharged to our lakes, rivers and estuaries. I think the Clean Water Act has been our most successful environmental law and it has succeeded because of the technology-based controls that have been put on industrial discharges through programs like the pretreatment program.

Mr. President, there is a rider in this bill that would exempt some industrial dischargers in the city of Kalamazoo from the requirements of the pretreatment program in the Clean Water Act. The Kalamazoo sewage treatment plant is designed to achieve advanced treatment and to handle some of the wastes that are sent to it by industrial facilities. Because of this advanced capacity, it may be that some industry waste streams in Kalamazoo can be handled at the sewage treatment plant and without the need for pretreatment at the industrial facility. The purpose of the rider is to reduce compliance costs by waiving redundant treatment requirements.

I am concerned, however, on two points which I have addressed in the amendment that is now the pending business. My amendment would not eliminate the exemption. But it would tighten it up in these two ways.

First, it would only allow exemptions in Kalamazoo for pharmaceutical plants already located there. If the Senate adopted my amendment we would not be providing an exemption for all of the industrial facilities in Kalamazoo.

Second, the amendment would require EPA to determine that treatment by the Kalamazoo sewage plant is truly effective as the national standard. The exemption would be conditioned on a finding that the total loading of all pollutants to the environment through the air, surface water, ground water and to agricultural and residential lands would not be greater under the exemption than it would be if the pharmaceutical plant complied with the national standard.

With respect to determining compliance, the State of Michigan should assume that the Kalamazoo plant is operating at discharge levels consistent with the technology requirements and other requirements of the law including water quality based limitations incorporated into the permit. Any removals achieved beyond this level are available to offset the reductions that would otherwise have been achieved by the pharmaceutical plant.

If the argument made for this rider is correct—that the Kalamazoo treatment plant protects the environment with respect to the wastes from industrial sources as well as any national regulation could—well then, the pharmaceutical plant could get its exemption. If that showing cannot be made, then the pretreatment program that will apply to all of the rest of the pharmaceutical industry, would apply in this case, too.

Mr. President, I urge the adoption of this amendment.

Mr. BOND addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, I thank the distinguished chairman of the Environment and Public Works Committee and the two Senators from Michigan for working to make sure that this amendment does precisely what it was intended to.

I believe the refinements in the amendment have been worked out to the satisfaction of all parties. We think the objective is a good objective. We are prepared to accept the measure on this side.

The PRESIDING OFFICER. Is there further debate on the amendment?

Mr. ABRAHAM addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. ABRAHAM. Mr. President, I add my thanks to the chairman of the committee, the Senator from Rhode Island, who has worked very hard with us to try to find language that will allow this project to go forward, to try to save the taxpayers of Kalamazoo, MI, from having to build an almost identical water treatment facility to the one that already exists to deal with problems at the existing facility. We appreciate that.

We will continue to move forward and continue to work with the Senator from Rhode Island to make sure this project successfully stays on track.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment.

The amendment (No. 2790) was agreed to.

Mr. BOND. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

Mr. BINGAMAN addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

AMENDMENT NO. 2791

(Purpose: To make an amendment relating to housing assistance to residents of colonias)

Mr. BINGAMAN. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. If there is no objection, the pending committee amendments are set aside, and the clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from New Mexico [Mr. BINGAMAN], for himself, Mrs. HUTCHISON, and Mr. DOMENICI, proposes an amendment numbered 2791.

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

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

The amendment is as follows:

On page 40, line 17, insert before the period the following: '': *Provided further*, That section 916 of the Cranston-Gonzalez National Affordable Housing Act shall apply with respect to fiscal year 1996, notwithstanding section 916(f) of that Act''.

Mr. BINGAMAN. Mr. President, I rise today to propose an amendment with my colleagues Senator HUTCHISON and Senator DOMENICI. This amendment would extend for 1 year the authority of the Secretary to require a set aside of up to 10 percent of a United States-Mexico border State's community development block grant allocation, as under section 916 of the Cranston-Gonzalez National Affordable Housing Act of 1990, for colonias. The colonias provision has been in effect in every year following the passage of the Cranston-Gonzalez Act in the 101st Congress, allow the original authorization lapsed in 1994. It is not a change in the status quo, and has no budget impact. Although section 916 of Cranston-Gonzalez requires States to make 10 percent of CDBG funds available for colonias, in cases like New Mexico and California, where the full 10 percent has not been utilized each year, HUD has allowed States to reallocate the funds within the State. The point is that the funding is there.

For my colleagues not familiar with colonias, these are distressed, rural, and predominantly unincorporated communities located within 150 miles of the United States-Mexico border. Texas has documented well over 1,100 colonias, while my State of New Mexico has over 30. They are often created

when developers sell unimproved lots, and using sales contracts, retain title until the debt on the property is fully paid. They often do not have adequate water and sewage access.

These conditions create a serious public health, safety, and environmental risk to the border regions. Perhaps more importantly, they represent third-world conditions in the United States. I believe, and the Secretary of HUD agrees, that we must make the eradication of such conditions within the United States a national priority.

It is my hope that my colleagues will accept this amendment, addressing the problems of the colonias has been a national priority, and I believe that it should remain one.

I yield the floor.

Mr. BOND addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, I know that this amendment is supported by Senators on this side, the Senator from New Mexico and the junior Senator from Texas. We are making inquiry to determine whether they wish to speak on this amendment.

Mrs. HUTCHISON addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mrs. HUTCHISON. Mr. President, I wish to add my statement in support of Senator BINGAMAN's amendment of which I am a cosponsor. I do appreciate this 10 percent set-aside for the colonias. Colonias are places that we did not know existed in America. You would not believe it. I have walked in a colonia. They are places that people live that do not have good water, and they do not have sanitary systems or sewage treatment. They are terrible.

What we are we doing with this amendment is to say that it is a priority for our country to clear those places up so that every American has the ability to live in sanitary, basically clean conditions. I support the amendment. I appreciate Senator BOND taking this amendment for us to make sure that we serve the people in need.

The issue of designating a portion of border States' CDBG money for housing is one of giving proper recognition and emphasis to the development needs of severely distressed, rural and mostly unincorporated settlements located along the United States-Mexico border. Colonias are located within 150 miles of the Mexican border, in the States of Arizona, California, New Mexico, and Texas.

Texas has the longest border with Mexico of any state.

In 1993, Texas reported the existence of 1,193 colonias with an estimated population of 279,963 people. In 1994, New Mexico reported 34 colonias, with a population of 28,000 residents.

Senator BINGAMAN and I believe it important to formally recognize the scale of this challenge.

For fiscal year 1995, VA, HUD appropriations report language specified 10 percent of the State's share of CDBG money for housing in colonias. The conference report did not specify, ''colonias,'' but instead, folded that commitment into $400 million for a number of new initiatives.

That money came under a sunset provision. It requires new action to continue the formal commitment from us at the Federal level.

This does not involve any new or additional funds.

It is merely a statement of urgent priority that these funds be available for housing in the colonias upon application.

This money only comes from the border States' shares. It does not impinge on any other States or their resources.

Mr. President, I urge we reaffirm that commitment to the people of the colonias that they are truly a part of American society and America's priorities.

I urge my colleagues to support the Bingaman-Hutchison amendment.

Mr. BOND. Mr. President, I suggest we proceed to a vote.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment.

The amendment (No. 2791) was agreed to.

Mr. BOND. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The majority leader.

VISIT TO THE SENATE BY MEMBERS OF THE EUROPEAN PARLIAMENT

Mr. DOLE. Mr. President, I am honored to have the opportunity to welcome, on behalf of the entire Senate, a distinguished delegation from the European Parliament here for the 43d European Parliament and U.S. Congress interparliamentary meeting.

Led by Mr. Alan Donnelly from the United Kingdom and Ms. Karla Peijs of the Netherlands, the 18-member delegation is here to meet with Members of Congress and other American officials to discuss matters of mutual concern.

No doubt about it, the European Parliament plays a pivotal role in shaping the new Europe of the 21st century. There are many challenges ahead—assisting the new democracies as they build free-market economies and defining relations with Russia, among them. Continued contact and good relations between the European Parliament and the U.S. Congress are essential in developing better economic ties with Europe and in reinforcing our common goals.

I ask my colleagues to join me in welcoming our distinguished guests from the European Parliament.

[Applause.]

Mr. President, I ask unanimous consent that a list of the delegation be printed in the RECORD.

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

DELEGATION OF THE EUROPEAN PARLIAMENT

MEMBERS OF THE DELEGATION OF THE EUROPEAN PARLIAMENT

Mr. Alan Donnelly, Chairman, Party of the European Socialists, United Kingdom.

Ms. Karla Peijs, Vice Chairman, European People's Party, Netherlands.

Mr. Javier Areitio Toledo, European People's Party, Spain.

Ms. Mary Banotti, European People's Party, Ireland.

Mr. Laurens Jan Brinkhorst, European Liberal Democratic and Reformist Party, Netherlands.

Mr. Bryan Cassidy, European People's Party, United Kingdom.

Mr. Jean-Pierre Cot, Party of European Socialists, France.

Mr. Gerfrid Gaigg, European People's Party, Austria.

Ms. Ilona Graenitz, Party of European Socialists, Austria.

Ms. Inga-Britt Johansson, Party of European Socialists, Sweden.

Mr. Mark Killilea, Union for Europe Group, Ireland.

Ms. Irini Lambraki, Party of European Socialists, Greece.

Mr. Franco Malerba, Union for Europe Group, Italy.

Ms. Bernie Malone, Party of European Socialists, Ireland.

Mr. Gerhard Schmid, Party of European Socialists, Germany.

Mr. Josep Verde I Aldea, Party of European Socialists, Spain.

To be determined, European People's Party.

SECRETARIAT, INTERPARLIAMENTARY DELEGATIONS

Dr. Manfred Michel, Director-General for External Relations.

EUROPEAN COMMISSION DELEGATION

Mr. Jim Currie, Charge d'Affaires, European Commission.

Mr. Bob Whiteman, Head of Congressional Affairs, EC Delegation.

RECESS

Mr. DOLE. Mr. President, I ask unanimous consent that the Senate stand in recess so that we may personally greet Members of the European Parliament.

There being no objection, the Senate, at 1:40 p.m., recessed until 1:44 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. SANTORUM).

DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 1996

The Senate continued with the consideration of the bill.

Mr. CHAFEE. Mr. President, I ask unanimous consent that the pending committee amendments be set aside.

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

AMENDMENT NO. 2792

(Purpose: To make funds available to support continuation of the Superfund Brownfields Redevelopment Initiative)

Mr. CHAFEE. 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 Rhode Island [Mr. CHAFEE] for himself and Mr. LIEBERMAN, proposes an amendment numbered 2792.

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

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

The amendment is as follows:

On page 142, line 20, after the period, insert the following: ''*Provided further*, That the Administrator shall continue funding the Brownfields Economic Redevelopment Initiative from available funds at a level necessary to complete the award of 50 cumulative Brownfield Pilots planned for award by the end of FY96 and carry out other elements of the Brownfields Action Agenda in order to facilitate economic redevelopment at Brownfields sites.''

Mr. CHAFEE. Mr. President, today I offer this amendment on behalf of myself and Senator LIEBERMAN to preserve a very small but important part of the Superfund Program, EPA's brownfields economic redevelopment initiative. We all know what brownfields are—they are the abandoned plant that might be contaminated, or might not be. No one knows exactly what the problems at these sites are, so people are afraid to invest in them or redevelop them, people are afraid of liability. So rather using old industrial sites, new development flees the city and tears up our open space, greenfields. In the meantime, these old sites remain a blight and a big hole in local tax bases.

EPA's brownfields economic redevelopment initiative—its brownfields program—is a Superfund success story. The brownfields initiative is a cost-effective means of ameliorating some of these unintended consequences of Superfund, especially in economically depressed urban areas. Real risk reduction is achieved when brownfields sites are cleaned up, and it is private investment money that does most of the work. The small amount of money EPA allocates to brownfields is highly leveraged.

This effort includes 50 planned pilot projects across the Nation to demonstrate that we can reuse existing contaminated sites for economic development instead of undeveloped clean sites. Each of these pilot projects are awarded up to $200,000 over 2 years. These funds are used to help with the up-front investigations and evaluation that must take place before deciding on how best to clean a site.

To date, EPA has awarded about 18 out of 50 planned grants. I think it's vitally important that EPA's brownfields effort continue as a high priority, and the purpose of my amendment is to make sure that this happens.

What is the consequence if we fail to encourage the private sector to take on brownfields sites? Often, the sites remain abandoned or orphan—as many are—they may migrate onto the NPL or State lists for publicly funded cleanup. The Superfund bill Senator SMITH is working to bring forward in the next few weeks will contain provisions to make brownfields redevelopment easier.

This is a good way to spend some of the limited Superfund dollars available this year. We get real risk reduction by examining and evaluating these sites. We are learning valuable lessons at each of the pilots on how to create public and private partnerships between the Federal Government, State and local government, and the private sector to get abandoned urban eyesores back on the tax roles, producing jobs in cities like Providence. I urge my colleagues to support this amendment to preserve one of the best things EPA has done on Superfund in the past several years.

I commend Senator BOND, a member of the Environment and Public Works Committee as well as chairman of the Committee on Small Business and the Appropriations Subcommittee with jurisdiction over Superfund, for his interest in Superfund and his commitment to helping us move forward with Superfund reform this year.

Mr. President, I ask unanimous consent that the junior Senator from Pennsylvania [Mr. SANTORUM] be added as a cosponsor.

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

Mr. BOND. Mr. President, I am delighted that the Senator from Rhode Island has offered this amendment. I am very glad he called it to our attention. We have, in St. Louis, MO, a significant impact from the brownfields question. I think this is one of EPA's better initiatives. It may make one suspicious to look at the breadth of support of this.

But David Osborne, author of ''Reinventing Government,'' said:

This is an important initiative. The barriers to cleaning up urban Superfund sites have stopped redevelopment in its tracks time and time again. This initiative will begin to solve that problem. It will bring businesses back to the city, create jobs and increase the urban tax base.

Gregg Easterbrook, author of ''A Moment on the Earth,'' said:

EPA's Brownfields initiative represents ecological realism at its finest, balancing the needs of nature and commerce. This pathbreaking initiative shows that environmental protection can undergo genuine regulatory reform, becoming simpler and more cost-effective, without sacrifice of its underlying mission.

Philip Howard, author of ''The Death of Common Sense,'' said:

EPA's Brownfields initiative represents an important change in direction. It will help the environment and the economy at the same time by dealing with the problem of contaminated properties in a commonsense way.

I think this is a win-win proposition for everybody. We are delighted to accept the amendment on this side.

Ms. MIKULSKI. I wish to congratulate the Senator from Rhode Island who came forth with this amendment. Not only do we not object to the amendment, we enthusiastically support it.

Mr. CHAFEE. Mr. President, I wanted to thank the distinguished Senator from Maryland and also the manager of the bill, Senator BOND, a member of the Environment and Public Works Committee. Both have been very helpful to us as we worked our way through this amendment. I particularly am grateful to all staff who has also been very cooperative.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2792) was agreed to.

Mr. BOND. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 2793

(Purpose: To provide funding for the Service Members Occupational Conversion and Training Program)

Mr. THURMOND. Mr. President, I send an amendment to the desk and ask for immediate consideration.

The PRESIDING OFFICER. The pending amendment is set aside.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from South Carolina [Mr. THURMOND] proposes an amendment numbered 2793.

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

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

The amendment is as follows:

On page 3, line 19, strike ''$1,345,300,000'' and insert ''$1,352,180,000.''

On page 3, strike line 24 and add ''as amended; *Provided further*, That of the amounts appropriated for readjustment benefits, $6,880,000 shall be available for funding the Service Members Occupational Conversion and Training program as authorized by sections 4481–4497 of Public Law 102–484, as amended.''

On page 10, line 18, strike ''$88,000,000'' and insert ''$872,000,000.''

Mr. THURMOND. Mr. President, this amendment will provide funding for the Service Members Occupational Conversion and Training Act, known as SMOCTA. SMOCTA is the common name for it.

It will provide job training for unemployed veterans, veterans whose occupational specialty in the military is not transferable to the civilian work force, and for veterans rated 30 percent disabled or higher. The amendment

provides funding to continue the program for 1 year. It is paid for by transferring less than 1 percent of VA's general operating expense account, $8 million. In other words, the general operating expense fund contains $880 million; this amendment transfers only $8 million, less than 1 percent.

Mr. President, the SMOCTA program was created by the fiscal year 1993 Defense Authorization Act as a pilot program to provide training wage subsidies to employers who hire recently separated unemployed service members for new careers in the private sector. The 1993 Defense Appropriations Act appropriated $75 million for SMOCTA. Those funds have been largely obligated, and any remaining balance will not be available for obligation after September 30, 1995. This amendment will provide a minimum level of funding to carry out the program through its period of authorization, September 30, 1996. Mr. President, although there were some initial bureaucratic delays in getting the program implemented, the program has been very successful. Over 8,300 employers have certified training programs, including national corporate chains. Those employers have filed nearly 15,000 notices of intent to employ veterans. Over 50,000 veterans have been certified for the program. Approximately 10,700 veterans have been placed in job training, for a period of 12–18 months, at an average cost per veteran of approximately $4,000.

The Departments of Defense, Labor, and Veterans Affairs have worked hard to establish this program. It would be a mistake to let this program expire at this time. To not extend this program would send a message to the veterans of our Nation, caught in the military downsizing, that we do not care about their futures. It would tell employers that the Federal Government cannot be trusted in partnership agreements. I do not believe these are messages the U.S. Senate wishes to send.

Mr. President, without this amendment, SMOCTA funding will terminate at the end of the current fiscal year. My amendment will cure the conflict between the authorization period and availability of appropriations for this program.

Mr. President, there has been some debate over the proper funding source for this program. This results partly because the original funding for this program was from Defense appropriations. However, let me emphasize that this is not a program directly related to our funding military readiness or modernization. It is a program for veterans. The authorization recognized this program would require a partnership between the Defense Department, the Department of Labor, and the Department of Veterans Affairs. Passing funding responsibility from one agency to another will not aid our veterans who rely on readjustment benefits.

Mr. President, the SMOCTA program has strong support in the business community and the veterans community. I encourage my colleagues to join in supporting this amendment.

Mr. President, as I understand it, both sides have agreed to accept this amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2793) was agreed to.

Mr. THURMOND. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. THURMOND. I wish to thank the manager of the bill on behalf of the veterans of this country.

AMENDMENT NO. 2794

(Purpose: To direct the Administrator of the Environmental Protection Agency not to act under section 6 of the Toxic Substances Control Act to prohibit the manufacturing, processing, or distributing of certain fishing sinkers or lures to giving notice to Congress)

Ms. MIKULSKI. Mr. President, I offer an amendment on behalf of Senator HARKIN. I send the amendment to the desk.

The PRESIDING OFFICER. The pending amendment is set aside.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Maryland [Ms. MIKULSKI] for Mr. HARKIN, proposes an amendment numbered 2794.

Ms. MIKULSKI. Mr. President, I ask unanimous consent 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. . The Administrator of the Environmental Protection Agency shall not, under authority of section 6 of the Toxic Substances Control Act (15 U.S.C. 2605), take final action on the proposed rule dated February 28, 1994 (59 Fed. Reg. 11122 (March 9, 1994)) to prohibit or otherwise restrict the manufacturing, processing, distributing, or use of any fishing sinkers or lures containing lead, zinc, or brass unless the Administrator finds that the risk to waterfowl cannot be addressed through alternative means in which case, the rule making may proceed 180 days after Congress is notified of the finding.

Ms. MIKULSKI. Mr. President, this legislation deals with lead sinkers. It has been worked out on both sides. Senator HARKIN wished to have this amendment adopted. It has been cleared, I believe, by both sides, and I move its adoption.

Mr. BOND. Mr. President, since my State of Missouri is not only a leading manufacturer of fishing lures and therefore very much interested in it—Missouri happens to host a large number of people who enjoy fishing—it is therefore with great pleasure on behalf of this side that we are willing to accept the HARKIN amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2794) was agreed to.

Mr. BOND. I move to reconsider the vote.

Ms. MIKULSKI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2795

(Purpose: To provide HUD with the authority to renew expiring section 8 project-based contracts through a budget-based analysis. This will provide HUD with the tools to begin to address the high-cost of section 8 project-based assistance while Congress begins to fully address options in lieu of the renewal of section 8 project-based assistance. This amendment will help provide HUD with tools to avoid foreclosure and possible displacement of tenants)

Mr. BOND. Mr. President, I send an amendment to the desk, and I ask the pending amendment be set aside.

The PRESIDING OFFICER. The clerk will report. The assistant legislative clerk read as follows:

The Senator from Missouri [Mr. BOND] for himself, Mr. D'AMATO, Mr. BENNETT, and Mr. MACK, proposes an amendment numbered 2795.

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

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

The amendment is as follows:

On page 105, beginning on line 10, strike ''SEC. 214.'' and all that follows through line 4 on page 107:

''SEC. 214. SECTION 8 CONTRACT RENEWAL.

''(a) IN GENERAL.—Notwithstanding any other provision of law, the Secretary shall renew upon expiration each contract for project-based assistance under section 8 of the United States Housing Act of 1937 that expires during fiscal year 1996 in accordance with this subsection.

''(b) CONTRACT TERM.—Each contract described in subsection (a) may be renewed for a term not to exceed 2 years.

''(c) RENTS AND OTHER CONTRACT TERMS.—Except as provided in subsections (d) and (e), the Secretary shall offer to renew each contract described in subsection (a) (including any contract relating to a multifamily project whose mortgage is insured or assisted under the new construction and substantial rehabilitation program under section 8 of the United States Housing Act of 1937):

''(1) at a rent equal to the budget-based rent for the project;

''(2) at the current rent, where the current rent does not exceed 120 percent of the fair market rent for the jurisdiction in which the project is located; or

''(3) at the current rent, pending the implementation of guidelines for budget-based rents.

''(d) LOAN MANAGEMENT SET-ASIDE CONTRACTS.—The Secretary shall offer to renew each loan management set-aside contract at a rent equal to the budget-based rent for the unit, as determined by the Secretary, for a period not to exceed 1 year.

''(e) TENANT-BASED ASSISTANCE OPTION.—Notwithstanding any other provision of law, the Secretary may, with the consent of the owner of a project that is subject to a contract described in subsection (a) and with notice to and in consultation with the tenants, agree to provide tenant-based rental assistance under section 8(b) or 8(o) in lieu of renewing a contract to provide project-based

rental assistance under subsection (a). Subject to advance appropriations, the Secretary may offer an owner incentives to convert to tenant-based rental assistance.

''(f) DEMONSTRATION PROGRAM.—If a contract described in subsection (a) is eligible for the demonstration program under section 213, the Secretary may make the contract subject to the requirements of section 213.

''(g) DEFINITIONS.—

''(1) BUDGET-BASED RENT.—For purposes of this section, the term ''budget-based rent'', with respect to a multifamily housing project, means the rent that is established by the Secretary, based on the actual and projected costs of opening the project, at a level that will provide income sufficient, with respect to the project, to support—

''(A) the debt service of the project.

''(B) the operating expenses of the project, including—

(i) contributions to actual reserves;

(ii) the costs of maintenance and necessary rehabilitation, as determined by the Secretary;

(iii) other costs permitted under section 8 of the United States Housing Act of 1937, as determined by the Secretary.

''(C) an adequate allowance for potential and reasonable operating losses due to vacancies and failure to collect rents, as determined by the Secretary.

''(D) an allowance for a rate of return on equity to the owner not to exceed 6 percent.

''(E) other expenses, as determined to be necessary by the Secretary.

''(2) BASIC RENTAL CHARGE FOR SECTION 236. ''A basic rental charge'' determined or approved by the Secretary for a project receiving interest reduction payments under section 236 of the National Housing Act shall be deemed a ''budget-based rent'' within the meaning of this section.''.

''(3) SECRETARY.—The term ''Secretary'' refers to the Secretary of Housing and Urban Development.''.

Mr. BOND. Mr. President, I offer this amendment on behalf of myself, Mr. D'AMATO, Mr. BENNETT, and Mr. MACK. This is designed to provide HUD with authority to renew expiring section 8 project-based contracts through a budget-based analysis.

Now, what that means is that we are working with HUD, with OMB and the Congressional Budget Office to resolve a very difficult problem where project-based certificates have been issued in the past. The cost is above market rate. These are expensive projects.

HUD knows, we know, the budget offices know, we have to resolve this problem. Since we were unable to get an agreement on a measure to fix the problem this year and stay within our budget allocations, there was a prospect that in some areas where there was very little available housing, people who live in project-based section 8 housing could be displaced.

This problem was particularly acute in Salt Lake City, UT. Senator BENNETT brought that to our attention. We found that there are many other areas around the country where it is possible that the developments could be converted to private use, people displaced. Even though we would make available section 8 certificates for those people displaced, as a simple matter of fact, there may not have been enough housing to take care of them. This is particularly true for the elderly and disabled.

This amendment tells the Secretary to use a budget-based analysis to take a look at the costs of operating the Department and the debt service, to renew the contracts for a year on a basis which is fair both to the owner of the property and to the Federal Government so that we may continue to work on the problem of resolving the question about the expenditure on project-based certificates which are far above market rate.

This is a fix that I think is acceptable on both sides. I hope my colleagues will accept it.

Ms. MIKULSKI. Mr. President, I wish to rise in support of the amendment offered by the Senator from Missouri. I absolutely concur with his remarks.

In our hearings in the subcommittee, we found that the issues related to market rate are quite severe. They need to be addressed. They need to be addressed with some promptness and urgency. Otherwise, we could be facing the debacle not unlike some of the issues we faced in the S&L crisis.

Senator BOND of Missouri is really an expert on this issue. I believe we should follow his lead on this amendment. I support it. I am willing to accept it.

Mr. KERREY. Mr. President, I would like to ask the distinguished chairman for assistance in dealing with an issue that is very important to myself, Senator EXON and the people of the rural areas of Nebraska. As you are aware, there is currently a large differential in rents between rural and urban areas in our country. I am concerned that too large a variance would have a significant adverse effect on low income elderly populations. We must enable developers to continue to provide our rural areas with this valuable service. This is a problem not just in Nebraska but also in neighboring States that have large rural populations. I understand the need for the budgetary constraints that have been placed upon your committee. However, unrealistically low fair market rents will have a devastating impact on the numerous rural beneficiaries of assisted housing. As the fair market rent levels decline, the negative effects of excessive rent differentials between urban and nearby rural areas become more significant. I respectfully ask the chairman to do what he can to rectify this unfortunate situation in the conference.

Mr. DASCHLE. Mr. President, I share the concerns expressed by Senator KERREY. Obviously there will be some real variances between smaller, rural communities and our larger, metropolitan areas. Nonetheless, we need to continue to provide a realistic incentive for developers to build projects in areas that are experiencing a shortage of affordable housing. I would also urge the committee to review the current mechanism.

Mr. HARKIN. Mr. President, I appreciate the leadership that Senator KERREY has taken on this issue. One of the reasons that the current situation regarding fair market rents in small towns is so unfair is the history of how many of these projects were developed up to 20 years ago. The rent limitations that were used at the time were about the same for metropolitan and nonmetropolitan areas. Now, at contract renewal time, the projects in smaller towns outside metropolitan areas are subject to far different rent standards than urban areas face. There are some projects that face rent levels that will actually be lower than the rents approved 20 years ago when the projects were built. These very low rent levels create a situation where projects will not be able to be maintained. Projects may be forced into foreclosure or conversion to regular rental housing. Current renters in my State, mostly the elderly and disabled, will face deteriorating buildings or eviction. They may get new section 8 certificates. But, the availability of affordable housing in homes near elderly resident's families will not, in a large number of cases, be available. I ask that this problem be examined in conference and relief fashioned to treat projects in small towns outside metropolitan areas in a fair and even handed manner.

Mr. BOND. Mr. President, I appreciate the Senator's comments. I certainly understand the severity of this problem. Missouri, as well as Nebraska, South Dakota, and Iowa is home to a largely rural population. I, too, am concerned for the future of this program. I will work with Senator MIKULSKI and members of the conference to address this issue. We include in this bill provisions which will make available budget-based rent renewal levels for project-based contracts which will remove the artificial impediment of the current ''fair market'' calculation. I hope this will help address this serious concern.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2795) was agreed to.

Mr. BOND. I move to reconsider the vote.

Ms. MIKULSKI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BOND. I suggest the absence of a quorum.

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

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

MACT

Mr. COCHRAN. Mr. President, I rise for the purpose of engaging in a short colloquy with the distinguished Senator from Missouri, the chairman of the VA/HUD Appropriations Subcommittee. Will the Senator assist me in clarifying an issue in the bill under consideration today?

Mr. BOND. I would be pleased to assist my colleague, the senior Senator from Mississippi and senior member of the Appropriations Committee.

Mr. COCHRAN. I thank the Senator from Missouri. The issue I wish to clarify is the Appropriations Committee's intent regarding the Environmental Protection Agency's refinery maximum achievable control technology [MACT] rule. This rulemaking is of deep concern to me, as I am sure it is to the Senator from Missouri.

In promulgating the refinery MACT rule, EPA has ignored the principles of sound science, used outdated data to establish emissions controls, developed extremely questionable estimates of the benefits to be gained from these emissions controls, and failed to take into account the impact of these regulations on the smaller refiners around the nation, including those in my home State of Mississippi.

Does the Senator from Missouri share my concerns?

Mr. BOND. Yes, sir, I do. In fact, the concerns of the Senator from Mississippi reflect the concerns of the Appropriations Committee. In the committee's report on this bill, we expressed our disapproval with the way in which EPA promulgated the refinery MACT rule. To quote from the committee report: ''The committee strongly encourages EPA to reevaluate the refinery MACT and other MACT standards which are not based on sound science''.

Mr. COCHRAN. I thank the Chairman. One further point. Would the Chairman agree that there is significant sentiment on the Appropriations Committee and in the Senate to talk further, and perhaps take stronger, action on this issue next year if EPA does not engage in a serious reevaluation of the refinery MACT rule during fiscal year 1996?

Mr. BOND. That is indeed the sentiment of many members of the committee. I have heard from many of my colleagues, both on the Appropriations Committee and the authorizing committee—the Environment and Public Works Committee—on the refinery MACT issue. The Senator and his colleagues can be assured that if EPA does not heed the directive contained in the Committee report on this bill, the leadership of the committee will be prepared to take additional action in the future.

Mr. COCHRAN. I thank the Chairman. I appreciate this willingness to address the refinery MACT issue in the committee report.

Mr. BURNS. Mr. President, I rise today to engage in a colloquy with chairman of the VA, HUD, and Independent Agencies Appropriations Subcommittee. I want to discuss the need for regulatory reform at the Environmental Protection Agency.

As the chairman knows, I have been extremely concerned with the petroleum refinery MACT regulation. MACT is the acronym for the term maximum achievable control technology. I would like to thank him for adding report language which reflects the committee's concerns with this rule. I strongly encourage EPA to reevaluate this rule because it is not based on sound science.

In 1980, industry did not have the extensive controls and technologies that are now in use. In fact, in 1980, the requirements from the 1977 Clean Air Act Amendments had not yet kicked in. Obviously, in the last 15 years, refineries have made significant improvements in reducing emissions. EPA has simply ignored all of these improvements and based a rule on 15-year-old data in order to inflate its benefits.

This rule will cost refineries and fuel consumers in this country at least $100 million each year. This puts refineries in Montana and throughout the Nation at economic risk. And what about the jobs these refineries provide the local communities? Well, they are at risk, too. Almost $20 million of this will be spent to meet the paperwork and monitoring requirements of the rule which do nothing to improve public health or the environmental protection.

Mr. President, I would like to make one final point. All of the information is based on EPA's own data and analysis. None of this information is based on any kind of industry study. This information can be found in the final rule published in the Federal Register on August 18, 1995. Refiners in Montana have simply asked that this rule be based on sound science, including accurate and current data. They have not asked for any rollback of environmental regulations. Since the data are the basis for the entire rulemaking, it seems to me that EPA must go back to the beginning and redo the rule from scratch.

I look forward to working with the chairman in conference regarding the refinery MACT rule; and I thank him.

Mr. BOND. The Senator from Montana has valid concerns. Other members of the subcommittee have also questioned the basis for this rule. I will work with him and other members in the conference committee regarding the regulation. This rule will serve as an important precedent for subsequent MACT regulations for other industries.

Mr. BURNS. I appreciate the chairman's comments and support.

BREVARD AND LEAVENWORTH VA FACILITIES

Mr. MACK. Mr. President, it strikes me that the VA has not given a great deal of thought to defining its mission for the next century. In its fiscal year 1996 budget submission, the VA requested funding for two new hospitals. However, it is clear that our veterans would be better served if the VA, like the rest of the Nation's health care providers, began focusing on outpatient and ambulatory care. I note with interest that the committee has not funded the VA's hospital construction request. I believe that is a result of the committee's concern about VA's lack of strategic planning as well as budgetary concerns.

Mr. BOND. Mr. President, my colleague is correct. Today, the VA is unable to provide a strategic vision of VA health care for the next century that squares with facility investment decisions. The VA's fiscal year 1996 request continues to emphasize costly and inefficient health care delivery systems that are out of step with the overall national trends in health care. Given the fact that private-sector health care providers have moved in the direction of outpatient care, coupled with plummeting Federal budgets and the demographic trends related to veterans, it would not be prudent to build additional hospitals. Similarly, other investment decisions such as building new ambulatory and long-term care facilities cannot be made rationally without an overall plan that reconciles facilities to health care goals and populations. I am also concerned about the budgetary requirements of building new facilities. Not only is construction costly but operating costs will put additional pressures on a declining budget.

Mr. MACK. Mr. President, east central Florida is a critically underserved area with a growing population of retired, limited-income veterans. Florida has the highest percentage of veterans 65 years and older in the Nation. They currently represent 30 percent of the State's veterans population and, contrary to GAO's recent report, the numbers are increasing daily. Certainly, Florida veterans, Senator GRAHAM, and I acknowledge the budget constraints before this Congress and the need for a balanced budget. For this reason, we have modified our present request to reflect fiscal reality while still meeting long identified medical service needs. Recognizing that neither the House nor the Senate intend to fund the original plan for a comprehensive medical facility at this time, we are requesting that the VA be able to use the previously appropriated fiscal year 1995 funds for the design and construction of an outpatient medical facility and long-term nursing care facility which will provide immediate relief to Florida veterans.

Mr. GRAHAM. Mr. President, I stand along side my colleague, Mr. MACK, in calling this Congress to take action in providing long promised and much needed medical services to Florida veterans. While Congress squabbled over the location of the facility, our veterans continued to wait. Finally, with the issue of location resolved, the President's fiscal year 1996 budget request included this facility, and veterans thought they saw the light at the end of the tunnel. We were extremely disappointed to say the least when that request was ignored by the House VA/HUD Subcommittee.

Mr. MACK. Mr. President, rather than a new hospital, I propose a nursing home facility and an outpatient clinic which will help complete the southeast regional and statewide network of veteran health care providers while addressing the need to provide long-term care service to veterans in east central Florida.

Mr. GRAHAM. Mr. President, I concur with my colleague from Florida regarding downgrading the request for funding a comprehensive hospital to an outpatient clinic and long-term nursing care facility. This proposal is to construct a nursing home care facility and outpatient clinic on the site contributed for the East Central Florida Medical Center to provide specialized care which is not currently available.

A 120-bed nursing home care unit will have, in addition to regular nursing home care, the capacity to provide psychogeriatric care—including that for Alzheimer's patients—and ventilator-dependent care. The ambulatory care clinic will be available to serve all veterans in the area. Approximately 30,000 patient visits per year will be accommodated. The total cost would be $35 million. We have existing funds of $17.2 million which was appropriated in fiscal year 1995 for the design and planning of the VA medical facility. We would like to use those funds toward the design and construction of the alternative proposal. In the near future, we would request that Congress provide the balance of $17.8 million to complete the project. This proposal is more than a Band-aid to the problem and is surely a more reasonable request for our veterans to make of this Congress.

Mr. DOLE. Mr. President, I agree that outpatient, ambulatory care should be the focus of future construction by the VA. In my home State of Kansas, I have been working closely with the staff of the Dwight D. Eisenhower VAMC in Leavenworth to improve outpatient care for our veterans with the addition of a new ambulatory care clinic. Currently, primary care treatment processes at the Leavenworth VAMC are unnecessarily fragmented and severely deficient in the space required for their functions. This clinic is a must if the Leavenworth VAMC is to retain its College of American Pathologists accreditation.

Last year, the Congress provided funds to begin planning and design of this facility. It is my expectation that the VA will include this project in next year's budget. However, if they do not, it is my understanding that the committee will give this project every consideration. I would ask my friend, the Chairman, is that correct?

Mr. BOND. Mr. President, the majority leader is correct. The committee is well aware of the need for the Brevard County and Leavenworth facilities. We understand that the Department of Veterans Affairs will be in a position to begin construction of the Brevard facility during fiscal year 1996 and the Leavenworth facility in fiscal year 1997. Like my colleagues, I expect the Department to consider including these projects in its fiscal year 1997 budget submission. However, if they do not, we will carefully consider both projects.

TOXIC SUBSTANCES REGISTRY

Mr. GLENN. I would like to commend my colleague from Missouri and the Chairman of the VA-HUD Subcommittee for continued funding of the Agency for Toxic Substances and Disease Registry study on minority health. I believe this is important work. I would also like to speak to a complementary research effort that will help to protect minority populations, women, infants, and other populations from the adverse health effects of consuming chemically contaminated fish. In particular, this study identifies specific populations residing in the Great Lakes basin that may be at higher risk of exposure to chemical contaminants present in one or more of the Great Lakes. To date, ATSDR has learned about the trends in Great Lakes fish consumption. For example, fish is an essential component of diets of minority populations such as Native Americans and sport-anglers. The preliminary findings from this ATSDR study are helping to clarify the actual impacts of chemical exposure through fish consumption to these specific populations. In some cases, certain effects are not as prominent as feared, but the study corroborates that there are human health effects and helps to pinpoint the trends.

However, continued research is needed to identify other susceptible populations, exposure pathways and correlation of exposure levels to health effects. Most importantly, we need to mobilize a public education effort to help members of at-risk populations and the medical community learn about the adverse human health effects of contaminated fish consumption and identify ways to minimize these harmful effects. Without continued funding the money and time invested in this research will be wasted and we will not have critical information to prevent risks to human health from contaminated fish consumption.

Mr. KOHL. The Senate has proposed a $14 million cut from fiscal year 1995 for the Agency for Toxic Substances and Disease Registry and the House proposed a $7 million cut from fiscal year 1995. The House report on H.R. 2099 specifically calls for continued ATSDR funding for this study on consumption of contaminated fish and the harmful human health effects. Continuing this incomplete study will allow us to develop strategies of prevent harmful human health effects from consumption of contaminated fish. Understanding the consumption trends of Great Lakes fish is only helpful if we can draw conclusions from that information and then develop strategies to prevent harmful human health effects from this significant exposure pathway. Will the Chairman of the Appropriations Subcommittee on VA, HUD, and Independent Agencies be willing to work with our colleagues in the House to ensure adequate funding to complete this important, far-sighted research?

Mr. BOND. I appreciate the concerns expressed by the Senators from Ohio and Wisconsin about this ATSDR study and I have a better understanding of the significance of continued funding for the research on chemically contaminated fish. I will give close consideration in Conference to securing adequate funding for the ATSDR study on the human health effects of contaminated fish consumption.

SAVANNAH SEWERS

Mr. COVERDELL. Mr. President, I would like to bring to the Chairman's attention a critically needed project in Savannah, GA. Savannah, has been plagued with repetitive and devastating flooding over the last 15 years. The population affected is primarily low-income, distressed, and minority. These families have repeatedly been forced to leave their homes and businesses with great economic consequences.

The Federal, State and local governments have had to, on several occasions, commit significant resources to address the emergency needs of these areas. Consequently, the city of Savannah, in collaboration with the private and nonprofit sectors, has created a highly innovative plan to provide permanent solutions to the core flood areas that will significantly reduce long-term Government expenditures.

The overall plan involves over $100 million in carefully constructed engineering solutions. The city has already committed and raised $32 million of this total. They have also devised a series of retention structures, canal widening and station collector system improvements that will save the Federal Government money over the long-term and represent a true abatement commitment.

Mr. President, I seek the Chairman's support for Federal participation in this unique partnership, albeit on a limited basis. If the conference committee should decide to provide funding for EPA sewer treatment grants, I would appreciate his careful consideration of the Savannah project. The City of Savannah requests $900,000 for critical engineering studies for pumping, engineering, and canal widening work in these flood-prone areas and $10 million for crucial collector system improvements at the primary pumping station.

I would remind the Chairman that the city has already raised $32 million toward the overall cost and plan components. Therefore these EPA funds would be matched with proven commitments.

Mr. BOND. I thank the Senator for his comments and request. I am aware of the serious flooding and wastewater/sewer problems confronted by the city of Savannah. Like the Senator from Georgia, I have firsthand knowledge of the devastation that such repetitive flooding can have on families, homes and small businesses. I am impressed by the level of resources already committed by the City of Savannah to resolve this problem in a more efficient, cost-effective manner. The Senator from Georgia and the city of Savannah are to be commended for his new private-public partnership concept.

Accordingly, it would be my intention that this project receive priority consideration in conference for funding through the fiscal year 1996 allocations made under this bill for water infrastructure needs.

CIESIN FUNDING

Mr. LEVIN. I would like to engage the distinguished manager of the bill in a brief colloquy regarding concerns that have already been raised by the junior Senator from Michigan. This matter regards the fiscal 1996 funding situation of the Consortium for International Earth Science Information Network [CIESIN].

I am grateful that the Chairman has provided some assurances that CIESIN will not be prohibited from competitively bidding on NASA contracts in the future, despite the Committee's concurrence with the ''House recommendation'' regarding specific funding for CIESIN. I would appreciate the Chairman's assistance in clarifying this statement just a little further. It is my understanding that the House report language, while not funding CIESIN specifically, does not in any way limit the opportunity for CIESIN and NASA to continue to operate under the terms of the existing contract, including option years.

Mr. BOND. The Senator from Michigan is correct. While we do not identify specific 1996 funds for CIESIN within this bill, nothing interferes with the rights and options that either party has under the existing contract.

Mr. LEVIN. I thank the Senator from Missouri for that clarification and appreciate his willingness to address our concerns. If the manager of the bill will yield further, the committee's report suggests that NASA should seek greater commercial, international, and Government participation in the EOSDIS program, with the goal of reducing costs. And, the Committee has highlighted the Goddard Space Flight Center in Maryland and the Earth Resources Observation System Data Center in Sioux Falls, SD, as core elements of a revamped EOSDIS.

Given that CIESIN has already developed international partners, is broadly supported by university researchers, and has won recognition for its innovative software, including this year's Smithsonian award for innovative software development, would the Chairman concur that CIESIN should be afforded appropriate recognition by NASA in the agency's development of its fiscal 1997 appropriation request, especially since the committee's report already urges NASA to integrate CIESIN activities within its EOS plan for fiscal year 1996?

Mr. BOND. That matter will, of course, be up to NASA and the administration. But, given that CIESIN is already meeting standards that this committee has set out for other components of EODIS, we would expect that CIESIN would be given full and fair consideration in the development of NASA's fiscal 1997 budget request.

Mr. LEVIN. I thank the Chairman for assisting me in clarifying the committee's intentions. I also want to acknowledge and thank the distinguished ranking member for her assistance in funding CIESIN in past years.

TENANT OPPORTUNITY PROGRAM

Mr. BIDEN. Mr. President, I am wondering if the Chairman of the Subcommittee will engage in a colloquy with me regarding the Tenant Opportunity Program.

Mr. BOND. I would be pleased to yield to my colleague from Delaware.

Mr. BIDEN. I thank my friend. Mr. President, the Tenant Opportunity Program—known as TOP—was created by the Department of Housing and Urban Development to provide technical assistance and training for public housing residents to organize their communities. Its goal is tenant empowerment. That may be a noble goal. But, TOP is not, in my view, the best way to achieve it.

The program is poorly designed, loosely structured, and ripe for abuse. Just how ripe was evident earlier this year in the city of Wilmington, DE. Six Wilmington public housing projects were each awarded $100,000 TOP grants, and a consultant—a consultant—tried to claim $60,000 of each grant. Incredible as it may sound, my colleagues heard me correctly: 60 percent of each TOP grant in Wilmington, DE was going to be paid to a consultant. That's a total consultant fee of $360,000 from just six grants.

Mr. President, this may sound like one bad apple. And, the Department is to be commended for investigating this case, discovering that the application procedures were violated by the consultant, and canceling these particular six grants. But, the more I look into the whole program, the more I am convinced that the problem here is with the program itself.

For example, the most disorganized public housing projects in Wilmington—the ones that need this program the most—were unable to get a TOP grant because they were not organized enough. That is a classic Catch-22 situation. Another example: no where does the program require that the recipients of the grants specify exactly how the taxpayers' money will be used. And, the major beneficiary of this program seems to be consultants, not public housing residents.

Now, I would like to ask the chairman of the Subcommittee about the Committee's intention regarding funding for TOP. The House, in its version of the VA–HUD Appropriations bill, provided $15 million for the program. As I read the Senate version of the bill, no funding is provided for TOP. I want to ask the chairman if my understanding is correct—that it is the committee's intent to kill this program.

And, before he answers, let me just say that I ask this question because the Department created TOP in the first place without an explicit authorization from Congress. My concern is that without an explicit statement from Congress that TOP is to receive no funding, I fear that the Department may try to fund the program anyway, using unearmarked funds from the annual contributions for assisted housing account or funds from the Supportive Services Program under the Community Development Grants.

In other words, I am concerned about the Department playing shell games, and I want to be absolutely clear for the record. Is it the Committee's intent that no money whatsoever is to be spent on the Tenant Opportunity Program?

Mr. BOND. Mr. President, yes, the Senator from Delaware is correct. This bill provides no money for the Tenant Opportunity Program—and the Department is not to use any funds to continue the program.

What we are trying to do in this bill is to make better use of limited HUD dollars—and to make sure that those dollars benefit the residents of public housing. I agree with the Senator that TOP appears to have a lot of problems in the way it is administered, and it is clearly not providing the benefits to residents that it should.

I should note, however, that within the broad parameters of the new supportive services block grant under the community development block grant appropriations, localities are encouraged to provide services and technical assistance to public and assisted housing residents to encourage and promote employment. To this end, activities with goals similar to the TOP program are permitted, but I would certainly concur that the excessive consultant payments would constitute an abuse which we will not tolerate.

Mr. BIDEN. I thank the Senator, and I yield the floor.

Mrs. FEINSTEIN. I rise to enter into a colloquy with my colleagues Senators BOND and MIKULSKI regarding NASA's plans to consolidate all research and science-based aircraft at Dryden Flight Research Center.

Mr. BOND. I am interested to discuss this important matter with the Senator.

Ms. MIKULSKI. I am also pleased to have this opportunity to discuss NASA consolidation, an issue about which I have been deeply concerned.

Mrs. FEINSTEIN. As my colleagues know, NASA has offered a plan to consolidate all flight research and science platform aircraft at NASA's Dryden Flight Research Center in California. While I agree with the goals of NASA consolidation to save taxpayers money, I have strong concerns that this aircraft consolidation plan could cost more than it would save. The current aircraft consolidation plan drafted by NASA considers the costs of moving the aircraft to Dryden Flight Research Center, but does not include the costs to operate these aircraft from their consolidated location.

Ms. MIKULSKI. I ask Senator Feinstein if any other sites have been evaluated for this aircraft consolidation?

Mrs. FEINSTEIN. I do not believe so. The only consolidation plans I have seen move aircraft to Dryden. While, I certainly do not oppose Dryden as the consolidated site, I think that steps should be taken to ensure that this consolidation will truly save the taxpayers money.

Mr. BOND. Would the Senator from California be amenable to requesting that NASA submit their cost justifications for this consolidation to the subcommittee before they proceed with consolidation?

Mrs. FEINSTEIN. Yes, that would be an excellent course of action. Perhaps NASA's justifications should include the costs of and cost savings resulting from this consolidation and the operation of this aircraft from their consolidated location for the next 5 years.

Ms. MIKULSKI. Perhaps we should also request NASA provide the subcommittee with a cost-based justification of the movement of these aircraft before NASA takes action.

Mr. BOND. I think both of those suggestions are acceptable and would be happy to work with Senators MIKULSKI and FEINSTEIN to develop this language in the report of the conference with the House.

NASA'S IMPLEMENTATION OF THE ZERO-BASE REVIEW AND ITS AERONAUTICS PROGRAMS

Mr. GLENN. Mr. President, when Dan Goldin became NASA Administrator in early 1992, the agency's annual budget was about $17.5 billion and headed to about $22 billion by the end of the decade. Now, however, the annual budget is declining from $14.5 billion and will likely be below $13 billion by the end of the decade. In terms of FTE's NASA's work force has been cut too—from about 24,000 in January 1993 to less than 21,000 today, and headed to about 17,500 by the year 2000.

In order to manage these drastic cuts, over the last 9 or 10 months Mr. Goldin has conducted a so-called zero-base review. The purpose of this often painful process was to solicit ideas and develop plans on how the agency could function more efficiently. The review was conducted assuming that all existing missions will continue, but functions and missions would be streamlined or downsized. Mr. Goldin has made clear that any further budget cuts will result in elimination of core missions.

Now Mr. President, let me be clear that I think Dan Goldin has done an outstanding job in a very difficult situation. There are very few people I know who have the vision, energy, and knowledge of the NASA Administrator. He has been criticized for making the tough decisions, but these decisions have to be made. Many of the recommendations resulting from the zero-base review are now beginning to be implemented, and I believe it is imperative that Congress carefully monitor the changes taking place at NASA so that we may be sure that we are getting the most from the taxpayers' dollar. Change for change's sake alone is not always the best policy.

One recommendation of the zero-base review has been brought to my attention, and that of my colleagues, in particular the distinguished Senator from California, Senator FEINSTEIN. This proposal regards consolidating flight operations management of all aircraft, except those in support of the space shuttle, at Dryden Flight Research Center. The review concluded that after an initial investment of $23 million, about $9 million could be saved annually if this recommendation is implemented.

Currently NASA owns 65 research aircraft that support a wide range of NASA programs. Eighteen of these aircraft are scheduled to be retired by the end of fiscal year 1996 as a result of the programs they support being completed. The proposed consolidation would result in an additional 11 aircraft being retired, leaving just 36 aircraft in NASA's inventory. The proposal would also result in a reduction of 80 contractor and Federal FTE's, from 400 to 320.

Mr. President. It seems to me that the first ''A'' in ''NASA'' is at risk. As a result of budget cuts, it appears that we are nearly halving a vital component in our Nation's aeronautic research base.

These cuts hit particularly hard at a NASA facility which has made substantial, significant contributions over the past 50 years to our Nation's aeronautics industry. I am speaking about NASA's Lewis Research Center in Brookpark, OH. Currently seven research aircraft are based out of Lewis, including a newly refurbished DC–9 which is a centerpiece of Lewis' microgravity research program. It is my understanding that at least 5 of the 7 aircraft stationed at Lewis may be transferred to Dryden under the proposed consolidation.

Now I understand that it may be possible to achieve some savings through consolidation of flight operations. However, if this action adversely impacts the ability of NASA scientists and engineers to perform their mission—and to do their research—then I think we are being penny wise and pound foolish. It is my understanding that the managers of this legislation have agreed with the Senator from California, that a closer look needs to be taken at this aspect of the zero-base review before it is finally implemented. I believe that such a review is appropriate and I look forward to studying its results, as well as other ongoing studies and audits of components of the zero-base review.

OVERSIGHT

Mr. WARNER. Mr. President, I rise to offer an amendment to ensure that the Congress is permitted to conduct appropriate oversight of a new research program proposed by the Environmental Protection Agency.

This program is known as the Science To Achieve Results or STAR Program. I want to be sure that the Agency fully advises the Congress of how and at what level this program will be funded and which active research programs will be affected by this redirection of funds.

Mr. President, I recognize the need to provide the Agency with adequate flexibility to direct scarce research dollars to those problems posing the greatest risk to public health and the environment. This program, however, it not aimed at responding to environmental problems. The STAR Program is aimed at making grants to universities to do basic science research at the expense of ongoing EPA-sponsored research.

I am convinced that the result of implementing STAR will be that ongoing research for the Agency's regulatory programs will suffer, private sector contracts will be interrupted, and research currently conducted by the academic community will be terminated.

It is my understanding that EPA originally proposed to fund the STAR Program at approximately $100 million. As the committee does not provide any additional funds to finance this program, the committee gives EPA the flexibility to reprogram funds, without congressional approval, from other research accounts. I am concerned that to fund the STAR Program the Agency will move funds from laboratories it currently operates to its headquarters to dole out to a few selected universities.

Mr. President, it appears that EPA is clearly attempting to move itself into a new area of research that is already being conducted at the National Institutes of Health and the National Science Foundation. This duplication of basic science research will result in severe shortfalls in the applied science program.

I want to be sure that my colleagues understand that it is applied science research that is critical to providing information to support the Agency's regulatory program. As a member of the Environment Committee, I am concerned that EPA's regulatory programs suffer from a lack of sound science principles. Further degrading this research effort will only result in wasted dollars and regulations that are not based on sound scientific evidence.

Mr. President, if the aim of the STAR Program is to expand Federal support for university-based research, I submit that this aim is already being accomplished by the Federal laboratories under cooperative agreements. The STAR Program will simply take research dollars from some universities to give to other universities.

My greatest concern with EPA's proposal is that the Agency has failed to justify the need for such a significant redirection of resources and is attempting to fund a program without full disclosure to the Congress.

The Agency has failed to demonstrate the trade offs that will occur from implementing the STAR Program

and failed to disclose the negative impacts that will be imposed on ongoing research.

In my view, the Agency should at the very least fully document these impacts and disclose to the Congress how this program will be funded and at what level.

My amendment does not prevent the Agency from using funds for this program. My amendment simply asks the Agency to report to the Congress on the details of this program and receive congressional approval before they move forward with the STAR Program.

I thank the chairman and the ranking member for recognizing the merits of this amendment and supporting its adoption.

IMPOSITION OF CHEMICAL USE DATA AND THE COMBUSTION STRATEGY—MACT

Mr. LOTT. Mr. President, I rise today to engage in a colloquy with my colleague from Missouri, Senator KIT BOND, the distinguished chairman of the VA, HUD, and Independent Agencies Appropriations Subcommittee. I want to discuss two topics. The first deals with EPA's expanded reporting requirements for hazardous chemicals. The second is to clarify the Senate's position on EPA's lack of statutory authority to pursue a combustion strategy.

For the first issue I am referring to EPA's plan to expand the toxic release inventory [TRI] under the Emergency Planning and Community Right-to-Know Act [EPCRA]. EPA is now working on regulations to require the reporting of data on toxic chemical use, and to extend TRI reporting requirements to additional facilities. At a time when Congress is trying to provide responsible relief from unnecessary reporting, these actions would significantly increase administrative burdens costing hundreds of millions of dollars without commensurate benefits to enhance either human health or the environment.

Moreover, the addition of chemical use data would not further EPCRA's goal of reducing chemical releases. Chemical use bears no direct relationship to emissions, waste generation, health risks or environmental hazards. Risk is a function of hazard and exposure. Chemical use will not indicate exposure. Furthermore, EPA's plans to expand regulatory requirements under the Toxic Substances Control Act to gather chemical use data is equally inappropriate.

For all of these reasons, I believe that this program requires reexamination and redirection—not expansion along the lines that EPA intends. Clearly, there is an immediate need to first compare the reduction in risks by recent substantial reductions in emissions, before simply adding new informational requirements or facilities. Risks now need to be evaluated on a benefit-to-cost or a risk-to-risk basis.

One of EPA's guiding principles in its strategic plan is pollution prevention. With the Pollution Prevention Act [PPA] of 1990 Congress established a national policy to focus EPA's actions on the reduction of wastes and releases into the environment. According to the act, pollution should be prevented or reduced at the source whenever feasible. While pollution that cannot be prevented or recycled should be treated safely, whenever possible, and safe disposal should be employed only as a last resort.

While PPA prefers reduction of wastes and emissions at the source, EPA has reinterpreted the statutory definition of pollution prevention to place an inordinate and sometimes exclusive emphasis on reduction of toxic use at the source. This mandates reductions in material or chemical use without consideration of emissions and risks posed by the substance. EPA's policy is based on two false assumptions. One, that use indicates risk, and two, that all chemical use is harmful and should be eliminated. This approach has prompted me to examine the direction this administration is taking EPA with its new TRI reporting requirements.

It is contrary to the basic objective of the manufacturing process, which is to harness reactive and toxic materials for useful and beneficial purposes. While product reformulation and substitution of less toxic substances do have a vital place in pollution prevention, the key to efficiently reducing pollution is to allow industry the flexibility to use as many tools as possible to achieve emissions reductions. Congress wisely established the pollution prevention hierarchy to allow for this flexibility. It must remain.

I believe that a timeout needs to be called on these recent changes to the TRI Program. The usefulness of chemical use data as well as expanding the list of facilities required to report data needs to be assessed through public dialogue and objective analysis before it is required.

In fact I believe, EPA's new TRI reporting approach would exceed its statutory authority. When Congress enacted EPCRA, it specifically considered the issue of whether or not EPA should have the authority to collect use information, as distinct from chemical releases information. Congress decided that EPA should not have this authority.

A majority of the Senate, as reflected through a recorded vote, believes that TRI needs to be reexamined and redirected—not expanded along the lines EPA is considering.

While I am not going to offer an amendment today to address this matter, I think the Conference Committee should accept a legislative provision that calls for a pause while Congress examines the direction in which EPA is taking the TRI Program. I look forward to your continued leadership and support of this effort.

Mr. BOND. The concerns of the Senator from Mississippi are valid and very timely. During the debate on S.343, the Senate voted to retain provisions to reform the toxic release inventory's listing and delisting criteria along the lines sketched out by the Senator. The central feature of those reforms is a greater focus on the risk posed by these chemicals. As the Senator correctly notes, risk is a function of hazard and exposure. For this reason, I too am very troubled by EPA's proposal to require reporting of the mere use of materials. It is inconsistent with a risk-based approach, and I believe there is no statutory authority for expanding the TRI to include use reporting.

I also share the Senator's concerns with the expansion of the TRI to additional types of facilities. Just last year, the EPA nearly doubled the number of chemicals subject to TRI reporting. The current reporting cycle will be the first cycle to incorporate this expansion. No further expansion should be considered until the scope of the current expansion is fully apparent and it is clear the EPA has the resources to manage the increased amount of data. I believe we should work with the House to craft mutually acceptable language redirecting EPA's efforts toward higher priority activities in fiscal year 1996, and to encourage EPA to work with Congress in the interim to develop risk-based legislative reforms to TRI.

Mr. LOTT. I appreciate the Chairman's comments on TRI reform. Now, I would like to explain the issue regarding the establishment of an MACT floor. Although the current provision does not directly reference combustion or any other particular MACT standard, it does deal with an issue of concern to industrial on-site incinerators and boilers and industrial furnace operators. It is my understanding that the Report language does not prohibit EPA from pursuing its combustion strategy, but only requires certain legal and procedural safeguards be followed.

In short, the report language seems to support the conclusion that EPA cannot use appropriated moneys on: First, the use of permit conditions without required site-specific finding; second, the setting of an MACT standard under any authority other than the Clean Air Act; and third, the setting of an MACT standard without making the required finding that certain facilities are already achieving the standard.

Mr. BOND. The Senator is correct. The committee report makes particular reference to the MACT standard for refineries, as an illustrative example of the overall problem. The committee based its conclusion on input it received regarding a number of proposed and final MACT standards under consideration, including the proposed MACT standard for on-site incinerators and boilers and industrial furnace operators. Therefore, it is my belief that the provision is applicable to all MACT proposals that may be inconsistent

with past precedent, the proper administrative process or the text of the Clean Air Act.

One of the most important requirements of the Clean Air Act is the proper establishment of the so called MACT floor. The act states that the MACT floor is ''the average emission limitation achieved in practice by the best performing 12 percent of existing sources'' that qualify for the given category or subcategory. The EPA must establish that the limitations on emissions that constitute the MACT floor are achieved, or exceeded, in practice by 12 percent of the qualifying facilities. In addition, we are also concerned that in determining the MACT floor for a given source category, EPA may divide the source category into smaller parts and calculate the MACT floor separately for each part or pollutant. The results of this impermissible approach is that typically no single major source in a source category can meet the MACT standard without installing additional controls. Congress clearly contemplated that if MACT is set at the MACT floor, the top 12 percent of major sources in a source category should not need to install additional controls to meet MACT. Of course, EPA may then go beyond the MACT floor by determining that the additional emissions limitations are justified in light of their cost, non-air quality health and environmental impacts and energy requirements. The report language is not intended in any way to stop the MACT program, but to limit the program to those efforts previously authorized by Congress.

Mr. LOTT. I sense a disturbing trend at EPA. First, EPA is conditioning Resource Conservation and Recovery Act [RCRA] permits on requirements that have not been subject to full administrative process. Second, EPA is in the process of choosing the most severe result from separate statutes to create a hybrid. Congress did not intend EPA to mix and match its authority under the Clean Air Act and RCRA. Thus, ignoring the independent limitation on authority and process imposed by each statute. Finally, EPA expressed its intention to set a separate MACT floor for each hazardous air pollutant. By adopting such an approach, EPA would be able to set multiple MACT floors that no single facility may be able to meet in practice. I believe the MACT language in the Act does not allow EPA to do this. My bottom line is that EPA should comply fully with the statutory and administrative controls on rulemaking.

Mr. BOND. The EPA has stated that its use of the so called omnibus permitting authority under RCRA must be accompanied by site-specific findings in the administrative record supporting a permit that any conditions are necessary to ensure protection of human health and the environment. I expect EPA to comply fully with its own procedural requirements for omnibus permitting authority under RCRA, for MACT standards under the Clean Air Act and all other authorizing statutes. The committee would oppose any attempts by EPA to ignore its legal obligations.

I will carefully consider the views of the Senator from Mississippi on these issues, who I understand speaks for many other Senators with similar concerns, and work to ensure that EPA implements its statutory authority consistent with the intent of Congress and its own rules and regulations.

TRANSFERRING FAIR HOUSING ENFORCEMENT AUTHORITY

Mr. HATCH. Mr. President, the issue of transferring fair housing enforcement authority from the Department of Housing and Urban Development to the Department of Justice is no small matter. I am pleased that Senator BOND has agreed to delay any such transfer for 18 months. During this time, I expect the Judiciary Committee to review this issue. It may be that some or all of HUD's fair housing functions should be transferred. If so, some functions may be better transferred to agencies other than DOJ.

I have no doubt that excesses in HUD's enforcement policies have given rise to the idea of transferring its fair housing enforcement authority elsewhere. I hope HUD gets a message from this episode and reviews its policies and practices.

MERCURY-CONTAINING LAMPS

Mr. LEAHY. Mr. President, I want to bring up an issue that Senators GREGG, SNOWE, and SMITH and I have been working on during the consideration of the VA/HUD Appropriations bill. The report accompanying H.R. 2099 includes language regarding the waste disposal treatment of mercury-containing flourescent light bulbs. I think it is important to clarify some of the issues raised in the report and provide additional context for the rule.

The Environmental Protection Agency [EPA] has been considering a rule which would either conditionally exempt mercury containing lightbulbs from existing hazardous waste requirements or allow lamps to be treated under the universal waste rule. The report language does not reference the two options available. Is it the Chairman's understanding that the EPA does indeed face this choice in finalizing a rule?

Mr. BOND. Mr. President, the Senator is correct. The rule does contain two options.

Mr. LEAHY. Mr. President, I understand the concerns raised by my colleagues about this rule. The point has been made that the EPA should not create a major disincentive for switching to energy efficient lamps by requiring burdensome treatment of the lamps. On the other hand, 42 States have consumption warnings for eating the fish from the streams and lakes in our towns. Mercury containing lamps are the largest single contributor of mercury to the municipal waste stream, and our policies should take that fact into consideration. Our country has a mercury pollution problem that warrants our attention, and I share the chairman's concern about addressing the problem in a way that makes sense in cost-benefit analysis context.

I also understand the Chairman's concern about expediting the final rule. However, I want to point out that we are considering this bill only 3 days from the end of the fiscal year. Final passage of the conference report may not occur until late next month. The deadline included in the report language may allow for only a month for EPA to decide, with holidays. I just want to emphasize that this is a very tight timeline, and it does not provide the recycling industry enough time to adjust if necessary. I would like to work with other Senators to ensure that there is an adequate adjustment period.

Mr. BOND. Mr. President, I want to get the rule out soon, but I will work with other Senators to ensure that there is time for a reasonable transition.

Mr. LEAHY. Mr. President, I want to thank the chairman for discussing this issue on the floor. Mercury pollution is an important issue. There are some areas where almost everyone agrees, such as the need to end incineration of mercury-containing lamps.

SUPERFUND NPL PROVISION

Mr. GORTON. Madam President, would the chairman of the VA–HUD Subcommittee yield for a question?

Mr. BOND. The Senator would be happy to yield.

Mr. GORTON. I thank the Senator. The Senator has included the fiscal year 1996 VA–HUD bill a provision that prohibits the addition of any new sites to the Superfund ''National Priorities List,'' with one exception. The language enables the ''governor of a state, or appropriate tribal leader'' to veto the EPA Administrator's request that a site be placed on the NPL. With one reservation, I support the provision in the VA–HUD bill because this Senator wants to see Superfund reauthorized, and the prohibition provides an important time out from adding new sites to the NPL. My reservation is this: I am concerned that the phrase ''appropriate tribal leader'' expands the authority of tribes, beyond that which they are granted under current law, to veto a site recommended by the EPA Administrator for listing on the NPL.

The fiscal year 1995 rescission bill included a provision similar to that included in the bill before the Senate, with one exception. The bill currently before the Senate gives the authority to both the Governor of a State, or an appropriate tribal leader to veto the EPA Administrator's request that a site be added to the NPL. Was it the intent of the subcommittee chairman to expand the authority of Indian tribes under the Superfund law with this provision?

Mr. BOND. The Senator is correct, it was not the intent of the subcommittee to expand the authority of Indian tribes in this provision.

Mr. GORTON. Would the Senator yield for another question on the same issue?

Mr. BOND. The Senator would be happy to do so.

Mr. GORTON. As the Senator from Missouri knows, the chairman of the Senate Environment and Public Works Subcommittee on Superfund is working hard to put together a Superfund reauthorization bill, and bring it to the Senate floor this year. There are an entire range of issues associated with the fact that Indian tribes are not currently treat as persons under the Superfund law, and are not liable for clean up of waste that a tribe may have contributed to a site. I have discussed this issue with Senator SMITH and he told me that these issues will be looked at as he develops legislation to reauthorize the law. Consequently, I would ask that the Senator drop out the ''or appropriate tribal leader'' provision during conference with the House over the fiscal year 1996 VA–HUD bill.

Mr. BOND. I would be happy to work with the Senator to address this issue during conference.

AMENDMENT NO. 2781

Mr. KOHL. Mr. President, yesterday the Senate voted not to restore funding for the Americorps Program and with great reluctance, I opposed the amendment offered by the distinguished Senator from Maryland. I did so not because the Corporation for National and Community Service is a bad investment. In fact, I am a strong supporter of the AmeriCorps Program and believe community service can make a big difference in our society. Unfortunately, the amendment restored AmeriCorps funding at the expense of other important Federal programs.

Mr. President, I have seen first hand the positive results of the AmeriCorps Program. It has shown great promise in addressing today's urban and rural problems by uniting communities. Program participants in Wisconsin have worked hard to fight hunger, provide child care, combat illiteracy, and build low-income housing.

By dedicating service to their communities, participants receive a small stipend and assistance to further their education. Corps participants are also able to leverage private resources in carrying out their activities, which adds to the effectiveness of the Federal investment.

I am distressed that the Senate has decided not to fund the national service program and strongly believe the AmeriCorps Program merits continuation. But the amendment relied on alternative funding sources that I could not accept, including raising FHA's loan limits.

Mr. President, it is no secret that in the past I have opposed efforts to raise the FHA's loan limits. My position on this issue is clear and I will not take this time to recite all of the reasons that I oppose raising the loan limits. I will, however, say that raising the loan limits will not help the low and moderate-income home buyers who should be the prime beneficiaries of FHA's efforts. For the record, I also note that I would have gladly worked with the authors of the amendment to find other more appropriate offsets, if only I had received sufficient advance notice of the amendment.

COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS FUND

Mr. LEAHY. Mr. President, I rise in strong support for the community development financial institutions (CDFI) fund.

The CDFI fund is a key priority for President Clinton. He and Vice President Gore campaigned in 1992 to create a new partnership with the private sector to revitalize economically distressed communities. The President and Vice President spoke passionately about their vision for supporting local community development banks.

After the election of 1992, both Republicans and Democrats in the last Congress turned the President's vision into ground-breaking legislation that created the CDFI fund. The legislation passed the Senate unanimously and was approved by a 410 to 12 vote in the House.

Unfortunately, the CDFI fund is now a hostage of partisan politics. Under this appropriations bill, the CDFI fund is terminated. Before even giving this program a chance to succeed, this bill kills it. That is a real shame.

The fund is a small but very innovative program. For a modest $50 million budget, the fund has the potential to make a significant impact in distressed communities.

The fund's investments would create new jobs, promote small business, restore neighborhoods, and generate tax revenues in communities desperate for community development.

How would the CDFI fund succeed in areas where more traditional financing has failed?

The fund would create a permanent, self-sustaining network of financial institutions that are dedicated to serving distressed communities. These financial institutions include a fast-growing industry of specialized financial service providers—community development financial institutions. The fund would also provide incentives for banks and thrifts to increase their community development activities and invest in CDFIs.

The CDFI fund's initiatives would be an innovative departure from traditional community development programs because they leverage significant private sector resources. It is estimated that every $1 of fund resources would leverage $10 in non-Federal resources. And these locally-controlled CDFIs would be able to respond more quickly and effectively to market-building opportunities than traditional community development organizations.

The CDFI fund has caught the interest of many community development organizations across the Nation. Unfortunately, these fine community development organizations and many others throughout the country may never get the opportunity to receive assistance from the CDFI fund. I strongly believe that would be a short-sighted mistake—putting partisan politics ahead of our distressed communities.

I urge my colleagues to restore funding for the CDFI fund if the Senate revisits this bill during the appropriations process.

Mrs. MURRAY. Mr. President, community development financial institutions [CDFI] play an important role in my home State, and I join my friend from Vermont, Senator LEAHY, in expressing my strong support for the CDFI fund.

Community Development Financial Institutions are essential to serving communities that often find it difficult to cultivate financial support. CDFI's prove that private sector, locally controlled financial institutions can combine rigorous fiscal management with a commitment to improving communities by offering capital access along with related training and technical services when other institutions may not. CDFI's provide capital to distressed communities, as well as increase the number of joint venture loans between Federal, State, and private entities.

Mr. President, Cascadia Revolving Fund, of Seattle, is a prime example of how CDFI's can complement traditional financial institutions. Cascadia is a nonprofit community development loan fund which makes loans and provides technical assistance to low-income, minority- and women-owned businesses in addition to businesses in economically distressed areas. Over the past 10 years, Cascadia has lent over $3 million, and 90 percent of the businesses they have assisted are still in business today.

The Community Development Banking Act of 1994, which created the CDFI fund, received broad bipartisan support in the 103d Congress. The legislation passed the Senate unanimously, and was approved by a 410 to 12 vote in the House. Today, there are roughly 310 CDFI's operating in 45 States that manage more than $1 billion in primarily private sector money.

Mr. President, it would be a shame to terminate this program designed to revitalize economically distressed communities before even giving it a chance to succeed. If the Senate has the opportunity to revisit this bill during the appropriations process, I urge my colleagues to restore funding to the Community Development Financial Institutions Fund.

Mr. BRADLEY. Mr. President, things are finally beginning to turn around in urban America. We have finally taken some small, tentative steps to give children a safe and nurturing environment, to help communities repair

themselves, to help individuals find and get jobs, to help poor people develop assets for the future, and to restore strong financial institutions that help communities save their own money, invest, borrow, and grow.

But just as the economics of urban America were starting to improve, this bill pulls out one of the most vital initiatives to bring capital, initiative, savings, and growth to those who have been isolated from it: the Community Development Financial Institutions Program. This initiative evolved from the Community Capital Partnership Act that I introduced in 1993. I am very disappointed that the committee included no funds for community development financial institutions, and I want to remind the chairman of the subcommittee that there is significant, passionate support in the Senate for the continuation of this program.

Most of us take basic financial institutions for granted. We have savings and checking accounts, our bank lends our money to businesses in our communities, and we borrow ourselves when it comes time to buy a home or we have an inspiration to start a business. But in most American cities, the only financial institution they know is the check-cashing cubicle, which charges up to 5 percent just to cash a Government check, and takes the money back out of the community. People who want to save have nowhere to go and businesses have no access to capital. Within the 165 squares miles that make up the areas most affected by the Los Angeles riots, there are 19 bank branches, as compared to 135 check cashing establishments.

People who want to borrow have even fewer opportunities. They can buy a car or furniture on time, or on a rent-to-own plan, but if they want to borrow to get ahead, by starting a small service business or a store, they're out of luck. The ''McNeil-Lehrer Newshour'' last year interviewed some ambitious entrepreneurs in rural Arkansas, one of them a woman named Jesse Pearl Jackson, who owns a beauty salon. She needed a loan for new equipment, and when she went to a bank, she says the loan officer ''laughed me clean out the door. She said, 'You want money for what?' She said, 'You don't walk in here and ask me for an application for a loan. That is not the way you do it.' I said, 'Well, if you will tell me what to do, then I will come back, and I will do it right the next time.' She was laughing so hard and making fun of me so bad I never went back.'' There is money to be made here, for any bank willing to take entrepreneurs like Ms. Jackson seriously, but large financial institutions without roots in the community are unlikely to see those opportunities.

But there are islands of hope for people who want to save and invest in troubled communities. Last year I visited La Casa de Don Pedro, which operates a credit union in a very poor section of Newark. La Casa is a multi-purpose community organization that just happens to have a credit union. While I was there, a stream of members poured into the small building which houses the credit union, day care center, and other programs, depositing $20, $50, and $100 at a time. I did not see any banks in the vicinity of La Casa. If it were not for the credit union, many of the community's residents would have no place to deposit their money, secure small loans, or take advantage of other services we often take for granted.

This fund does not, and should not, seek to create organizations that will be perpetually dependent on Government for support. Instead, it seeks to reach in at a point of leverage in capital-starved communities and get them started. It does not set development strategies for either the institutions or the communities they serve. Instead, it lets those involved in the struggle for economic recovery find their own path.

There has been such widespread support for the idea of expanding community financial institutions, even though it is a relatively new idea to many people. I still hear some wariness, though, about this investment from people who argue that poor people do not save and that distressed communities do not have the resources to support economic development.

The evidence contradicts this cynical view. In Paterson, NJ, last year, I visited one of the few banks that had not left that city. I struck up a conversation with a customer, who volunteered that she was depositing $100. Surprised, I asked her how much she generally saved in a week. She told me that she and her husband had five children and earned $20,000 last year—below the poverty line. But even on this income, they saved $3,000 that year, for health emergencies, for college, or to give their children a chance at a better life. Their experience tells me that saving for the future is a fundamental value of our country, not limited to the middle class, and that if we all had access to the institutions that make capitalism work, we could all be a part of vital, self-sufficient communities.

Mr. President, I know we expect this legislation to be vetoed, because it sets all the wrong priorities. The defunding of the CDFI initiative is only one example. I hope that we will have an opportunity to reconsider this bill, to put all its priorities in order, and that when we do, we will find a way to continue to support community development financial institutions.

COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS FUND

Mr. SIMON. Mr. President, I want to express my strong support for the community development financial institutions [CDFI] fund.

Created by legislation enacted in 1993, the CDFI fund, in a new partnership with the private sector, would revitalize economically distressed communities. The fund would create a permanent network of financial institutions that are dedicated to serving these communities.

Today many low- and moderate-income Americans across the country are unable to cash a check, borrow money to buy a home, or secure a small loan to start or invest in a business. Rural communities, because they are remote, have unique problems in this regard.

Designed to encourage community development through lending to underserved low- and moderate-income people and communities, CDFI's are especially important to the people in these communities who do not have affordable credit, capital, and basic banking services.

The CDFI's would go a long way toward stimulating the economy in those communities by helping to create new jobs and promote the development of small business. And at a small cost. CDFI's are required to provide a minimum of $1 of matching funds for each Federal dollar received.

When enacted in 1993, the CDFI fund had the overwhelming support of both Houses of Congress. The President is a strong advocate of the fund. It is not a large program; but it can be an extremely effective one. It should not be terminated before having a chance to succeed.

Mr. President, I strongly urge my colleagues to reinstate funding for this vital program.

EPA PROVISIONS

Mr. KERRY. Mr. President, as we consider the VA-HUD Appropriations bill, we will set the budget for the Environmental Protection Agency, and this budget for EPA turns back the clock on 25 years of bipartisan progress and tips the balance from the protection of people to the protection of the special interests of some industries.

The Gingrich majority and the extremists on the right have placed in jeopardy the gains we have fought for, and the progress we have made to protect the environment and ensure the health and safety of every American in the last 25 years.

Ironically, for 19 of the last 25 years Republicans were in charge of the EPA. It was Richard Nixon who signed into law the National Environmental Policy Act and declared protection of the environment to be a national priority. And today the Republican majority is turning its back on its own promise.

Twenty-five years ago environmental organizations let their voices be heard and the message was loud and clear. We must find that voice again. We must unite in our efforts and let the message resound across this Nation and through the halls of Congress—that we will not turn back the clock on environmental protection.

We will not retreat. We will not give in. We will fight for clean air, clean water, and the preservation of our land and oceans and rivers so that the world we leave our children will be the same magnificent world that was handed down to us.

I call on every one who believes in the importance of environmental protection and who has been part of this fight to stand together and renew the effort we began. We cannot assume we can change the agenda in Congress.

We cannot take anything for granted. We must rebuild, retool, reorganize, and reeducate. We must put aside whatever differences exist between groups or regions and stand up for what we know is right for the Nation and for the environmental gains we have made.

We have to start anew—as people committed to the environment—we must begin again as if this were April 22, 1970, the first Earth Day.

We must take advantage of America's attention on the 25th anniversary of that day to galvanize support across the country for what Americans believe and want for the environment: clean air, clean water, pristine rivers, and protected ecosystems, abundant species of plants and animals, clean beaches, parks and public lands that are clean and safe, cities with breathable air, industries and businesses that are willing to do all they can to protect the environment, and a government that cares.

These should be the 10 commandments for the new environmental movement, and our call to action is clear: Remember April 22, 1970. And, Mr. President, we must do so in a rational bi-partisan manner.

But this bill—this bill—Mr. President, speaks volumes about the new Republican Party and its retreat from responsible policies designed to protect the health and safety of all Americans—of all incomes, all races, and particularly those who are the most vulnerable in society today.

The central question in this debate is: What priority do we place on protecting our Nation's vital natural resources and the health of its citizens? Regrettably, I must say that the Appropriations Committee does not put as high a priority on the environment as the American people do.

This bill cuts the EPA budget by $1.7 billion—23 percent below the level originally appropriated to the EPA for the current fiscal year. In addition, it includes 11 legislative riders that eliminate critical environmental protections provided in such statutes as the Safe Drinking Water Act and the Clean Air Act.

Mr. President, I am cosponsoring several amendments today to restore some of the more egregious cuts and provisions in this bill to bring it more in line with what I believe to be the priorities of most Americans.

In addition to the EPA, the VA-HUD and Independent Agencies appropriations bill before us today includes funding for the Veterans Administration, for Housing and Urban Development, the National Science Foundation, and the National Aeronautic and Space Administration—all important Federal programs.

But of all the agencies, the agency that has the most direct impact on American lives is the EPA.

I find it ironic that it is the EPA budget that takes the largest reduction of any agency's budget in this bill—23 percent cut from funding levels originally appropriated for the current fiscal year.

Americans have, indeed, called for meaningful budget reductions and reforms and the President and Congress have serious plans to meet those reduction goals; and all departments and agencies must join in this effort if we are to succeed. But the best approach, by far, is first to eliminate wasteful spending, and then spread the reductions across agencies. Unfortunately, this is not the approach of the appropriators.

The committee this year, while cutting the EPA budget by 23 percent is reducing its other agencies by far less.

The fiscal year 1996 Senate appropriations bill for EPA would deal a harsh blow to efforts to protect public health and the environment for Massachusetts and the Nation.

While the President has proposed a balanced budget that would preserve the environment and protect the health and safety of American families, the bill before us cuts those protections dramatically, while placing severe limits on existing protections.

Let me take a moment to highlight the key cuts that would have an enormous negative impact on millions of citizens.

First, this bill cuts desperately needed assistance to State and local governments for important water infrastructure programs through the State revolving loan fund [SRF]. This bill cuts almost $600 million to provide assistance to local communities to offset the enormous costs of sewage treatment facilities in order to provide cleaner local water—cleaner water in nearby rivers and adjoining shorelines.

Of that, the $20 million which would be targeted to Massachusetts alone would assist over 300 communities across my State.

Hundreds of thousands of citizens in my State—as in dozens of States across this Nation—rely on clean water for their livelihood.

From tourism to fisheries, industries depend on the quality of water—and history shows that industry did not care about the quality of water when it had the chance—when there was no EPA. I wonder what has changed today.

My State is but one of many that had beaches closed to protect the public from unsafe waters in 1994. These closings cost millions of dollars but can be avoided with prudent, preventive clean water standards and a reliable water infrastructure system.

Local communities cannot shoulder this burden alone. That is why Congress created a Federal-State-local government partnership to finance this process.

That is why, earlier this year, we passed and the President signed into law, the Unfunded Mandates Act requiring that future legislative initiatives provide Federal financial assistance to State and local governments for implementing such large-scale undertakings.

I find it ironic that this same congressional leadership would now support cutting hundreds of millions of assistance to local and State governments when it is so urgently needed.

A second area of concern are funding cuts for the cleanup of the toxic waste sites. The Hazardous Waste Cleanup Program funding is targeted for a 36-percent reduction—$500 million.

A reduction on this scale would slow cleanups and would stall cleanup efforts in communities that have patiently waited for Federal intervention.

In Massachusetts alone, there are four new communities slated to begin cleanup efforts in 1996—New Bedford, Dartmouth, Palmer, and Tyngsborough.

All of these communities would be adversely impacted by these unprecedented cutbacks. And what do we tell the people who live there: ''Don't worry. The problem will take care of itself once we get Government off our backs?''

Mr. President, the problem is that companies did not take care of these situations before there was an EPA—or before a young man named Jimmy Anderson got sick from a contaminated well in Woburn, MA. He died from lymphocytic leukemia in 1981.

Let me digress for a moment because Jimmy Anderson's story makes the point better than any rhetoric I could come up with today.

Almost 30 years ago, Jimmy's mother Anne suspected something was wrong with their water because it smelled bad, only to be assured that the water was safe. Then, in early 1972, Jimmy got sick.

Despite Mrs. Anderson's concerns and protests, the wells remained in use until 1979 when a State environmental inspection triggered by an unrelated incident detected unusually high levels of toxins.

Eventually, other leukemia victims came forward and it turned out that between 1966 and 1986 there were 28 cases of leukemia among Woburn children with victims concentrated in a section of Woburn served by two wells.

Investigations revealed that there were lagoons of arsenic, chromium, and lead discovered on a tract of land that once housed a number of chemical plants, or from a nearby abandoned tannery that had left behind a huge mound of decades old rotting horsehides that gave off a smell that commuters used to call the Woburn odor.

I say to my colleagues, before we rush headlong into getting Government out of the business of protecting people like Jimmy Anderson I think we should reflect for a moment on the consequences of turning back the clock to

a time when there were no real regulations and industry did, indeed, have Government off of its back.

Let me read what Anne Anderson said to a congressional committee. She said,

> It is difficult for me to come before you today, but I do so with the realization that industry has the strength, influence, and resources that we, the victims, do not. I am here as a reminder of the tragic consequences of controlled toxic waste, and the necessity of those who are responsible for it to assume that responsibility.

Mr. President, this is why we have made the choices we did for the last 25 years. And they were the right choices.

I would submit to my colleagues that this bill throws responsibility to the wind, and begins a tragic return to the days when toxic lagoons contaminated the water in Woburn and killed Jimmy Anderson.

Now, getting back to the third point, Mr. President, the massive budget cuts proposed for EPA's enforcement and compliance programs seem extremely shortsighted. The Senate appropriators target the EPA enforcement program for a 20-percent cutback.

This is the office that goes after the bad actors in the environmental arena; they are the ones that most directly protect the public's health and safety.

Cutting back enforcement will only encourage polluters to continue breaking the law. In Massachusetts during 1994, EPA and State inspectors visited 1,091 facilities to ensure public health and safety standards. Of those visits, 117 State and Federal enforcement actions were taken to protect the public.

By weakening enforcement, more polluters are given an unfair economic advantage over responsible industry competitors play by the rules because polluters have lower production costs.

Less enforcement means more risk taking by polluters because they are less likely to get caught.

Let me tell you a tale of two companies. One bought scrubbers; the other bought lobbyists and lawyers.

In the early 1990's, Federal regulators discovered that a number of forest products companies had underestimated certain emissions at plywood and waferboard plants by a factor of 10—and had therefore failed to apply for permits under the Clean Air Act or install necessary but expensive pollution controls.

When EPA moved to require permits and installation of such equipment, Weyerhaeuser and Georgia-Pacific chose very different responses.

The one that played by the rules finds itself at a serious competitive disadvantage—if its rival can get away with it.

Weyerhaueser more or less played by the rules, moving quickly to install tens of millions of dollars in pollution controls at its plants—according to company officials—even before EPA began its enforcement action.

The company paid a substantial fine to State regulators, though it is currently contesting any EPA decision to seek fines.

Georgia-Pacific, on the other hand, chose to fight EPA, claiming it had only followed the agency's own faulty document—though a 1983 industry-produced technical bulletin corrected and publicized the error—and that State regulators had in any event approved its plants.

The company spent its money instead on Washington lawyers and lobbyists, who managed to slip a special provision into the original Dole regulatory reform bill effectively freeing Georgia-Pacific from any obligation to install the expensive equipment.

According to Weyerhaeuser, the pollution controls add $1 million a year to operating costs at each plant. If Georgia-Pacific can get away with its plan to avoid installing any controls whatsoever, Weyerhaeuser plants will then be at a serious disadvantage during the next downturn in the highly cyclical building products industry.

By playing by the rules, Weyerhaeuser will have lost.

Weyerhaeuser's director of environmental affairs says Georgia Pacific's tactic: ''sends exactly the wrong signal. We're finding ourselves in the position of being penalized for coming into compliance. We think that's unfair.''

Finally, Mr. President, in addition to the unjustified draconian budget cuts, there are nearly a dozen legislative riders that have no business being added to an appropriations bill. These legislative proposals should be considered by the authorizing committees with jurisdiction.

This bill guts EPA and virtually lets the free marketeers decide what is right, and puts its faith in the perceived altruism of American capitalists who somehow and for some reason, now, in 1995, have seen the light and will do better in the future than they did in the past.

It puts its faith in industry's willingness to care more about the common man than the bottom line. It says that if Government would only leave everyone alone, everyone will do the right thing. If we stop watching where folks dump their toxic waste, what they spew into the air, and what chemicals they use, everyone will act in the common interest.

I am not sure that is the case. But I am sure that EPA balances the equation between those who care and those who don not. Why now, are we willing to tip that balance—to favor the polluters over the people.

My Republican friends will deny that this bill tips the balance or turns back the clock. They will stand here and tell us that Government has been intrusive and it has—that Government has overregulated and it has—that Government is demanding too much of small business and it is.

They will give us example after example of ludicrous regulations and I agree that those regulations should be abolished, but not at the expense of the progress we have made.

But they will not tell us is why we needed an EPA. They conveniently forget about Jimmy Anderson.

This chorus to cut Government—with its refrain of getting Government off our backs—is becoming a dirge for the common man.

And we are marching into the next century to a slow and painful funeral march for the death of common sense.

I yield the floor.

RENO VA HOSPITAL

Mr. BRYAN. Mr. President, I want to bring to the attention of the Senate the impact the proposed VA/HUD appropriations bill is having on veterans who rely on the Veterans Affairs medical center located in Reno, NV, for inpatient hospital care.

I recognize the difficult funding decisions that faced the VA/HUD Appropriations Subcommittee. And I know the subcommittee wants to provide quality health care for veterans in quality medical facilities. But the decision to not fund any major construction projects jeopardizes the ability of the Reno VA hospital to provide that quality inpatient care to its veterans.

The Reno VA hospital's $20.1 million major construction project to build an inpatient bed wing project is an authorized project. The project's construction plans will be completed in November. The project will be ready for bid award in January, 1996. The House VA/HUD appropriations bill, passed in June, includes $20.1 million for the project. But there is no funding for this authorized project in this Senate bill.

The Reno VA hospital's current inpatient bed wing was designed prior to World War II, and is today a woefully inadequate facility. The Reno VA hospital inpatient bed wind has been in noncompliance with JCAHO accreditation standards for nearly 6 years. It again faces an accreditation evaluation from JCAHO on October 10.

The hospital's inpatient wing's deficiencies include inadequate fire prevention including lacking water sprinklers, an inadequate oxygen system in patient rooms, inadequate air conditioning, and inadequate handicapped access. Further, the patient rooms lack wash basins and toilets which violate both privacy standards for the patients, and health standards for nurses and physicians who are required to wash their hands before leaving a patient's room. With the increase in women patients using the hospital, the lack of wash basins and toilets problem is further exacerbated. Can you imagine being sick in a room with no air conditioning? In a room with no toilet facility except down the hall?

I know we would all agree this situation is intolerable. This inpatient care unit is woefully inadequate to meet even the most basic of standards for care and safety. The personal dignity of all the veterans who receive their inpatient hospital care there is compromised.

This hospital critically needs the new inpatient hospital wing to ensure the

center does not lose the JCAHO accreditation. To date, no Veteran Affairs medical facility has lost its accreditation. However, JCAHO has recently been under industry criticism for not being as stringent as it should be to ensure the quality of its accreditation standards. When a facility like the Reno hospital has been in noncompliance with accreditation standards for 6 years, and is unable to show JCAHO a definitive plan to correct those deficiencies, because its construction project has not been funded, it is surely not beyond the realm of possibility that Reno could be facing nonaccreditation.

And what happens should the hospital lose its accreditation? The hospital will be given a specific time period to move the current inpatient patients out of the facility, and obviously no new patients can be admitted. The hospital's medical residents from the University of Nevada-Reno medical school will have to leave the hospital immediately as they cannot practice in an unaccredited facility. The hospital's physicians will leave as soon as possible, as physicians do not further their professional standing by serving in an unaccredited facility. The hospital's research program will be dismantled because Federal research funds cannot flow to an unaccredited facility. In simple terms, Reno will no longer have an inpatient hospital.

Since coming to the Senate, I have worked to attain funding for a new inpatient bed wing. During the last budget cycle, the Reno hospital and the Department of Veterans Affairs drastically scaled back the construction project by nearly half its original cost. This revision was done to face the reality of funding constraints for major construction projects, and to ensure the hospital would have a definitive plan to meet its accreditation deficiencies. It is ironic that a construction project which has been significantly scaled back, and would solve the Reno hospital accreditation problems cannot go forward.

The subcommittee has recommended that no major construction project, whether authorized or not, should be funded. I understand the concerns of the subcommittee and the Senate Veteran's Affairs Committee that major construction projects should not go forward while the Department of Veterans Affairs is developing a new veterans health care delivery system. However, the veterans who rely upon the Reno VA hospital for inpatient medical care cannot wait.

The subcommittee increased the minor construction account funding to try to provide additional funds for facilities to use to address their accreditation, and life and safety deficiencies. But the minor construction account funding is not the answer for the Reno hospital.

The minor construction account limits funding to no more than $3 million per project. It is estimated to require $13.9 million to renovate the current inpatient bed wing; obviously over the $3 million project limit. Even if a $13.9 million expenditure could be made from the minor construction fund, the hospital would still not meet accreditation standards. This is an old building. Most of this building is uninsulated. Its electrical system is at capacity. Its steam radiator heating system is beyond economical repair. Only so much can be done within the limits of such a building. Is it wise to put millions into an old building, that will not in the end meet accreditation and life safety code requirements? I think not.

It must also be noted that the estimated $13.9 million renovation cost does not include the costs of contracting out inpatient hospital care during the disruption caused by such construction work. There is no other VA health care facility within competitive travel distance to assume any of Reno's inpatient caseload. Given the population influx of veterans into northern Nevada, and the increased patient load of California veterans due to closure of the Martinez VA facility damaged by earthquake, this hospital needs to be able to continue to serve the inpatient hospital needs of veterans for years to come.

None of us wants a VA hospital closed for accreditation noncompliance. None of us wants sick veterans receiving care in a hospital room with no air conditioning or inadequate fire protection. Given extreme budget restraints, hard decisions must be made. But when those hard decisions serve to prevent a vitally needed construction project like the Reno hospital inpatient wing from going forward, the funding priorities are skewed. Reno needs a new inpatient wing without further delay.

NATIONAL SCIENCE FOUNDATION

Mr. INOUYE. Will the Chairman of the Veteran's Affairs and Housing and Urban Development, and Independent Agencies Subcommittee yield for a question?

Mr. BOND. I would be pleased to yield for a question from the senior Senator from Hawaii.

Mr. INOUYE. I thank the chairman for yielding.

As the chairman knows, starting in fiscal year 1991, the Veterans Affairs and Housing and Urban Development Subcommittee urged the creation of a new Directorate for Social, Behavioral and Economic Sciences at the National Science Foundation. This was led by our colleague Senator BARBARA MIKULSKI.

The subcommittee also was instrumental in encouraging the new NSF Directorate to pursue a program called the Human Capital Initiative, which supports basic behavioral research aimed at some of our most serious national problems—such as education, substance abuse, violence, productivity, problems of aging, health, and others.

This year, for fiscal year 1966, the subcommittee has had to make some hard choices among programs to live within their 602(b) allocations. The chairman has been fair and even-handed in his efforts to craft a bill within the spending total available to him.

Is it the chairman's intention that this fairness will also carry over when final allocations are made at NSF, and that NSF's programs in the Social, Behavioral and Economic Sciences Directorate will receive equitable treatment with other research disciplines?

Mr. BOND. I thank the Senator from Hawaii for the question.

It is my intention and my expectation that the National Science Foundation would continue the current practice of recommending support levels for that Directorate and for the programs represented by the Human Capital Initiative, within the overall funding recommendations of the committee in its operating plan. As you know, we generally accord the recommendations of the Foundation considerable deference given the technical nature of many of these allocation decisions, and it is my intention to continue this practice.

Ms. MIKULSKI. As the ranking minority member of the subcommittee, I also would like to thank the Senator from Hawaii for his question, and I wholeheartedly support the answer provided by Chairman BOND. It would be a matter of great concern to me if any area of research at the National Science Foundation is singled out and given inappropriate reductions in funding. Our support for the Social, Behavioral and Economic Sciences Directorate and for the Human Capital Initiative must continue to be strong and I hope to see those programs funded as generously as our appropriations will allow.

Mr. BOND. Mr. President, there are still a number of amendments left on the list. We do not believe the Senators proposing them are planning to come down. Senator DASCHLE has reserved a relevant amendment, Senator SIMPSON has reserved an amendment to eliminate the EPA SEE program. We are preparing to move to the adoption of the final managers' amendment.

I ask that, if there are any Senators who do wish to pursue these amendments, that they call the cloakroom immediately and let us know, because as soon as we do the managers' amendment we will be ready to proceed to third reading.

I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

PETROLEUM REFINERY MACT STANDARDS

Mr. INHOFE. Mr. President, I am in strong support of language at this

point calling for the EPA to reevaluate the petroleum refinery MACT standards. The refinery MACT legislation is a prime example of the EPA regulations run amok.

As I said at a hearing earlier this year, refinery MACT regulation could be a poster child for nonsensical regulations. Its costs far exceed any possible benefits.

As a member of the authorizing subcommittee, I can speak for a majority of the subcommittee in saying that the EPA has taken the wrong direction in its implementation of the Clean Air Act amendments. The implementation of the act is an issue that the subcommittee will be addressing in the coming months. However, in the meantime we need to put a stop to the refinery MACT rule from taking effect.

These are the rules that were promulgated, yet the standards which were used were standards prior to 1980 when, in fact, the refineries had complied with the 1990 amendments. Those things were not taken into consideration.

We are talking about millions of dollars, if we leave these regulations in effect. This does not roll back any environmental laws. It just allows the EPA the time to fix an obviously flawed regulation.

In the defense of the EPA, I would say they were under a court-ordered deadline when this happened, and I feel this is an opportunity for us to at least have language in there suggesting we rescind compliance for that period of time.

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

The PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Ms. SNOWE). Without objection, it is so ordered.

REMAINING EXCEPTED COMMITTEE AMENDMENTS

Mr. BOND. Madam President, I ask unanimous consent that the remaining committee amendments previously excepted from adoption be adopted en bloc at this time.

The PRESIDING OFFICER. Is there objection?

Mr. MCCAIN. Reserving the right to object, could I ask the managers of the bill to explain No. 12.

Mr. BOND. Madam President, we are referring to the items that were excepted by request of the other side.

Mr. MCCAIN. I have no objection.

Mr. BOND. We are now prepared to go through the list of amendments we propose to adopt en bloc in the managers' amendments.

I will send these amendments to the desk and ask unanimous consent that they be considered en bloc.

The PRESIDING OFFICER. Without objection, the remaining committee amendments are agreed to.

AMENDMENTS NOS. 2796 TO 2808 EN BLOC

Mr. BOND. First, I send an amendment proposed by Senator SIMON and Senator MOSELEY-BRAUN providing an effective date for the transfer of the Fair Housing Act enforcement from HUD to the Attorney General;

Second, an amendment by Senator JOHNSTON providing the EPA shall enter into an arrangement with the National Academy of Sciences to investigate and report on scientific bases for regulating indoor radon and other naturally occurring radioactive materials;

Next, an amendment by Senator BINGAMAN relating to energy savings at Federal facilities;

Next, an amendment to increase amounts provided for FEMA salaries and expenses, and Office of Inspector General, and emergency food and shelter;

Next, an amendment to make technical corrections and modifications to the committee amendment to H.R. 2099, about 10 pages of corrections primarily in language to conform to the intent of Congress in the measures adopted here, and to clarify the subsection numbers;

Next, an amendment by Senator KEMPTHORNE and myself to provide additional time to permit enactment of Safe Drinking Water Act reauthorization which will release funds for the financial assistance program;

Next, an amendment by Senator FAIRCLOTH to prevent funds being used for the filing or maintaining of nonfrivolous legal action, and achieving or preventing action by a Government official, entity, or court of competent jurisdiction;

Next, an amendment by Senator FAIRCLOTH to preserve the national occupancy standard of two persons per bedroom in the HUD regulations;

Next, an amendment by Senator FEINSTEIN to expand the eligible activities under the community development block grant to include reconstruction;

Next, an amendment by Senator WARNER to impose a moratorium on the conversion of Environmental Protection Agency contracts for research and development;

Next, an amendment by Senators MOYNIHAN and D'AMATO to transfer a special purpose grant for renovation of central terminal in Buffalo, NY, making available for central terminal and other public facilities;

Next, an amendment by me to provide $6 million for the National and Community Service Act of 1990 to resolve all responsibilities and obligations in connection with the said Corporation and the Corporation's Office of Inspector General;

And, finally, an amendment by Senator FEINGOLD to require a report from the Secretary of the Department of Housing and Urban Development on the extent to which community development block grants have been utilized to facilitate the closing of an industrial commercial plant for the substantial reduction and relocation and expansion of the plant.

Mr. MCCAIN. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. I will not object. I would like to take this opportunity to thank the Senators from Missouri and Maryland, and their staff, for allowing Senator BROWN's staff and my staff, and Senator BROWN and myself, to review these amendments.

I think they are all very appropriate.

I appreciate the degree of cooperation shown.

I remove my objection.

The PRESIDING OFFICER. Without objection, the clerk will report the amendments en bloc.

The legislative clerk read as follows:

The Senator from Missouri (Mr. BOND) for himself and others, proposes amendments numbered 2796 through and including 2808.

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

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

The amendments en bloc are as follows:

AMENDMENT NO. 2796

On page 169, at the end of line 7, insert before the period the following: ''effective April 1, 1997; *Provided*, That none of the aforementioned authority or responsibility for enforcement of the Fair Housing Act shall be transferred to the Attorney General until adequate personnel and resources allocated to such activity at the Department of Housing and Urban Development are transferred to the Department of Justice.''

Mr. KENNEDY. Mr. President, this appropriations bill, as reported by the committee, contained an ill-advised proposal to transfer all enforcement authority under the Fair Housing Act from the Department of Housing and Urban Development to the Department of Justice.

I am strongly opposed to any such transfer of authority, for reasons that I will describe in a moment.

But I and other opponents of the transfer proposal have agreed not to offer an amendment to strike the provision because the chairman of the subcommittee has agreed to include in the managers' package an amendment to postpone any transfer of enforcement authority on the transfer of adequate personnel and resources to the Department of Justice.

Let me explain my reasons for opposing the transfer of fair housing enforcement authority. At the outset, I would note that this sweeping reorganization has not been the subject of a single day of hearings in the Judiciary Committee. Since enactment of the Fair Housing Act, each Department has put in place the procedural mechanisms to fulfill its obligations under the act. In a scant 2 pages of legislative language, this bill seeks to change the fundamental structure of fair housing enforcement.

I was one of the members of the bipartisan coalition that crafted the Fair Housing Act amendments in 1988. That

bill was a comprehensive, carefully considered set of improvements to the act. One of the central components of the 1988 bill was a division of responsibility for fair housing enforcement between the Department of Justice and the Department of Housing and Urban Development. In fact, the enforcement scheme was the product of lengthy discussions with the real estate industry itself.

Under the current structure, the Department of Housing and Urban Development responds to discrimination complaints and provide administrative enforcement of those complaints. It is the only agency which maintains a system of field investigators and the legal staff necessary to respond to complaints of discrimination in housing. It is the only agency which investigates housing discrimination complaints and provides administrative hearings to reduce the need for litigation. It is the only agency with a specific process to encourage voluntary compliance with the Fair Housing Act.

HUD is the only agency which can efficiently and effectively combat housing discrimination on a daily basis because it is the only agency which was set up to enforce the Fair Housing Act on a daily basis.

Only after HUD has conducted a through investigation and attempted to settle the dispute short of litigation, does the Department of Justice become involved in the case. In fact, only one in five cases is ever referred by HUD to the Department of Justice. In 1995, almost half of all complaints filed with HUD were resolved through conciliation.

The Department of Justice is the Nation's litigator. Its only investigatory branch is the FBI. The Justice Department is ill-equipped to handle the major structural change involved in assuming HUD's obligations under the Fair Housing Act. The Department would have to set up a structure to receive, investigate, process, prosecute and adjudicate over 10,000 complaints annually. Concurrently, it would have to administer field enforcement in several State offices. The Justice Department has no State offices for such purposes, and has no resources for procuring such offices. In effect, the Department of Justice would have to recreate the structure already present in HUD; all at a cost to the American taxpayer.

The Justice Department does not have the capacity, nor does it want, to take on HUD's enforcement obligations under the Fair Housing Act. It is a waste of time and money to mandate this restructuring when HUD already has a system in place—a system which works to effectively and quickly investigate and resolve discrimination complaints. Both Attorney General Reno and Secretary Cisneros oppose the transfer proposal.

If H.R. 2099 were to pass without the changes in the managers' amendment, the effect would be devastating. As of September 30, 1995, HUD's swift administrative investigation and resolution of complaints would cease. In addition HUD would be barred from seeking injunctions for plaintiffs whose injuries are immediate and irreparable, continuing settlement negotiations already in progress, investigating complaints, or even providing counsel in pending litigation. As a result, the law protecting people from discrimination in housing would become a dead letter.

My willingness to negotiate a postponement of the transfer should not be interpreted to mean that I now support the transfer of enforcement authority. I do not. I intend to work over the course of the next 18 months to prevent this transfer from taking place.

I understand the managers' amendment to mean that over the next 18 months, both the Judiciary Committee and the Banking Committee will examine this proposal and its implications. If we conclude that such transfer is unwarranted, we will act to avert it by subsequent legislation. And it is further my understanding, as one who has negotiated this compromise, that no transfer of the legal authority to enforce the Fair Housing Act shall ever take effect until and unless adequate personnel and resources are provided to the Department of Justice to enforce the act with the same rigor and dedication as HUD currently does.

Above all, I oppose any legislative effort to weaken the Fair Housing Act. The Senate wisely accepted the Feingold amendment to ensure that the insurance industry is covered by the act. And our resolution of the enforcement question ensures that there will be no precipitous transfer of authority—and perhaps no transfer at all if cooler heads prevail.

Mr. SIMON. Mr. President. I strongly object to a provision in the fiscal year 1996 Veterans Administration/Housing and Urban Development, VA–HUD, appropriations bill. The provision repeals the Department of Housing and Urban Development's, HUD, Fair Housing Act enforcement authority and transfers it to the Department of Justice, DOJ. While I appreciate the efforts of Senator BOND to work with me to improve the language of the provision and to give some time before the transfer of authority is to take place, I still believe that the approach in this bill is wrong.

The VA–HUD Subcommittee report states that ''[t]he intent of this provision is not to minimize the importance of addressing housing discrimination in this Nation.'' Unfortunately, this provision does just that.

The subcommittee report also states that ''the Justice Department with its own significant responsibilities to address all forms of discrimination represents a good place to consolidate and to provide consistency for the Federal Government to combat discrimination * * *'' The Justice Department itself has said that it would not be such an appropriate place.

Make no mistake about it—the repeal of HUD's authority would severely harm fair housing enforcement. HUD receives 10,000 complaints each year filed by those alleging housing discrimination. HUD's 10 regional enforcement centers take action on every bona fide complaint, by investigating, conciliating, and otherwise overseeing the disposition of each complaint. HUD resolves most of its cases through the conciliation process.

DOJ simply cannot devote such resources to enforcement of the Fair Housing Act given its current responsibilities and structure. DOJ's Civil Rights Office is not an investigative agency with a field office structure to investigate individual complaints. DOJ's investigative arm is the FBI, which would have tremendous difficulties handling the volume of housing discrimination cases, and would be deterred from its own crucial responsibilities.

Moreover, under current law, HUD is responsible for providing administrative hearings, writing regulations, and overseeing fair housing policies. If the transfer of authority occurred, DOJ would need to develop its own national infrastructure to implement the administrative enforcement program already in place at HUD. Not only does DOJ lack experience in running administrative enforcement programs, but this transfer of authority would be extremely costly. Enforcement of this important legislation would create unnecessary transition costs to the taxpayer.

Unfortunately, the decision to transfer HUD's authority to DOJ is being done without the benefit of public deliberation and debate. It is my understanding that this proposal has not been the subject of hearings in either committee of jurisdiction—the Judiciary Committee or Banking Committee. In addition, neither HUD nor DOJ was consulted prior to the provision's inclusion in this appropriations bill. Even more importantly, both HUD and DOJ are strenuously opposed to the transfer of authority.

A host of organizations, representing a broad spectrum of interests, also opposes the provision. The Leadership Conference on Civil Rights, an umbrella group over 100 civil right groups, as well as the National Association of Realtors, Institute of Real Estate Management, National Apartment Association, National Assisted Housing Management Association, National Leased Housing Authorities, and the National Multi-Housing Council, all oppose the transfer.

In 1988, the Fair Housing Act was carefully crafted to ensure that there was an effective and efficient mechanism for addressing fair housing concerns. The Department of Housing and urban Development, the source of policymaking and expertise in the area of housing, was determined to be the most appropriate agency to address these concerns. While it may be true

that there have been problems with enforcement, certainly the solution does not lie in dismantling this carefully crafted enforcement mechanism with one stroke of the pen. In closing, I urge my colleagues to reject the inclusion of this provision in the final version of this bill, and I will be working toward that end.

Also, I concur in the views expressed by Senator KENNEDY concerning the effect of the postponement of the transfer proposal and the conditions under which that transfer would take place.

Ms. MOSELEY-BRAUN. Mr. President, while I appreciate the cooperation of the Senator from Missouri, Senator BOND, in allowing for a delay in the proposed transfer of fair housing enforcement from the Department of Housing and Urban Development to the Department of Justice, I strongly object to the transfer occurring at all.

One of the most powerful symbols of America is the home. Having a home is the American dream. Every parent wants to raise their child in a safe, decent home. Every young couple wants to live in a place of their own. Every grandparent wants a home where the family can visit.

The Fair Housing Act guarantees that every American has a chance at home—a chance that cannot be denied because of their race, gender, national origin, color, religion, family status, or disability.

In 1988, the U.S. Congress, after careful deliberation, voted overwhelmingly to strengthen enforcement of the Fair Housing Act. President Reagan and Vice President Bush strongly supported Congress' efforts.

The 1988 amendments to the Fair Housing Act established an administrative enforcement procedure within HUD to facilitate speedy investigation and resolution of fair housing complaints as an alternative to filing suit in Federal courts, where there are lengthy delays.

From 1989 to 1994, the number of discrimination complaints HUD received more than doubled. The number now stands at around 10,000 complaints a year.

Here's an example of the type of complaint HUD investigates: A woman in Chicago was being sexually harassed by her landlord. He was found to have consistently conditioned women's tenancy on their performing sexual favors for him. HUD investigated the case, the Department of Justice brought charges and he was found guilty and made to pay $180,000.

Here's another example: an African-American was turned down for an apartment in a predominantly white New England city because another African-American already lived in the building and the landlord thought the neighbors might care. HUD's Fair Housing Office negotiated a settlement and the man received $2,500.

Discrimination in granting mortgages and homeowners insurance continues to be a serious problem. Since 1989, banks have been required to report the race of their loan applicants. From that information we find that, according to the Federal Reserve, in 1990, minorities of all incomes were rejected for mortgage loans at more than twice the rate of whites.

A study by the National Community Reinvestment Coalition in 1994 found that moderate-income and minority individuals were being consistently underserved by 52 large mortgage lenders.

According to a study by the National Association of Insurance Commissioners, which examined the availability and price of homeowners insurance in 25 cities in 13 States, average premiums are higher, and availability more limited in minority areas, even when loss costs are taken into account.

According to a study by the Missouri Insurance Commissioner, among the 20 largest Missouri homeowner insurance companies, 5 have minority market shares of less than one-twentieth their share of the white markets.

I would like to take a moment to thank Majority Leader DOLE and Senator BOND for their assistance in passing Senator FEINGOLD's amendment providing for the continued enforcement of the Fair Housing Act in cases of discrimination in the granting of homeowners insurance. We preserved an important civil rights protection today.

HUD is better suited to enforcing the Fair Housing Act than the Department of Justice.

HUD's ability to enforce the Fair Housing Act was strengthened in 1988 when they were given the ability to investigate, conciliate, and bring suit in cases where discrimination was occurring. Previously, HUD was not allowed to play an official role in combating any of the housing discrimination it witnessed.

HUD investigates all complaints. If HUD finds that there is a basis for a complaint and no conciliation can be reached, the parties have the option of having a hearing before an administrative law judge or a Federal trial. If any person or HUD chooses a Federal trial that is the venue.

The Department of Housing and Urban Development now investigates 10,000 cases a year.

The Department of Housing and Urban Development is in a unique position to combat discrimination in housing and to make fair housing policy decisions within an overall housing policy framework. HUD works with tenants, landlords, mortgage lenders, advocacy groups, and others every day in nonadversarial ways.

HUD maintains a field operation to receive complaints, including 10 regional offices and has a staff of over 600 in the Office of Fair Housing and Equal Opportunity Office; of the 10,000 complaints it receives, HUD investigates each one and attempts conciliation in each case. HUD provides for administrative hearings and for administering voluntary compliance programs, grant programs and interpretive actions.

In 1994, HUD was able to resolve over 40 percent of the discrimination cases with conciliation—neither side ever had to go to court. HUD resolves over five cases through the conciliation process for every one it refers for litigation.

If HUD believes a violation of the law may have occurred, a complainant may be provided with Government representation at no cost.

The Department of Housing and Urban Development has worked hard to improve their antidiscrimination efforts and wants to continue their efforts. The Department of Justice believes that the appropriate place for these efforts is with the Department of Housing and Urban Development.

If there is a pattern or practice of housing discrimination, the Attorney General can bring civil action in a Federal district court.

Any case before HUD that goes before Federal court is handled by the Department of Justice already.

The traditional role and expertise of DOJ has been to litigate cases, not to perform administrative enforcement. HUD operates a system of administrative adjudication of complaints using administrative law judges.

The Department of Justice does not have the people or the field office structure to handle the caseload or investigate individual complaints. The Civil Rights Division of the Department of Justice is not an investigative agency. The investigative arm of the Department of Justice is the FBI.

This transfer is premature and ill-conceived. There have been no hearings, no reports issued, and no analysis recommending that the Fair Housing Act enforcement authority be transferred from HUD to the Department of Justice.

Appropriations bills are not the appropriate place to effect major policy changes. This is a proposal that should receive the consideration of the Judiciary Committee at the very least since its effects would so dramatically effect the Department of Justice.

It is true that the process for handling discrimination complaints is not flawless. The Department of Housing and Urban Development is having to work hard to make their Fair Housing Office effective and responsive. But, there is no compelling reason for a transfer of enforcement authority to occur. The practical effect of this move would be to reduce the protections afforded to the victims of housing discrimination.

The Department of Justice cannot and should not handle the investigative and conciliation functions of HUD. The administrative law judges free up the Federal courts and reduce the time it takes for disputes to be resolved.

If this is a change that should occur, the Congress should hear testimony and be presented with evidence that the transfer is in the best interests of the country and the people facing discrimination. I am willing to study the issue further.

It is my belief that we should let the Department of Housing and Urban Development continue to work with the Department of Justice to ensure that every person, every family, has the opportunity to have a home.

Mr. BRADLEY. Mr. President, I rise in support of the Moseley-Braun amendment requiring that the transfer of enforcement of housing discrimination from the Department of Housing and Urban Development [HUD] to the Department of Justice [DOJ] cannot take place unless DOJ is given adequate resources and manpower to continue administrative enforcement of the Fair Housing Act.

Mr. President, I am opposed to transferring enforcement authority from HUD to DOJ. Establishing an organizational and physical infrastructure to handle administrative enforcement of housing discrimination at the Department of Justice represents a poor policy choice and a needless expenditure of taxpayer funds. Such a transfer would not result in improvements in either efficiency or function. However, Mr. President, I support this amendment requiring that such a transfer cannot occur unless continued administrative enforcement of housing discrimination is ensured.

Pursuant to the Fair Housing Act, HUD has an administrative structure that is responsible for enforcing fair housing violations against individuals. Administrative functions include writing regulations, seeking voluntary compliance agreements with members of the housing industry, and establishing and overseeing a network of State and local agencies to process complaints under local fair housing laws and ordinances. Roughly 10,000 fair housing complaints are filed annually with HUD, and the agency has 10 regional enforcement centers around the country to process these complaints.

In contrast to HUD's mandate to investigate individual complaints and to settle disputes administratively, DOJ has independent authority under the Fair Housing Act to enforce through litigation violations of the act where it finds a pattern and practice of discrimination. DOJ does not have the infrastructure to handle individual fair housing complaints. For example, it does not have an investigative agency with a field office structure to investigate individual complaints.

Mr. President, transferring enforcement authority from HUD to DOJ would require DOJ to recreate a structure that already exists at HUD. While I oppose such a transfer, I nevertheless support my colleague from Illinois in requiring that such a transfer cannot occur unless the resources and manpower are provided to ensure continued administrative enforcement of the Fair Housing Act.

AMENDMENT NO. 2797

(Purpose: To provide for a study by the National Academy of Sciences)

At the appropriate place, insert: ''Not later than 90 days after the date of enactment of this Act, the Administrator of the Environmental Protection Agency (EPA) shall enter into an arrangement with the National Academy of Sciences to investigate and report on the scientific bases for the public recommendations of the EPA with respect to indoor radon and other naturally occurring radioactive materials (NORM). The National Academy shall examine EPA's guidelines in light of the recommendations of the National Council on Radiation Protection and Measurements, and other peer-reviewed research by the National Cancer Institute, the Centers for Disease Control, and others, on radon and NORM. The National Academy shall summarize the principal areas of agreement and disagreement among the above, and shall evaluate the scientific and technical basis for any differences that exist. Not later than 18 months after the date of enactment of this Act, the Administrator shall submit to Congress the report of the National Academy and a statement of the Administrator's views on the need to revise guidelines for radon and NORM in response to the evaluation of the National Academy. Such statement shall explain and differentiate the technical and policy bases for such views.''

AMENDMENT NO. 2798

(Purpose: To reduce the energy costs of Federal facilities for which funds are made available under this Act)

At the appropriate place, insert the following:

SEC. . ENERGY SAVINGS AT FEDERAL FACILITIES.

(a) REDUCTION IN FACILITIES ENERGY COSTS.—

(1) IN GENERAL.—The head of each agency for which funds are made available under this Act shall—

(A) take all actions necessary to achieve during fiscal year 1996 a 5 percent reduction, from fiscal year 1995 levels, in the energy costs of the facilities used by the agency; or

(B) enter into a sufficient number of energy savings performance contracts with private sector energy service companies under title VIII of the National Energy Conservation Policy Act (42 U.S.C. 8287 et seq.) to achieve during fiscal year 1996 at least a 5 percent reduction, from fiscal year 1995 levels, in the energy use of the facilities used by the agency.

(2) GOAL.—The activities described in paragraph (1) should be a key component of agency programs that will by the year 2000 result in a 20 percent reduction, from fiscal year 1985 levels, in the energy use of the facilities used by the agency, as required by section 543 of the National Energy Conservation Policy Act (42 U.S.C. 8253).

(b) USE OF COST SAVINGS.—An amount equal to the amount of cost savings realized by an agency under subsection (a) shall remain available for obligation through the end of fiscal year 2000, without further authorization or appropriation, as follows:

(1) CONSERVATION MEASURES.—Fifty percent of the amount shall remain available for the implementation of additional energy conservation measures and for water conservation measures at such facilities used by the agency as are designated by the head of the agency.

(2) OTHER PURPOSES.—Fifty percent of the amount shall remain available for use by the agency for such purposes as are designated by the head of the agency, consistent with applicable law.

(c) REPORTS.—

(1) BY AGENCY HEADS.—The head of each agency for which funds are made available under this Act shall include in each report of the agency to the Secretary of Energy under section 548(a) of the National Energy Conservation Policy Act (42 U.S.C. 8258(a)) a description of the results of the activities carried out under subsection (a) and recommendations concerning how to further reduce energy costs and energy consumption in the future.

(2) BY SECRETARY OF ENERGY.—The reports required under paragraph (1) shall be included in the annual reports required to be submitted to Congress by the Secretary of Energy under section 548(b) of the Act (42 U.S.C. 8258(b)).

(3) CONTENTS.—With respect to the period since the date of the preceding report, a report under paragraph (1) or (2) shall—

(A) specify the total energy costs of the facilities used by the agency;

(B) identify the reductions achieved;

(C) specify the actions that resulted in the reductions;

(D) with respect to the procurement procedures of the agency, specify what actions have been taken to—

(i) implement the procurement authorities provided by subsections (a) and (c) of section 546 of the National Energy Conservation Policy Act (42 U.S.C. 8256); and

(ii) incorporate directly, or by reference, the requirements of the regulations issued by the Secretary of Energy under title VIII of the Act (42 U.S.C. 8287 et seq.); and

(E) specify—

(i) the actions taken by the agency to achieve the goal specified in subsection (a)(2);

(ii) the procurement procedures and methods used by the agency under section 546(a)(2) of the Act (42 U.S.C. 8256(a)(2)); and

(iii) the number of energy savings performance contracts entered into by the agency under title VIII of the Act (42 U.S.C. 8287 et seq.).

Mr. BINGAMAN. Madam President, I rise today to commend the two floor managers of the bill, the distinguished Senator from Missouri [Mr. BOND], and the distinguished Senator from Maryland [Ms. MIKULSKI], and their staff, for their excellent and efficient management of the VA–HUD Fiscal Year 1996 Appropriations Act.

I would like to take a few moments to discuss an amendment I am offering on this appropriations bill. My amendment encourages agencies funded under the bill to become more energy efficient and directs them to reduce facility energy costs by 5 percent. The agencies will report to the Congress at the end of the year on their efforts to conserve energy and will make recommendations for further conservation efforts. I have offered this amendment to every appropriations bill that has come before the Senate this year, and it has been accepted to each one.

I believe this is a common-sense amendment: The Federal Government spends nearly $4 billion annually to heat, cool, and power its 500,000 buildings. The Office of Technology Assistance and the Alliance to Save Energy, a non-profit group which I chair with Senator JEFFORDS, estimate that Federal agencies could save $1 billion annually if they would make an effort to become more energy efficient and conserve energy.

Madam President, I hope this amendment will encourage agencies to use new energy savings technologies when making building improvements in insulation, building controls, lighting,

heating, and air conditioning. The Department of Energy has made available for government-wide agency use streamlined energy saving performance contracts procedures, modeled after private sector initiatives. Unfortunately, most agencies have made little progress in this area. This amendment is an attempt to get Federal agencies to devote more attention to energy efficiency, with the goal of lowering overall costs and conserving energy.

As I mentioned, Madam President, this amendment has been accepted to every appropriations bill the Senate has passed this year. I ask that my colleagues support it.

AMENDMENT NO. 2799

(Purpose: To increase amounts provided for FEMA salaries and expenses, Office of the Inspector General, and emergency food and shelter)

On page 153, line 17, strike ''$166,000,000'', and insert ''$168,900,000''.

On page 153, line 21, strike ''$4,400,000'', and insert ''$4,673,000''.

On page 154, line 13, strike ''$100,000,000'', and insert ''$114,173,000''.

AMENDMENT NO. 2800

(Purpose: To make technical corrections and modifications to the Committee amendment to H.R. 2099)

On page 22, line 5, insert the following:

''SEC. 111. During fiscal year 1996, not to exceed $5,700,000 may be transferred from 'Medical care' to 'Medical administration and miscellaneous operating expenses.' No transfer may occur until 20 days after the Secretary of Veterans Affairs provides written notice to the House and Senate Committees on Appropriations.''

On page 27, line 23, insert a comma after the word ''analysis''.

On page 28, line 1, strike out ''program and'' and insert in lieu thereof ''program,''.

On page 28, line 18, strike out ''or court orders''.

On page 28, line 20, strike out ''and''.

On page 29, line 13, strike out ''amount'' and insert in lieu of ''$624,000,000''.

On page 29, line 17, strike out ''plan of actions'' and insert in lieu thereof ''plans of action''.

On page 29, line 21, strike out ''be closed'' and insert in lieu thereof ''close''.

On page 29, lines 23 and 24, strike out ''$624,000,000 appropriated in the preceding proviso'' and insert in lieu thereof ''foregoing $624,000,000''.

On page 30, line 2, strike out ''the discretion to give'' and insert in lieu thereof ''giving''.

On page 30, line 12, strike out ''proviso'' and insert in lieu thereof ''provision''.

On page 32, line 10, strike out ''purpose'' and insert in lieu thereof ''purposes''.

On page 33, line 6, strike out ''purpose'' and insert in lieu thereof ''purposes''.

On page 33, line 10, strike out ''determined'' and insert in lieu thereof ''determines''.

On page 33, strike out lines 15 and 16, and insert in lieu thereof ''funding made available pursuant to this paragraph and that has not been obligated by the agency and distribute such funds to one or more''.

On page 33, line 23, strike out ''agencies and'' and insert ''agencies and to''.

On page 40, strike out line 9 and insert ''a grant made available under the preceding proviso to the Housing Assistance Council or the National American Indian Housing Council, or a grant using funds under section 107(b)(3) of the Housing and Community Development Act of 1974)''.

On page 40, beginning on line 20, strike out ''public and Indian housing agencies'' and insert in lieu thereof ''public housing agencies (including Indian housing authorities), nonprofit corporations, and other appropriate entities''.

On page 40, Line 22, strike out ''and'' the second time it appears and insert a comma.

On page 40, line 24, insert after ''143f)'' the following: '', and other low-income families and individuals''.

On page 41, line 5, after ''*Provided*'' insert ''*further*''.

On page 41, line 6, after ''shall include'' insert ''congregate services for the elderly and disabled, service coordinators, and''.

On page 45, line 24, strike out ''originally'' and insert in lieu thereof ''originally''.

On page 45, strike out the matter after ''That'' on line 26, through line 5 on page 46, and insert in lieu thereof ''the Secretary may use any negative subsidy amounts from the sale of such assigned mortgage notes during fiscal year 1996 for the disposition of properties or notes under this heading.''.

On page 47, strike out the matter after ''That'' on line 17, through ''Development'' on line 25, and insert in lieu thereof ''the Secretary may use any negative subsidy amounts from the sale of such assigned mortgage notes during fiscal year 1996, in addition to amounts otherwise provided, for the disposition of properties or notes under this heading (including the credit subsidy for the guarantee of loans or the reduction of positive credit subsidy amounts that would otherwise be required for the sale of such properties or notes), and for any other purpose under this heading''.

On page 68, line 1, after ''Section 1002'' insert ''(d)''.

On page 69, lines 5 and 6, strike out ''Notwithstanding the previous sentence'' and insert in lieu thereof ''Where the rent determined under the previous sentence is less than $25''.

On page 70, line 12, strike out ''and'' and insert in lieu thereof ''any''.

On page 71, line 1, strike out ''(A) IN GENERAL.—''.

On page 71, strike out lines 11 through 18.

On page 72, line 6, after ''comment,'' insert ''a''.

On page 72, line 7, strike out ''are'' and insert ''is''.

On page 72, line 18, after ''comment,'' insert ''a''.

On page 72, line 19, strike out ''are'' and insert ''is''.

On page 74, line 6, strike out ''selection criteria'' and insert in lieu thereof ''system of preferences for selection''.

On page 74, line 11, strike out ''selection criteria'' and insert in lieu thereof ''system of preferences for selection''.

On page 74, strike out lines 13 through 16, and redesignate subsequent paragraphs.

On page 75, line 1, strike out ''selection criteria'' and insert in lieu thereof ''system of preferences for selection''.

On page 75, strike out the matter beginning on line 12 through line 19 on page 76, and insert in lieu thereof the following:

''(B) CRANSTON-GONZALEZ NATIONAL AFFORDABLE HOUSING ACT.—Section 522(f)(b)(B) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12704 et seq.) is amended by striking 'any preferences for such assistance under section 8(d)(1)(A)(i)' and inserting 'written system of preferences for selection established pursuant to section 8(d)(1)(A)'.

''(C) HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1992.—Section 655 of the Housing and Community Development Act of 1992 (42 U.S.C. 13615) is amended by striking 'the preferences' and all that follows through the period at the end and inserting 'any preferences'.''.

On page 76, line 20, strike out ''(E)'' and insert ''(D)''.

On page 77, lines 3 and 4, strike out ''selection criteria'' and insert in lieu thereof ''system of preferences for selection''.

On page 86, line 1, strike out ''of issuance and''.

On page 87, line 13, ''evaluations of'' insert ''up to 15''.

On page 87, line 17, strike out ''(d)'' and insert ''(e)''.

On page 90, line 2, strike out ''Secretary.'' and insert ''Secretary; and''.

On page 90, line 5, strike out ''agree to cooperate with'' and insert in lieu thereof ''participate in a''.

On page 92, line 21, strike out ''final''.

On page 95, line 9, after ''agency'' insert ''in connection with a program authorized under section 542 (b) or (c) of the Housing and Community Development Act of 1992''.

On page 95, strike out lines 11 and 12, and insert in lieu thereof ''542(c)(4) of such Act.''.

On page 95, strike out the matter beginning with ''a'' on line 17 through ''section'' on line 18, and insert in lieu thereof ''an assistance contract under this section, other than a contract for tenant-based assistance,''.

on page 96, line 10, strike out ''years'' and insert ''year''.

On page 102, line 18, strike out ''section 216(c)(4) hereof'' and insert in lieu thereof ''paragraph (4)''.

On page 106, line 8, strike out ''subject to'' and insert in lieu thereof ''eligible for''.

On page 106, line 14, strike out ''(8 NC/SR)'' and insert in lieu thereof ''the section 8 new construction or substantial rehabilitation program''.

On page 106, line 15, strike out ''subject to'' and insert in lieu thereof ''eligible for''.

On page 107, line 6, strike out ''Sec 217.'' and insert ''Sec. 215.''.

On page 117, line 8, strike out ''subparagraphs'' and insert ''subsections''.

On page 117, line 10, strike out ''subsections'' and insert ''subparagraphs''.

On page 117, line 11, strike out ''subparagraph'' and insert ''subsection''.

On page 118, strike out lines 19 through 21, and insert in lieu thereof the following:

''(1) Subsection (a) is amended by—

''(A) striking out in the first sentence 'low-income' and inserting in lieu thereof 'very low-income'; and

(B) striking out 'eligible low income housing' and inserting in lieu thereof 'housing financed under the programs set forth in section 229(1)(A) of this Act'.''.

On page 120, line 2, strike out ''Subsection'' and insert ''Paragraph''.

On page 120, strike out lines 18 through 22, and insert in lieu thereof the following:

''(2) Paragraph (8) is amended—

(A) by deleting in subparagraph (A) the words 'determining the authorized return under section 219(b)(6)(ii)';

(B) by deleting in subparagraph (B) 'and 221'; and

(C) by deleting in subparagraph (B) the words 'acquisition loans under' ''.

On page 121, line 3, strike out ''Subsection'' and insert ''Paragraph''.

On page 122, line 4, strike out ''Subsection'' and insert ''Paragraph''.

On page 122, line 13, strike out ''Subsection'' and insert ''Section''.

On page 122, line 21, strike out ''Subsection'' and insert ''Section''.

On page 147, line 17, before the period, insert the following:

'': *Provided further,* That of the funds appropriated in the Construction Grants and

Water Infrastructure/State Revolving Funds accounts since the appropriation for the fiscal year ending September 30, 1992, and hereafter, for making grants for wastewater treatment works construction projects, portions may be provided by the recipients to states for managing construction grant activities, on condition that the states agree to reimburse the recipients from state funding sources''.

On page 149, line 19, strike ''phase IV'' and insert in lieu thereof ''phase VI''.

AMENDMENT NO. 2801

(Purpose: To extend the date that funds are reserved for the safe drinking water revolving fund, if authorized, to April 30, 1996. This provides additional time to permit enactment of Safe Drinking Water Act reauthorization which will release these funds to initiate a financial assistance program)

On page 147, line 6, strike ''December 31, 1995'' and insert ''April 30, 1996''.

On page 147, line 17, strike ''December 31, 1995'' and insert ''April 30, 1996''.

AMENDMENT NO. 2802

On page 128, add a new section to the bill:

SEC. . None of the funds provided in this Act may be used during Fiscal Year 1996 to investigate or prosecute under the Fair Housing Act (42 U.S.C. 3601, et seq.) any otherwise lawful activity engaged in by one or more persons, including the filing or maintaining of non-frivolous legal action, that is engaged in solely for the purposes of—

(1) achieving or preventing action by a government official, entity, or court of competent jurisdiction.

AMENDMENT NO. 2803

On page 128, add a new section to the bill:

SEC. . None of the funds provided in this Act may be used to take any enforcement action with respect to a complaint of discrimination under the Fair Housing Act (42 U.S.C. 3601, et seq.) on the basis of familial status and which involves an occupancy standard established by the housing provider except to the extent that it is found that there has been discrimination in contravention of the standards provided in the March 20, 1991 Memorandum from the General Counsel of the Department of Housing and Urban Development to all Regional Counsel or until such time that HUD issues a final rule in accordance with 5 U.S.C. 553.

Mr. KYL. Mr. President, I rise to cosponsor an amendment to H.R. 2099, the VA–HUD–independent agencies appropriations bill. I am pleased to cosponsor this amendment which will prohibit the Department of Housing and Urban Development [HUD] from enforcing a complaint of discrimination on the basis of a housing provider's occupancy standard, enforcement of which goes well beyond the standards described in the March 20, 1991 memorandum of the general counsel of HUD to all Regional Counsel.

Mr. President, an occupancy standard is one which specifies the number of people who may live in a residential rental unit. An internal 1991 HUD memorandum, issued by former HUD General Counsel Keating to all regional counsel, clearly established a straightforward occupancy standard of ''two persons per bedroom'' as generally reasonable.

The two-per-bedroom occupancy standard has been deemed reasonable within the enforcement of fair housing discrimination laws under the Fair Housing Act. That is until Henry Cisneros became Secretary of HUD. Secretary Cisneros and his Deputy Roberta Achtenberg have disagreed with the traditional occupancy standard, arguing that it discriminates against larger families.

In July of this year HUD General Counsel Diaz issued a memorandum which, in effect, supplants the two-per-bedroom standard, and may force housing owners to accept six, seven, eight, or even nine people into a two-bedroom apartment.

Mr. Diaz's standard is without merit. Mr. Diaz has used the BOCA—Building Officials and Code Administrators—Property Maintenance Code as a foundation for his occupancy standard. The BOCA code is a health and safety code specifically drafted by engineers and architects to provide guidance to municipalities on the maximum number of individuals who may safely occupy any building. It was never intended to alter the minimum number of family members HUD could require owners to accept under fair housing law.

The code was adopted without any consultation, public hearings, or analysis of its impact of the Nation's rental housing industries. That is wrong. It was not the intent of Congress to allow HUD to establish a national occupancy standard. Secretary Cisneros, through HUD's general counsel, has circumvented the Federal Government's rule making process by imposing this standard through an advisory without public hearings.

This amendment blocks HUD's attempt to set a national occupancy standard through an advisory. I urge my colleagues to support the amendment.

AMENDMENT NO. 2804

(Purpose: To make an amendment relating to eligible activities under section 105 of the Housing and Community Development Act of 1974, and for other purposes)

At the appropriate place in title II, insert the following new section:

SEC. . CDBG ELIGIBLE ACTIVITIES.

Section 105(a) of the Housing and Community Development Act of 1974 (42 U.S.C. 5305(a)) is amended—

(1) in paragraph (4)—

(A) by inserting ''reconstruction,'' after ''removal,''; and

(B) by striking ''acquisition for rehabilitation, and rehabilitation'' and inserting ''acquisition for reconstruction or rehabilitation, and reconstruction or rehabilitation'';

(2) in paragraph (13), by striking ''and'' at the end;

(3) by striking paragraph (19);

(4) in paragraph (24), by striking ''and'' at the end;

(5) in paragraph (25), by striking the period at the end and inserting ''; and'';

(6) by redesignating paragraphs (20) through (25) as paragraphs (19) through (24), respectively; and

(7) by redesignating paragraph (21) (as added by section 1012(f)(3) of the Housing and Community Development Act of 1992) as paragraph (25).

Amend the table of contents accordingly.

AMENDMENT NO. 2805

(Purpose: To impose a moratorium during fiscal year 1996, and to require a report, on the conversion of Environmental Protection Agency contracts for research and development)

At the appropriate place in title III, insert the following:

SECTION 3—EPA RESEARCH AND DEVELOPMENT ACTIVITIES AND STAFFING.

(a) STAR PROGRAM.—The Administrator of the Environmental Protection Agency may not use any funds made available under this ACT to implement the Science to Achieve Results (STAR) program unless—

(1) the use of the funds would not reduce any funding available to the laboratories of the Agency for staffing, cooperative agreements, grants, or support contracts; or

(2) the Appropriations Committees of the Senate and House of Representatives grant prior approval. Transfers of funds to support STAR activities shall be considered a reprogramming of funds. Further, said approval shall be contingent upon submission of a report to the Committees as specified in Section (c)(2) below.

(b) CONTRACTOR CONVERSION.—The Administrator of the Environmental Protection Agency may not use any funds to—

(1) hire employees and create any new staff positions under the contractor conversion program in the Office of Research and Development.

(c) REPORT.—Not later than January 1, 1996, the Administrator shall submit to the Appropriations Committees of the Senate and House of Representatives a report which:

(1) provides a staffing plan for the Office of Research and Development indicating the use of Federal and contract employees;

(2) identifies the amount of funds to be reprogrammed to STAR activities, and;

(3) provides a listing of any resource reductions below fiscal year 1995 funding levels, by specific laboratory, from Federal staffing, cooperative agreements, grants, or support contracts as a result of funding for the STAR program.

AMENDMENT NO. 2806

(Purpose: To make an amendment relating to special purpose grants)

On page 43, between lines 13 and 14, insert the following:

''The amount made available for fiscal year 1995 for a special purpose grant for the renovation of the central terminal in Buffalo, New York, shall be made available for the central terminal and for other public facilities in Buffalo, New York.''.

AMENDMENT NO. 2807

(Purpose: To provide funding for the Corporation for National and Community Service to permit the orderly termination of previously initiated activities and programs, including the Corporation's Office of Inspector General)

On page 130, strike out the matter beginning with line 19 through line 2 on page 131, and insert in lieu thereof the following: ''For necessary expenses for the Corporation for National and Community Service in carrying out the orderly terminations of programs, activities, and initiatives under the National and Community Service Act of 1990, as amended (Public Law 103–82), $6,000,000: *Provided*, That such amount shall be utilized to resolve all responsibilities and obligations in connection with said Corporation and the Corporation's Office of Inspector General.''

AMENDMENT NO. 2808

(Purpose: To provide for a report on the impact of community development grants on plant relocations and job dislocation)

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

SEC. . REPORT ON IMPACT OF COMMUNITY DEVELOPMENT FUNDS ON PLAN RELOCATIONS AND JOB DISLOCATION.

Not later than October 1, 1996, the Secretary of the Department of Housing and Urban Development shall submit to the appropriate Committees of the Congress a report on—

(1) the extent to which funds provided under section 106 (Community Development Block Grants), section 107 (Special Purpose Grants), and Section 108(q) (Economic Development Grants) of the Housing and Community Development Act of 1974, have been directly used to facilitate the closing of an industrial or commercial plant or the substantial reduction of operations of a plant and result in the relocation or expansion of a plant from one state to another;

(2) the extent to which the availability of such funds has been a substantial factor in the decision to relocate a plant from one state to another;

(3) an analysis of the extent to which provisions in other laws prohibiting the use of federal funds to facilitate the closing of an industrial or commercial plant or the substantial reduction in the operations of such plant and the relocation or expansion of a plant have been effective; and

(4) recommendations as to how federal programs can be designed to prevent the use of federal funds to directly facilitate the transfer of jobs from one state to another.

THE IMPACT OF COMMUNITY DEVELOPMENT FUNDS

Mr. FEINGOLD. Madam President, I rise today, with my colleague Senator KOHL to offer an amendment that requires the Department of Housing and Urban Development to report on the impact of the use of Federal community development funds on plant relocations and the resultant job dislocation.

Our concern was generated by an announcement made in 1994 by a major employer in Wisconsin, Briggs & Stratton, that a Milwaukee plant would be closed, and 2,000 workers would be permanently displaced. The actual economic impact upon this community is even greater since it is estimated that 1.24 related jobs will be lost for every 1 of the 2,000 Briggs jobs affected. The devastating news was compounded by the subsequent discovery that many of these jobs were being transferred to plants, which were being expanded in two other States, and that Federal community development block grant, CDBG, funds were being used to facilitate the transfer of these jobs from one State to another.

Our initial response was to introduce legislation prohibiting the use of such funds for the relocation of plants and the resultant job dislocation. The House of Representatives agreed with the approach and approved an identical amendment to the housing reauthorization bill.

We believed at the time, and now that the CDBG program was designed to foster community and economic development; not to help move jobs around the country.

Obviously, during a period of permanent economic restructuring, which results in plant closings, downsizing of Federal programs and defense industry conversion, there is tremendous competition between communities for new plants and other business expansions to offset other job losses.

States and local communities are doing everything they can to attract new business and retain existing businesses. But we believe it is simply wrong to use Federal dollars to help one community raid jobs from another State.

There is no way we can justify to the taxpayers in my State that they are sending their money to Washington to be distributed to other States so that it can be used to attract jobs out of Wisconsin, leaving behind communities whose economic stability has been destroyed. Thousands of people whose jobs are directly, or indirectly lost as a result of the transfer of these jobs out of our State are justifiably outraged by this misuse of funds.

However, Madam President, after further consideration, and consultation with the floor managers we recognize that indeed the underlying issue is complex.

Wisconsin, as are other States, is regularly involved in the activity of attracting new business to the State, and retaining existing businesses. We recognize that economic incentive proposals developed to enhance the State's opportunity often include a wide variety of financial combinations including job training funds, tax incentives, infrastructure improvements and other financing tools.

These combinations often obscure the leveraged value of the Federal funds in the package in convincing a company to make a decision to move out of State. However, recognizing these factors does not clear the picture, but begs the question of what is the impact of the Federal dollar in these situations in influencing the decisions of the targeted company.

This amendment would address the issue by directing the HUD Secretary to conduct a study over the next year, and report back to Congress with recommendations on what would be a sensible legislative approach to both protecting the workers and communities that lose businesses and employment to other States, and how Federal funds might be appropriately utilized in developing economic opportunity for communities across the Nation, without placing other communities in jeopardy.

The study would examine and investigate the extent to which Federal community development funds are used in combination with other Federal, State or local revenue sources in attracting new business from other States. The study would also examine and assess the degree to which Federal community development funds are key to a company's decision to move—are they incidental to the decision, a factor, a key decision point, or the linchpin of the deal?

An examination of the findings by the Congress upon completion of such a study would then become the basis for further legislative action if necessary.

We thank the floor managers for recognizing our legitimate concerns, and for their willingness to work in a bipartisan fashion to help perfect this amendment.

Mr. BOND. Madam President, these amendments have been cleared on both sides. They are ready for adoption.

Ms. MIKULSKI. Madam President, we have cleared these amendments with all of the relevant authorizing committees. There are no objections on our side, and in many instances they are enthusiastically either sponsored or approved.

The PRESIDING OFFICER. Without objection, the amendments are agreed to en bloc.

The amendments (Nos. 2796 through 2808) en bloc were agreed to.

Mr. BOND. Madam President, I move to reconsider the vote by which the amendments were agreed to.

Ms. MIKULSKI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BOND addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Madam President, the drill that we just went through took a little bit of time, but, frankly, I would like to commend the Senator from Arizona and the Senator from Colorado, because many times I have found that things I did not support have crept into legislation in the past. I hope that by doing this, we put all our colleagues, or at least their staffs, on notice. We are beginning what I hope will be a useful process, and I thank the Senators for recommending it.

Mr. KERRY. Madam President, I want to acknowledge the hard work of the distinguished chairman and ranking member of the VA-HUD Appropriations Subcommittee in assembling this complex appropriations bill. The diverse range of agencies funded by this bill—the Veterans Administration, the Department of Housing and Urban Development, the Environmental Protection Agency, the National Aeronautic and Space Administration, the National Science Foundation, and numerous other independent agencies—makes the VA-HUD bill one of the most difficult appropriations bills to balance.

It is clear that the resource constraints placed on the Appropriations Committee by the budget resolution this year made it impossible to fund adequately all of the programs and activities in the bill that are important to me, important to the people of Massachusetts, and important to the people of this country. Nonetheless, with respect to the way in which the bill addresses housing and related programs, I thank the chairman and ranking member are to be commended for good faith

efforts to minimize the pain from the reductions.

There are several items in the bill that are quite positive, and I thank the chairman and the ranking member for including these. I am particularly pleased that the bill includes an appropriation for the Youthbuild Program. Youthbuild is working to provide kids who live in tough places with some confidence and some hope along with a solid package of job skills while contributing to their communities the products of their work in the form of rehabilitated homes and other structures. Youthbuild deserves our continued support.

I am also a strong supporter of the provisions in this bill that fund the Community Development Block Grant and HOME Programs at the 1995 appropriated levels. CDBG has a solid 20-year track record of providing flexible community development assistance to State and local governments. HOME also provides flexible resources to State and local governments for the purpose of fostering partnerships in support of affordable housing. HOME is designed to leverage the additional public and private resources and is achieving excellent results in targeting these housing resources to low-income families. Both CDBG and HOME are critical to the successes of the community-based nonprofit movement.

Another important element of the bill before the Senate is the $624 million it contains for the Low-Income Housing Preservation and Resident Homeownership Act, or LIHPRHA. I congratulate the chairman for his commitment to the preservation program's mission. We cannot afford a hiatus in preservation funding, because we would then risk losing affordable housing resources and displacing people from their homes. We all recognize that LIHPRHA has some structural problems that need correcting, and the bill has made an important contribution in pushing forward preservation program reforms. It is unfortunate that the LIHPRHA capital grant reforms in this bill are delayed a year for technical reasons related to budget scoring. However, since they are, it is important that we continue to process and preserve the projects under the old program using available resources and not stand idly than waiting for the new program to be perfected, enacted, and implemented.

Finally, I would like to express relief that the bill does not repeal the Brooke amendment as some have proposed. The Brooke amendment limits the rent paid by a poor family to 30 percent of income. The bill does make some changes in the public housing rent-setting process that we will have to monitor closely. I support the provision in this bill providing public housing authorities with the flexibility to set ceiling rents and adopt policies that deduct earned income in calculating the adjusted income against which the 30 percent standard is applied. These changes should help enable working families to remain in public housing developments and improve the income mix of the public housing communities. I am less enthusiastic about a provision in the bill that requires all residents to pay a minimum rent of $25 per month, particularly in the context of other cutbacks in programs of assistance to poor families.

There are, however, Madam President, too many instances where I believe the bill takes the wrong course. First, and foremost, the bill makes major reductions in HUD's total resources. The bill cuts funding for public housing operating subsidies, public housing modernization, homeless assistance, and the section 8 tenant-based assistance. These HUD programs serve the housing needs of the poorest of the poor. Over time, underfunding public housing will erode its quality as public housing authorities cut back on maintenance due to a lack of resources. A provision delaying the reissuance of vouchers that come available will mean that homeless families which have risen to the top of local waiting lists will have to wait 6 months to receive housing assistance. The bill also reduces public housing authority fees for the administration of the section 8 program in a way that does not take into account the different cost structures for administering the program nor does it seem to have considered the distinct possibility that at least some public housing authorities will simply choose not to continue to administer the program after these cuts take effect. These cuts are an excellent reflection the tyranny of the budget that binds the Congress.

Madam President, I would like to also register my concern about the extent of authorizing provisions in this bill. Some of these provisions have not gone through the hearing process nor have members had the opportunity to consult concerning them with all of the affected parties and other experts on program operations. I am particularly concerned that the numerous discrete, piecemeal provisions—while often helpful—will undermine or contradict efforts to engage in a more comprehensive examination of the HUD statutes. As a member of the authorizing committee, I am hopeful that we will review all of these provisions in more detail.

There are three particularly egregious authorizing provisions in this bill that highlight the need for a more orderly process of hearings and deliberation. These are the provisions transferring HUD's Office of Fair Housing to the Department of Justice, the transfer of the Office of Federal Housing Enterprise Oversight to Treasury, and a prohibition against enforcing the fair housing laws against property insurers who discriminate. I oppose the inclusion of all three provisions in this bill.

I realize that HUD is taking a disproportionate share of the budget cuts because some of its programs have been troubled and do not enjoy a positive public image. The cuts, then, underscore the need for the Congress to work harder to improve HUD's management systems, and to reduce the workload placed on HUD's staff by consolidating programs and devolving some HUD responsibilities to other capable partners. We also need to be willing to take a more aggressive approach toward the poorly managed inventory and that portion of the HUD-assisted inventory that has aged to the point of obsolescence.

So, notwithstanding my broader concerns with authorizing on an appropriations bill and authorizing out of context, I note that several provisions in this bill are helpful. For example, the bill allows HUD to consolidate seven categorical homeless programs into a formula grant program. This reform will reduce HUD's workload and allow the Department to redeploy the staff who currently spend many hours reviewing thousands of applications.

The bill also includes several provisions that may prove helpful in allowing public housing agencies to adapt to the cuts in the bill. In particular, the bill provides new, expanded, eligible activities for the public housing modernization program that deserve more hearing, but are defensible in the face of large cuts in resources. Revisiting our admission policies pertaining to public and assisted housing also is necessary not only from the perspective of shrinking resources, but from the need to reverse the overconcentration of the poor.

I am very concerned that this bill pushes forward too far and too fast on the Department's proposal to enact legislation with respect to mark-to-market of the assisted housing inventory. We need not rush into a complicated proposal that likely will result in forcing many properties into default. The administration has proposed to voucher out the public and assisted inventory. This approach may make sense in those instances where the housing has been poorly managed and low-income people have been forced to live in squalor. However, I have serious concerns about vouchers as a substitute for well-managed, well-located housing. I have concerns that vouchers do not work for everyone in every market. Vouchers are not accepted by many landlords. The available suggests that if we move to vouchers, many housing assistance recipients will be displaced from a place that they currently call home.

Fundamentally, this appropriations bill does not and could not come close to meeting the housing needs of this country. More than 5 million very low income Americans face severe housing needs. They suffer from homelessness, they pay rents that take more than 50 percent of their household income, or they live in severely substandard conditions. We have not been willing to provide the resources necessary to meet these needs. Over the last 15

years of troubled housing policy, though, both Republican and Democratic administrations have been committed to making progress toward meeting these needs, albeit with different levels of energy and commitment. The resource levels in this bill are simply not adequate to the task of preserving the affordable housing gains from the past, reforming HUD's programs, compensating for previous underfunding of capital needs, and making progress against our Nation's large outstanding needs for affordable housing.

The effects of the budget on this bill and thence in these vital Government services are extremely troubling. Our Nation will pay and pay dearly—both now and even more in the future—for shortchanging these pressing needs. Some of us—the most unfortunate—will pay more dearly than others, but their plight will affect us all.

Knowing this, we need to make the greatest possible effort to find more resources that can be devoted to meeting the objectives I have described. I hope to be joined in good faith by colleagues on both sides of the aisle seeking that goal.

Ms. MIKULSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Madam President, we are coming into the closing minutes now of this bill. We started the debate on VA–HUD appropriations around Monday at 3 o'clock. A lot has gone on since then, and I commend Senator BOND on moving this bill and the way he has handled this legislation in the Chamber.

I know this is the first time he has chaired the committee and brought the bill to the floor. I compliment him on the way we have been able to move in such an efficient way. I thank his professional staff for the many courtesies and consultation provided my staff.

I thank Mr. Rusty Mathews, Mr. Steve Crane, and Mr. Kevin Kelly, who provided technical assistance on my side.

In this bill, we won some and we lost some. We won some by preserving America's future in space. We came to an agreement on redlining. And we lost issues like national service. This is America. This is democracy. We have spoken, and I believe it is now time to vote. I believe the President will have significant concerns with this bill. I believe the President will veto it. But I believe the time now for debate has concluded, and I again wish to thank my colleagues for the support that they gave me during this time.

Mr. BOND. Madam President, let me express my appreciation to the Senator from Maryland, who has been absolutely invaluable in helping us move this forward. I must confess that until I had this pleasure, I did not understand all that went with it. I commend her for the great service she has provided this committee in the past and the help she gave me.

I join with her in thanking Rusty Mathews, Kevin Kelly, Steve Crane, the people on her side. For my part, I thank Stephen Kohashi, Carrie Apostolou, Steve Isakowitz, and the members of my staff, Julie Dammann, John Kamarck, Tracy Henke, Keith Cole, Leanne Jerome, and the others who have helped a great deal.

Let me say very briefly—we have already made the points—this bill is within the budget. It sets some priorities in a very tough time. I think with the help of committee members and the Members of this body we have fine-tuned it as best we can. It does allow the agencies to move forward with the vitally needed programs that are so important in this country in the many areas we fund.

I hope that the President, the Office of Management and Budget will communicate with us as to what their objections are and how we might solve them. I know that all my colleagues have enjoyed these 2 days. I do not wish to go through this drill again. If the administration will let us know what their objections are, we have, I think, done as good a job as possible within the dollars available, and if we are going to balance the budget as not only this body has said but I believe the people of America demand, this is what we have to work with.

Therefore, Madam President, I ask unanimous consent that the bill be read a third time and the Senate proceed immediately to vote on the passage of the bill with no other intervening action or debate.

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

The bill was ordered to be engrossed for a third reading and was read the third time.

Mr. BOND. Madam President, I ask for a recorded vote, the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass? The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

The result was announced—yeas 55, nays 45, as follows:

[Rollcall Vote No. 470 Leg.]

YEAS—55

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

NAYS—45

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

So the bill (H.R. 2099), as amended, was passed.

Mr. BOND. Mr. President, I move to reconsider the vote by which the bill passed.

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

The motion to lay on the table was agreed to.

Mr. BOND addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, I move that the Senate insist on its amendments, request a conference with the House on the disagreeing votes thereon, and that the Chair be authorized to appoint conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer (Ms. SNOWE) appointed Mr. BOND, Mr. GRAMM, Mr. BURNS, Mr. STEVENS, Mr. SHELBY, Mr. BENNETT, Mr. HATFIELD, Ms. MIKULSKI, Mr. LEAHY, Mr. JOHNSTON, Mr. LAUTENBERG, Mr. KERREY, and Mr. BYRD conferees on the part of the Senate.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I rise to congratulate Senator BOND, of Missouri, and Senator BARBARA MIKULSKI, of Maryland. They put a very good bill together. I understand that the Senator from Maryland does not support the bill in its final stages. Let me just make a few observations.

Some of us are beginning to say we need to ask some new questions about programs and projects and activities of the Federal Government. The leading question that we have to start asking ourselves is: What can we afford? We never did that for a long time. In fact, I ask Senators to reflect on the past 8 to 12 years and, for the most part, the question was never asked: Can we afford this? An amendment was offered because it sounded good, or it was something that perhaps, in a perfect economic environment, would be neat, and we looked around to see if we could get 51 votes, and we would go to conference and see if we could hold it, and all of a sudden we would have something new going.

But I believe balanced budgets and fiscal responsibility do not actually happen in huge waves and big doses of cuts. I think they come with hard work. Every chairman who has had to produce an appropriations bill this

year on the domestic side has had to take less than they had the year before, and that means very simply that, through hard work and, hopefully, some wisdom, priorities had to be discussed and priorities had to be decided upon.

It is no longer the day of being able to say to every Senator that asks for things that we have taken care of you. In fact, I believe we are at the point, and there will be more years to come when we have to say to most that we cannot give you what you want.

Senator BOND had a tough job. Few Americans understand that this bill has veterans in it, has public housing in it, and at the same time has many other programs, including the space program. Who would think that one appropriations bill would cover that spectrum? He has had to balance, with less of a budget than last year, these same great demands and responsibilities that we have.

I believe this bill attempts, in very difficult times in terms of money—because we want to get to a balance sooner rather than later, and we want to make sure that we do not burden our children with more and more of our debt.

I just came to the floor to say to Senator BOND that he did an excellent job. I commend him and those who have produced bills heretofore that have met the targets. I commend them also.

Mrs. BOXER addressed the Chair.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. BOXER. Madam President, I cannot support this legislation. In far too many ways, it fails the American people, the people of California I was sent to represent, and the principles of good government and good policy to which I subscribe. The bill turns its back on responsibility, obligation, and hope.

ENVIRONMENTAL PROTECTION

One of the primary functions of government is to protect the public's health and safety. Our Federal laws and regulations are written to improve and protect the high quality of life that we enjoy in our country. Every day, the people of our Nation enjoy the benefits of almost a century of progress in Federal laws and regulations that reduce the threat of illness, injury, and death from consumer products, workplace hazards, and environmental toxins.

The Environmental Protection Agency, created by President Nixon in 1970, is responsible for the implementation of our most fundamental environmental protection laws: The Clean Air Act; the Clean Water Act; the Safe Drinking Water Act; laws that protect us from improper disposal of hazardous waste disposal; laws that protect us from exposure to radiation and toxic substances; and laws that regulate the clean-up of hazardous waste sites all over the country. As the year 2000 approaches, Americans can look back with immense pride in the progress we have achieved in protections of our health and safety.

Unfortunately, the drastic cuts in EPA's budget in this bill will cut to the bone, jeopardizing all the progress we have made.

For example, the 23 percent cut in the EPA enforcement budget in the bill will inevitably result in a rollback of national efforts to ensure that every American breathes clean air, drinks clean water, and is safe from the dangers of hazardous waste.

The bill will reduce the ability of the EPA to respond to threats to the environment and human health. In the long run this will mean more water pollution, more smog in our cities and countryside, more food poisoning, more toxic waste problems.

Cuts will severely undercut the number of Federal and State environmental inspections, thereby increasing the risk to the public health and environment from unchecked violators. In fiscal year 1994, more than 2,600 facilities were inspected in California and 447 enforcement actions were taken by Federal or State environmental agencies.

Cuts will mean that state monitoring and inspection programs will either have to be either severely curtailed, paid for by the state or possibly eliminated.

Cuts will hurt EPA/industry compliance initiatives which are underway in key industrial sectors in my State, such as the Gillette Corporation Environmental Leadership Program, a project of the Gillette Corporation of Santa Monica, CA, and the Agriculture Compliance Assistance Services Center, which was developed in conjunction with the Agriculture Extension Service to provide ''one stop shopping'' for information to assist farms in complying with environmental regulations. Support for this Center—and initiatives like it underway in other industries—will be severely undercut by these cuts in the EPA budget.

In addition to the budget cuts, the bill includes a number of unacceptable riders that will: Eliminate EPA's role in issuing permits to fill wetlands; prohibit the EPA from issuing a new safeguard to protect the public from drinking water contamination; prohibit the EPA from implementing Clean Air Act programs; restrict the listing of new Superfund sites; prohibit the EPA from issuing final rules for arsenic, sulphates, radon, ground water disinfection, or the contaminants in phase IVB in drinking water.

The ban on standard-setting is the equivalent of a ban on the implementation of one of the central provisions of the Safe Drinking Water Act, and is a blow to the ongoing bipartisan negotiations in the Environment and Public Works Committee on Safe Drinking Water Act reauthorization.

EPA is under court order to issue these standards, which are now more than 6 years late. The riders in this bill are an unnecessary interference with the ongoing process and will only serve to delay it further.

Congress required the groundwater disinfection rule to be issued in 1989. The Centers for Disease Control has documented that many disease outbreaks are caused by parasite-contaminated groundwater (often from sewage, animal waste, or septic tanks). While not all groundwater must be disinfected, if the rider is in place, EPA will be barred from requiring any groundwater to be treated to kill parasites.

The bill eliminates the EPA's veto authority over the U.S. Army Corps of Engineers wetlands permits, a power that it needs in order to ensure consistent interpretation and implementation of the Clean Water Act.

EPA has used the veto sparingly—only 11 times since 1972—and in each case had to demonstrate that the discharge would have an unacceptable adverse effect on municipal water supplies, shellfish beds, fishery areas, wildlife, or recreation. Typically, a veto has involved only major projects with significant potential adverse impacts. The total waters protected by EPA veto: 7,299 acres or about 664 acres protected per veto.

The power of EPA's veto has played a very constructive role in the reaching of compromises on proposed development plans to fill wetlands. Moreover, since the Environment and Public Works Committee is now considering wetlands reform legislation, this rider is, again, an unnecessary and untimely interference with the ongoing efforts to make appropriate changes in the law.

The bill cuts the Superfund program for cleaning up hazardous waste sites by 36 percent or almost $500 million.

California has 23 sites listed on the Superfund National Priorities List—more than any other state. According to the Environmental Protection Agency, the proposed Superfund cuts would severely impact cleanup at 12 of these facilities (since the other 11 facilities are on the base closure list and oversight is paid by the base closure account, it is not clear what impact, if any, the Superfund cut will have on the 11 other sites).

Thus, in the area of environmental protection, the bill before us fails to provide even a merely adequate amount of funding for the programs and policies that protect the public health and safety.

HOUSING PROGRAMS

The cuts made by this bill in the programs of the Department of Housing and Urban Development will have a tremendous impact on communities and neighborhoods across the country.

HUD was hit particularly hard in this spending measure. Under the Senate bill, HUD would receive 19 percent less funding than what was requested by the administration and over 20 percent less than what was approved in last year's bill.

This will mean significant cuts in funding to serve our Nation's homeless. The Senate bill contains $360 million less than what was in the President's

request for homeless assistance—the last safety net for homeless individuals and families. This translates into $49 million less than last year for California to address its homeless problem at a time when overall budget cuts may force more people into homelessness.

Another cruel cut is in new incremental housing vouchers. The bill provides $590 million less than the 1995 post-rescission amount. This cut will mean that low-income families, homeless families, and families with special problems will not receive the housing assistance for which they have waited so long.

Public housing modernization funds would also be significantly reduced. California will receive $17 million less than fiscal year 1995 in modernization funding.

This cut will undermine efforts to make much needed improvements to the worst public housing developments and threaten the existing supply of quality public housing in our Nation's cities. Without sufficient public housing modernization funding, we will be left with public housing that is a blight to our cities and is unfit for families who must raise their children there.

Aside from the spending cuts, I am concerned about the legislative riders in the bill which would authorize significant changes to the enforcement of the Fair Housing Act. Housing discrimination is a matter which deserves our serious attention. The transfer of this type of authority should be considered in the authorizing committee and not as a legislative rider on an appropriations measure.

The Senate bill contains provisions to reform the Low-Income Housing Preservation Program. California has an estimated 22,000 units of affordable housing which may be lost without a sufficiently funded program to preserve them. Thousands of seniors and working families in high cost housing markets like San Francisco and Los Angeles could be displaced, with no other affordable housing available to them. Adequate funding must be maintained so that this valuable housing stock can be preserved.

VETERANS HEALTH

The bill fails to provide an adequate amount of funds for veterans health programs: veterans' medicare care is more than $500 million below the President's request.

This cut will result in a serious impact on the ability of the Department to deliver quality care to deserving veterans. VA Secretary Jesse Brown estimates that 113,000 fewer veterans would be treated in fiscal year 1996 than in the previous year without the additional funding. This could mean an estimated 1 million fewer outpatient visits for the men and women who have fought for and served our country.

The Appropriations Committee's rationale for not including full funding is that the number of veterans is declining. However, we must remember that the number of older veterans is increasing, as is the number of patients VA serves. Drastic changes made to Medicaid and Medicare could result in further strains to the VA health care system.

NATIONAL SERVICE (AMERICORPS)

The national service program, signed into law on September 21, 1993, created the Corporation for National and Community Service to administer a number of service programs. AmeriCorps is the largest of those programs.

AmeriCorps programs are managed by bi-partisan State commissions. Federal funds go directly to the States to support locally designed and operated programs addressing unmet needs in the areas of education, public safety, health, housing, and the environment.

The concept of national service is to bring together Americans of all ages, backgrounds and talents to work to build-up America, to set us on a united goal of service to our Nation.

When I was a junior at Brooklyn College, President John F. Kennedy urged our Nation's young people to ''ask not what your country can do for you, but what you can do for your country.'' More than 30 years later, those words have not lost their sense of urgency.

There are currently 20,000 AmeriCorps members and 350 programs nationwide. AmeriCorps members earn a small living allowance—about $600 per month—and receive limited health care benefits. At the end of their term of service—roughly 1,700 hours full-time over a year—they receive an education award worth $4,725. The award may be used to pay for current or future college and graduate school tuition, job training, or to repay existing student loans.

In my State, there are over 2,500 AmeriCorps members serving in approximately 27 programs throughout the State.

I believe giving young Americans an opportunity to serve our country before, during, or after college and subsequently providing them with an educational award is a good use of our dollars.

In a society of ever increasing apathy, the commitment of young people to national service is something I urge my colleagues to support and not malign.

TRAVIS VA HOSPITAL

Finally, I am profoundly disappointed by the Appropriations Committee's refusal to fund the Veterans hospital now under construction at Travis Air Force Base in Fairfield, California.

In 1991, a severe earthquake damaged northern California's only VA hospital in Martinez. That facility served over 400,000 veterans, and its closure forced many to drive up to 8 hours to receive medical care. The Bush administration recognized the tremendous need created by the Martinez closure and promised the community that a replacement facility would be constructed in Fairfield, at Travis Air Force Base. The committee's action breaks that 4-year-old promise to the veterans of northern California.

Last year, Congress appropriated $7 million to complete design and begin construction on the Travis-VA medical center. Nearly $20 million has been spent on the project to date, and more than a year ago, Vice President GORE broke ground. Construction is now underway.

For fiscal year 1996, President Clinton requested the funds needed to complete construction. The committee has now rejected this request, which seriously jeopardizes the prospect that the hospital will ever be built.

The committee's only explanation for its action was that due to budget restrictions, it chose not to fund new construction projects. However, as I have already explained, this project is not a new facility, designed to meet an expected future need. It is a replacement hospital—promised by the past two administrations—designed to meet an existing need in northern California.

The decision not to fund the Travis-VA medical center breaks faith with California's veterans, and violates promises made by the past two Presidential administrations.

Because of the foregoing reasons, I have voted against the VA/HUD/Independent Agencies appropriations bill, and I will urge the President to exercise his veto power against it, in the hope that the ensuing negotiations will produce a better bill.

Madam President, I understand the hard work that went into this bill by both the majority and minority sides. I just hope that the President will veto this bill. As I have said, I think this bill turns its back on responsibility, it turns its back on obligation, and it turns its back on hope.

As the Senator from New Mexico says, times are tough, and the numbers we have to deal with are lower, of course. Well, I ask, why is it that we are giving the military $7 billion more than they asked for, $7 billion more than the generals and admirals asked for—and, therefore, we have to cut the heart out of our kids, our people who need housing and, for God's sake, our veterans. By the way, about 20 to 30 percent of our homeless are veterans.

So, I hope the American people have watched this debate, Madam President. This is what we have been talking about. I voted to balance the budget in 7 years, but not to do it this way, to hurt our kids, to cut out National Youth Service, and to threaten up to 22,000 units of affordable housing may be lost in California unless we can fix this problem up in conference. It is called the Low-Income Housing Preservation Program, and because landlords may opt to prepay their mortgages, we may lose this valuable housing stock if we do not sufficiently fund the program. Middle-income people and low-income people will face increases in their rents and may be thrown out on the streets.

The veterans hospital at Travis, in the Fairfield area of my State, where

there was an official groundbreaking because we need a veterans hospital badly, it is zeroed out in this bill. And for what? To pay for a tax cut to those people making over $350,000 a year, who get back $20,000; to give the Pentagon more than the Pentagon asks for. I just feel very sad today. I acknowledge the hard work of the committee. Believe me, they were given a number that was very difficult to reach, and I have sympathy with that situation. I serve on the Budget Committee, and Chairman DOMENICI spoke eloquently about the problems we are facing. But I know we did not have to go about it this way.

I hope the American people get that, and I hope they do not just say this is too complicated. This is about priorities. This is about what we stand for. And we are turning our backs on the veterans of this country, and we are turning our backs on the lowest of the low, the homeless people.

We did not have to do it. We tell our young kids that you are just not worth it. And for what? As far as I am concerned, there are three bills the President ought to veto, and this is one of them. We can sustain that veto, and I hope when we really meet the crunch, there will be some give and take around this place, because this bill is unacceptable. Thank you very much.

I yield the floor.

Mr. DORGAN addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. DORGAN. Madam President, I voted against the last appropriations bill on the floor of the Senate. I was interested in the remarks offered by the Senator from California.

I said earlier this week that the three appropriations bills that we would be confronted with this week represented probably the worst possible choices one could make. This process is all about choices. There are some who forever want people to believe that there is one side of the aisle in Congress that represents big spenders and a biding interest in spending more and more on everything while the other side of the aisle represents a bunch of frugal skinflints who really do not want to spend, the ones who are putting the brakes on and are trying to bring down the deficit.

What a bunch of hogwash, a total bunch of nonsense. The question is not whether we spend money; the question is how we spend the money. Never is it better illustrated than in what we have seen in the last week or so. We have conference committee on the defense bill reporting out in the last day or two, saying they want $3/4 billion more than the President or the Secretary of Defense said is necessary to defend this country, with B–2 bombers and star wars alone—just those two issues; $3 to $4 billion more to buy B–2 bombers and star wars. But they have said, by the way, we cannot afford the 50,000 kids who are now on Head Start. They are going to get kicked off. Yes, they all have names. They are going to lose Head Start benefits. But we want to buy 20 more B–2 bombers for $30 billion despite the fact that the Defense Department did not ask for it.

But we cannot afford to give disadvantaged kids in the inner city a little hope in the summer with a summer job. These kids who have nothing, who feel often hopeless and helpless, who look for an opportunity to get a job in a summer jobs program in the city, and we are saying to 600,000 of these kids—kids who all have a name and a dream that maybe they can get a summer job—we are sorry, we cannot afford a summer job for a disadvantaged kid like you in the inner city. But we insist on spending money to start building star wars. The Senate put in $300 million more than the President asked for, and when the bill went to conference, it got worse. Let us build interceptor missiles and laser beams.

Where does all of this end? There is no Soviet Union. The threat has changed. Yet, the appetite to spend has not changed. It is not liberal or conservative. Seven billion dollars was added to the defense budget to buy trucks that the Secretary of Defense said he does not need, jet airplanes that the Secretary of Defense said he did not want, and submarines nobody asked for. And yes, to build star wars and B–2 bombers. That is $7 billion extra that was stuck in that bill by people who say they are against public spending.

Where is the demonstration of frugality when it comes to that budget? Why is it that the sky is the limit? There is no bottom to the coin purse when it comes to the defense budget.

I am for defending this country. I do not think there is anybody here who is going to do more than I will do to support the men and women who wear the uniform in this country, who defend freedom and liberty.

The fact is, it serves no interest, especially not the interests of the men and women who devote their lives to public service, by sending the military money to build gold-plated, boondoggle weapon programs we do not need. That takes money away from the day-to-day needs of the men and women in the military.

More important than that, it finally is a matter of choice. It is a choice of saying the star wars program is more important than Head Start. Buying B–2 bombers that the Secretary of Defense says we do not need is more important than giving kids a job for the summer or a tax cut, 50 percent of which will go to the most affluent in the country. Fifty percent of the benefits of the $245 billion tax cut, at a time when we are up to our neck in debt, goes to families whose incomes are over $100,000. A tax cut is more important than the benefits for incapacitated veterans?

I am telling you, there is something wrong with those choices. It is not a matter of saying spend, spend, spend, but a matter of saying make the right choice. Thomas Jefferson said those who think that a country can be both ignorant and free think of something that never was and never can be. If we do not understand that our future is not in building star wars, but our future is investing in this country's kids, investing in education, investing for the future, if we do not understand that, I am telling you that these choices we make today, as viewed by historians 100 years from now, will cause them to scratch their heads and say, ''What on Earth were they thinking about? What on Earth could their values have been to suggest somehow that kids are not very important?''

I yield to the Senator.

Mrs. BOXER. I want to thank the Senator for putting perspective on this bill. I want to just enter into a couple questions with my friend.

Does the Senator know how much the Republicans would like to cut from Medicare over the next 7 years?

Mr. DORGAN. The proposed cut in the baseline that is needed to meet Medicare expenditures for those who are eligible is $270 billion over the 7 years.

Mrs. BOXER. So they are proposing to cut $270 billion, which they say is not a cut, but, in fact, if the population keeps aging and if medical technology keeps moving forward, this is what is anticipated. They want to take $270 billion out over 7 years.

Does the Senator know how much Health and Human Services said is needed in order to make Medicare sound, is needed to cut out of the program?

Mr. DORGAN. The adjustments that are necessary in Medicare are about $89 billion, not $270 billion.

Incidentally, those who say you can cut $270 billion out of Medicare without having any impact on senior citizens must go to sleep and put their teeth under the pillow hoping a dollar shows up the next morning.

Where on Earth do they get these fanciful notions that you can do this without affecting senior citizens? Of course, if you cut $270 billion from Medicare, you are going to wind up with a health care program for senior citizens that costs senior citizens more money and gives them less health care. That is the point.

Why do we have that equation? Well, it is simple. The $270 billion proposed cut in the amount needed for Medicare is, I think, proposed in order to allow room for a $245 billion tax cut.

Now, I recognize and freely admit that for someone to stand up in the Senate and say, look, I serve in the U.S. Senate and I want to exhibit great courage today and my courage propels me to suggest we should have a tax cut. Well, what a wildly popular thing. It is like putting a raft in whitewater and rushing downstream. Wildly popular concept, having a tax cut. If you want to be popular, stand here and call for a tax cut.

My view is that the same people who are calling for a tax cut are the ones

who were saying we ought to balance the budget. I say we should balance the budget. Talk about tax cuts after the budget is balanced. But why are they talking about Medicare cuts now? So they can talk about a tax cut at the same time. That is the linchpin of all of this.

I do not think it adds up. My sense is, yes, I would like everybody to pay lower taxes. I would like there to be zero taxes. Of course, we have to have police, we have to have roads, we have to send our kids to school. There are a number of things we do in the public sector that are enormously important. Many were in this piece of legislation I just voted against because I thought it took money away from the good choices and gave them to the poorer choices.

It seems to me we must be serious about a lot of things if we want to reduce the Federal deficit. Therefore, if we are serious—and I am—do not talk about tax cuts until that job is done. Then talk about tax cuts.

Even more importantly, let us not talk about ravaging a health care program that has been so successful for senior citizens in this country in order to accommodate a tax cut, half of which will go to people with incomes over $100,000 a year.

Mrs. BOXER. One final question I want to ask of my friend. If we were to take that tax cut and put it aside for the moment, and if we were just to give the Pentagon what the Pentagon asked for and not more, which is what the Republican Congress has done, and it adds up to $30 billion-plus more than they asked for, would that not make it possible for us to take care of the Medicare problem and resolve it out 10 years so that it is fiscally sound? Would that not make it possible for us not to go to an elderly couple and tell the husband whose wife is in a nursing home, ''Sorry, sell your house, sell the car, because we are going after your assets''? Would it not make it possible for us to take care of those kids in Head Start that you talked about, keep a national service program, meet our obligations to veterans, do the things we need to do to keep our environment safe?

Would it not be possible to meet those obligations, balance the budget if we set aside those enormous tax cuts out there which benefit the very wealthiest, and just give the Pentagon what they asked for and not all these billions more that has been thrown at them?

Mr. DORGAN. Well, the Senator from California is correct. This is ultimately about choices. We choose to do one thing or we choose to do another. We make a choice and decide which of these choices are more important for the future of the country. That is what this process is all about.

I am not somebody who believes that one side has all the answers and the other side causes all the problems. I think this country would be a lot better off if we got the best of what both parties have to offer, rather than end up with the worst of what the two give us. I want to see much more bipartisanship in these decisions.

The plain fact is we are dealing with legislation coming to the floor where choices have already been made, and the choice that has been laid before us on these appropriations bills is to take 50,000 kids off Head Start, deny 100,000 disadvantaged youth summer jobs, and 170,000 incapacitated veterans on fewer benefits.

My point is, these choices do not seem logical to me in the face of other spending choices that were made.

Build star wars, build 20 new B–2 bombers. I responded to a column in the newspaper very critical of me for opposing star wars, and I said when the defense bill came to the floor of the Senate, I said it smelled a little like my mom's kitchen when she used to render lard when I was a kid. I could hardly walk in the house because when you render lard, it has an awful smell.

This defense bill has $7 billion in extra spending. I talked about the trucks that were not asked for, jet planes nobody needed. The hood ornament on this irresponsibility was blimps. They wanted to buy $60 million worth of blimps. I have talked about it half a dozen times on the floor, trying to figure out who wants blimps. What are the blimps for?

Sixty million dollars is provided for in the defense bill by people who say they are conservative, in order to build lighter-than-air airships; translated, that means blimps. Only in Washington would you say lighter-than-air airships—blimps is what they are. I do not know whether they will paint Snoopy on them or paint Goodyear, but somebody wants to build $60 million worth of blimps.

I think it is pretty hard to look into the face of a 3-year-old or 4-year-old kid who is benefiting by getting a head-start in life, through a program we know works and works well, and say, ''We are sorry, we cannot afford you because we are off buying blimps.'' Lord only knows what they want to buy blimps for in the defense bill, but there is example after example of that.

When you come to the floor and talk about these issues, investing in things that are important, you get letters and calls. I saw a letter today. A fellow from Houston, TX, wrote and said he heard me on the floor talking about kids. It is true. I talked about a young man from New York City named David Bright. I have never forgotten his testimony. He was 10 years old, from New York City. He lived in a homeless shelter. He said, ''No kid like me should have to put his head down on his desk in the afternoon because it hurts to be hungry.'' He was talking about hunger and being homeless and having nothing.

The guy from Houston, TX, was writing to me after watching C–SPAN. He said: ''All you nut cases ought to stop spending money on all this liberal stuff.''

If we have people out there who decide that kids do not matter, that hunger does not matter, that star wars is where it is at in the future, in my judgment they are not thinking much about the future of this country. This country's future is with its kids, with education, with opportunity, and a commitment by this Congress to those kids.

The only reason I rose to speak was because the Senator from California talked about this piece of legislation. I voted against it because, frankly, I think it makes the wrong choices.

I would like just for a moment to continue discussing Medicare because that is the subject of some hearings this afternoon that will occur in the Senate Finance Committee. It is, I think, one of the largest issues ricocheting around the Congress.

I respect the fact there are some who say we want to save Medicare while others want to kill it. The proposal to cut $270 million from what is needed to finance Medicare is offered by those who say we are the ones who want to save it. I only observe that at least 95 to 97 percent of those who say they want to save Medicare with this very large cut in funding—95 to 97 percent of them voted against the program in the first place, at least those in their party did 30 years ago. It seems unlikely to me that the party that harbors some who think Medicare is socialism and really should not continue is going to propose a $270 billion cut in order to save it.

It is far more likely, it seems to me, that we will save the Medicare Program—and we should save the Medicare Program—by having Republicans and Democrats get together and decide that this program makes sense, that this program helps make us a better country.

When the Medicare Program was developed, fewer than 50 percent of the senior citizens of this country had any health care coverage at all. Now 97 to 99 percent of the senior citizens in America have health care coverage. It is a remarkable success story. Frankly, people are living longer.

All of us know that one of the pressures on us, from the Medicare financing persepctive, is that people live longer and expect more. It is not unusual to run into a senior citizen someplace who is in his midseventies and has had heart surgery to unplug all the arteries from the heart that got plugged from eating all this fatty food. They have had cataract surgery, replaced both knees, replaced a hip. So here they are, 75 years old, and they have their heart unplugged, they have their arteries all clear, with blood pumping away in there. They are feeling good. They are walking and running and jogging with good knees and hips. They can see like a million bucks because they had cataract surgery.

That costs a lot of money. It is the result of remarkable, wonderful,

breathtaking technology. But it is also very expensive. In some ways, that is a sign of success, is it not? Thirty years ago, they would have been dead; dead, or in a wheelchair, or unable to see. The alternative? Remarkable, breathtaking achievements in health care and a Medicare Program that works. Expensive? Yes. Does it need adjustments? Of course. Should we make them? Yes.

But should we take from the Medicare Program substantial moneys so we can give a tax cut to some of the most affluent in the country? The answer, in my judgment, is no. That is not a choice that makes sense. That is not a choice that will strengthen this country or advance our interests.

We have about 2 or 3 months left in this session of Congress. The agonizing choices that all of us will make about what is important will be made, finally, in these appropriations bills and in the reconciliation bill. I come from a town of 300 people. My background is from a very small, rural community. I have no interest in being dogmatic or being an idealogue about one issue or another. But I do have a very significant interest in expressing the passion I have for the choices which I think are good for this country.

This country has to get out of its present economic circumstances, balance its budget, and make the right choices with respect to investments. I have not talked today about trade, but I will at some point in the coming days. We have to solve our trade problem. We are sinking in trade debt, and we are getting kicked around international marketplaces. We have to stand up for America's economic interests and change that. All of those things need to be discussed, debated, and resolved.

A lot of people wring their hands and grit their teeth because we have raucous debates about these things. These debates are good and necessary. I hope we have more and more divergent views brought to the floor of the Senate so we can understand the range of ideas that exist and select the best of them. Someone once said when everyone in the room is thinking the same thing, no one is thinking very much.

I do not shy from debate. I do not think it is unhealthy. But at the end of the debate, let us try to find out what is wrong in this country and fix it, and advance the economic interests to give everybody in America more opportunity in the future.

I yield the floor.

MORNING BUSINESS

Mr. DORGAN. Mr. President, I ask unanimous consent there now be a period for the transaction of routine morning business, with Senators permitted to speak for up to 10 minutes each.

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

The Chair, in his capacity as a Senator from New Hampshire, suggests the absence of a quorum.

The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. PRYOR. 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. PRYOR. Mr. President, I ask unanimous consent I may proceed in morning business for up to 20 minutes.

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

TAX FARMING

Mr. PRYOR. Mr. President, yesterday, in the New York Times, on page 1, an article was written by Robert D. Hershey, Jr. I would like to extrapolate a few lines from this particular article, not only to bring it to the attention of our colleagues in the Senate, but also to bring it to the attention of the conferees who are now dealing with certain appropriations bills in conference at this time. That particular conference is certainly on the Treasury, Postal Service, and general Government appropriations bill.

There is stuck in this appropriation a sum of $13 million. It does not sound like a lot when we start thinking about the billions and billions that we discuss on the floor of the U.S. Senate, but a $13 million appropriation to initiate a program to utilize private counsel law firms and debt collection agencies in the collection activities of the Internal Revenue Service, as we know it, the IRS.

The first paragraph of Mr. Hershey's article in the New York Times yesterday states:

> Congressional Republicans are poised to pass legislation requiring the Internal Revenue Service to turn over some debt collection to commercial interests, thereby giving certain private citizens access to confidential taxpayer information for the first time. . .. The Republican initiative, which would be limited initially to a pilot program, has raised alarms throughout the agency. ''I have grave reservations about starting down the path of using private contractors to contact taxpayers regarding their delinquent tax debts,'' Margaret Milner-Richardson, the Commissioner of the I.R.S., said.

This was a statement written in a letter signed by Margaret Milner-Richardson, the Commissioner of the Internal Revenue Service.

For the last several years I have been one who has complained, I think fairly substantially and often, about some of the activities, and the heavyhanded activities, of the Internal Revenue Service. But I can say without reservation, this is an issue which Margaret Milner-Richardson, the Commissioner of the IRS, and myself, agree on 100 percent.

On the 12th of September, I, along with Senator ALFONSE D'AMATO of the State of New York, wrote a letter to the conferees relating to this particular conference, which is now in session. Senator D'AMATO and myself stated in the third paragraph, about this particular provision that now exists in the debate between the conferees—we wrote the following:

> We are writing to express our concern regarding the possibility of inclusion of the House provision in the final bill and respectfully request your assistance to eliminate any provision allowing private bill collectors to collect the debts of the American taxpayer.
>
> For over 200 years, when the Federal Government has imposed a tax, it has also assumed the responsibility and the blame for collecting [that tax]. In fact, we have an obligation to ensure that the privacy and the confidentiality of every American taxpayer is protected. Contracting out the tax collection responsibilities of government would be in contradiction of that duty, and would no doubt put the privacy of all American taxpayers in jeopardy.

Senator D'AMATO and myself continue by stating to the conferees:

> While we are very concerned about the impact of the House provision on the rights of American taxpayers in their dealings with these private bill collectors, the Commissioner of the Internal Revenue Service has also raised serious questions about the provision. We, therefore, urge you to be persistent in your efforts to keep such a provision out of the final conference report.

The article, written in the New York Times yesterday, further States:

> Such concerns are in spite of the bill's requirement that the private debt collectors must comply with the Fair Debt Collection Practices Act and ''safeguard the confidentiality'' of taxpayer data.

Mr. President, I have seen a lot of ideas in some 17 years in the Senate. But I have never seen a worse idea, an idea that was so misdirected, in my 17 years of service, as one that is being proposed to become the law of the land.

I would like to pose, also—or at least to make an observation. This is not a new idea of basically farming out some of our tax collections to the private sector. But I would say, in over 200 years of our Federal Government, we have never turned over the business of collecting taxes to the private sector. But I must point out, as I did in a floor statement on August 4, in the U.S. Senate, that this is a dubious practice and it is as old as the hills, and it dates back to at least ancient Greece. This practice of private tax collection even has a name. It is called, ''tax farming,'' and its modern history is chronicled in a book authored by Charles Adams, a noted lawyer and a noted history professor. The book is named, ''For Good And Evil, The Impact of Taxes on the Course of Civilization.''

In this book, Charles Adams recounts many tales of how the world has suffered under the oppression of tax farmers. He specifically describes the tax farmers sent by the Greek kings to the island of Cos as thugs, and even the privacy of a person's home was not secure from them. He further notes that a respected lady of Cos around 200 B.C. wrote, ''Every door trembles at the tax farmers.'' In the latter Greek and

Roman world, no social class was hated more than the tax farmer. The leading historian of that period described tax farmers with these words.

The publican keepers of the public house certainly were ruthless tax collectors, and dangerous and unscrupulous rivals in business. They were often dishonest and probably always cruel. Tax farming flourished as a monster of oppression in many forms in Western civilization for over 2,500 years, until it finally met its demise after World War I. Tax farming brutalized prerevolutionary France. The French court paid the price during the reign of terror when the people were incensed. They rounded up the tax farmers, tried them in the people's courts and condemned the tax farmers to death. Accounts of this time tell of the taxpayers cheering while the heads of the tax farmers tumbled from the guillotine.

In the 17th century, Mr. President, under Charles II in England, the King imposed a hearth tax assessing two shillings per chimney for each house. To collect it, the King did not have civil servants responsible to the King to collect from these private families. But he named individual tax collectors. They called them ''chimney men.'' They went throughout England. These chimney men were ruthless, and they were hated by the people of England. The hatred of the privately collected tax helped depose Charles' brother, James II. And as soon as the new monarchs, William and Mary, were installed, the House of Commons abolished the tax ending a bond of slavery upon the whole people that allowed every man's house to be entered and searched and at the pleasure of people unknown to him.

Clearly, Mr. President, history has taught us that contracting out the tax collection responsibilities of a democratic government is not a good idea.

These are the questions that I would like to respectfully pose to our colleagues from the Senate and the House who now make up the conference on this particular issue and who are now debating what issues to include and to exclude. These are the questions that I respectfully think should be asked.

Who will these people be?

Which debt collection services will be hired?

How will they be hired?

Who will hire them?

Who will train them?

Who will oversee them?

Which taxpayers' cases will they work on?

What arena of confidentiality?

What standard, I should say, of confidentiality will be imposed upon these private debt collectors as they search through our private tax records?

What type of taxpayer information will be made available to these tax collectors?

How will that information be safeguarded, and how will the security and the privacy of these issues be retained?

How, Mr. President—and what a key question this is—are these private bill collectors going to be paid? Will they be paid 25 percent, 50 percent, and will not this actually amount to a bounty hunter situation that we are creating within the Internal Revenue Service?

In 1988, I sponsored, with the help of many of my colleagues, the Taxpayer Bill of Rights. It was passed into law. One of the provisions that we were proudest of in the Taxpayer Bill of Rights No. 1—and now we hope to expand it this year into the Taxpayer Bill of Rights No. 2—in the Taxpayer Bill of Rights No. 1 was a provision that the Internal Revenue Service could no longer use quotas in which to promote or demote collection agents within the Internal Revenue Service. We said you have done it in the past but that day is over, and no longer can an IRS collection agent have his job or his salary or his position basically based upon how much he is collecting.

So, Mr. President, what we have is we may be on the eve of making an enormous mistake. It could be a mistake that we could never fix. I am very hopeful that the conferees on the Treasury, Postal, and general Government appropriations bill will take heed and will realize what history has to teach us about private tax collectors being hired to collect Federal debt.

Mr. President, I ask unanimous consent that the letter dated September 12 sent by Senator D'AMATO and myself to Senators SHELBY, KERREY, and the other conferees be printed in the RECORD.

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

U.S. SENATE,
Washington, DC, September 12, 1995.

DEAR SENATOR SHELBY AND SENATOR KERREY: Thank you for accepting our amendment to the Treasury, Postal Service, and General Government Appropriations bill which struck an appropriation of $13 million to initiate a program to utilize private counsel law firms and debt collection agencies in the collection activities of the Internal Revenue Service.

A similar provision has been included in the final version of the House Treasury, Postal Service, and General Government Appropriations bill, which, as you know, will be a matter to be considered by House and Senate conferees at conference.

We are writing to express our concern regarding the possibility of inclusion of the House provision in the final bill and respectfully request your assistance to eliminate any provision allowing private bill collectors to collect the debts of the American taxpayer.

For over 200 years, when the Federal Government has imposed a tax, it has also assumed the responsibility, and the blame, for collecting them. In fact, we have an obligation to ensure that the privacy and confidentiality of every American taxpayer is protected. Contracting out the tax collection responsibilities of government would be in contradiction of that duty, and would, no doubt put the privacy of all American taxpayers in jeopardy.

While we are very concerned about the impact of the House provision on the rights of American taxpayers in their dealings with these private bill collectors, the Commissioner of the Internal Revenue Service has also raised serious questions about the provision. We, therefore urge you to be persistent in your efforts to keep such a provision out of the final conference report.

If we may assist you in any way, please do not hesitate to call on us or our staff.

Sincerely,

DAVID PRYOR.

Mr. PRYOR. Mr. President, I ask unanimous consent that the article which I made reference to a few moments ago dated Tuesday, September 26, in the New York Times written by Mr. Robert D. Hershey, Jr., be printed in the RECORD.

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

G.O.P. WANTS I.R.S. TO USE OUTSIDERS
BILL COLLECTORS WOULD HAVE ACCESS TO TAXPAYER DATA
(By Robert D. Hershey, Jr.)

WASHINGTON, DC, Sept. 25—Congressional Republicans are poised to pass legislation requiring the Internal Revenue Service to turn over some debt collection to commercial interests, thereby giving certain private citizens access to confidential taxpayer information for the first time.

The agency's appropriations bill, now stalled in a Senate-House conference over an unrelated issue, would provide $13 million for the I.R.S. to test whether private bill collectors could do a better job than the agency's own employees, even though they would be denied such governmental powers as the ability to seize property.

The bill suggests a regional experiment, which would be likely to focus on individual returns, and directs that small collection agencies—perhaps even individual lawyers—be allowed to participate.

The Republican initiative, which would be limited initially to a pilot program, has raised alarms throughout the agency. ''I have grave reservations about starting down the path of using private contractors to contact taxpayers regarding their delinquent tax debts,'' Margaret Milner Richardson, the Commissioner of the I.R.S., said.

In addition to privacy concerns, Ms. Richardson contends that the use of private collectors could further undermine public perceptions of the fairness of Federal tax administration.

But Congressional Republicans, sensing a negative public perception of the agency, are pressing the plan on a number of fronts. They rejected the Clinton Administration's request for an I.R.S. budget increase of nearly 10 percent, to $8.23 billion, deciding instead to cut the I.R.S. budget almost 2 percent.

By a widely accepted rule of thumb, additional enforcers bring in five times their salaries. But Republicans, intent on reining in a symbol of big government, do not accept the argument of I.R.S. officials that spending more on the agency would help meet the goal of a balanced Federal budget.

Citing findings of the General Accounting Office that I.R.S. collections have slumped about 8 percent since 1990, Republicans led by Representative Jim Lightfoot of Iowa, contend that this reflects the I.R.S.'s ''lengthy and inefficient collection process, which does not incorporate techniques used by the private sector.''

Others have contended that a lack of diligence has allowed uncollected debts to swell to more than $150 billion.

Farther down the Republican agenda are plans for an even broader assault on the tax agency. ''The I.R.S. was never meant to be such an intrusive, oppressive presence in American life,'' Senator Bob Dole, the majority leader, told a Chicago audience recently in proposing a radical simplification

of the tax law that ''would end the I.R.S. as we know it.''

The attack on its budget has already prompted the I.R.S. to decide on a two-month delay in its Taxpayer Compliance Measurement Program under which it had planned, beginning next week, to select about 153,000 tax returns for intensive audits in a periodic effort to gauge sources of cheating and to develop countermeasures. Accurate targeting of enforcement efforts is crucial since routine auditing has slipped well below 1 percent of individual returns.

If the agency fails to get a bigger budget than the $7.35 billion now scheduled, the I.R.S. will have to cut its 112,000-member staff by the equivalent of 7,000 employees; much of this would be by attrition and shorter hours for seasonal workers, Ms. Richardson said in an interview.

''No sound business person would not spend money to make money,'' she added, charging the Republican budget-cutters with pound-foolish penny-pinching. ''I think you ought to look differently at the side of the house that raises money.''

Privatizing the collection of delinquent debt was first proposed in early 1993 by the newly installed Clinton Administration but the idea went nowhere in a Congress then dominated by the President's fellow Democrats. However, many states use private companies to help collect taxes, according to the Federation of Tax Administrators. At least three states—Minnesota, Nevada and South Carolina—already use outsiders to collect money in person. And at least 10 other states hire private agencies to make telephone calls to delinquent taxpayers.

Moreover, some states, notably Pennsylvania, use private companies routinely to collect current, as opposed to delinquent, taxes.

The I.R.S. does use private companies for finding, say, the addresses of delinquent taxpayers, spending about $5 million a year for such information, but this does not lead to direct contact with taxpayers by outsiders.

Frank Keith, an I.R.S. spokesman, said today that the agency had not yet developed any plans to carry out a debt-collection test, including what region might initially be involved.

Among those objecting to the idea was Donald C. Alexander, a Washington lawyer who served as I.R.S. commissioner from 1973 to 1977.

''Contracting out anything dealing with enforcement is absolutely absurd,'' he said, contending that it was improper for people ''with a stake in the outcome'' to collect the Government's taxes, whether on commission or under a contract they would presumably have an incentive to extend.

Such concerns are in spite of the bill's requirement that the private debt collectors must comply with the Fair Debt Collection Practices Act and ''safeguard the confidentiality'' of taxpayer data.

Passage of the legislation is being held up because of an impasse over an amendment from Ernest Jim Istook Jr., an Oklahoma Republican, to severely limit lobbying efforts of nonprofit, and therefore tax-exempt, organizations that get Federal grants.

The provision in the conference bill that would extend debt-collection authorization to private law firms as well as collection companies is backed by Senator Richard C. Shelby, an Alabama Republican. An aide said the Senator believed that many resources were needed to collect outstanding debt and that privacy concerns ''are overblown by the I.R.S.''

Mr. Keith estimated that about half the $150 billion of receivables on the books at the end of the fiscal year 1994 was collectible; the rest has probably been lost because of bankruptcy, death or other reasons.

Mr. PRYOR. Mr. President, I ask unanimous consent that a letter sent to me dated August 4 written by Margaret Milner Richardson, the Commissioner of the Internal Revenue Service, expressing her strong opposition and the Revenue Service's strong opposition to even considering this practice be printed in the RECORD.

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

DEPARTMENT OF THE TREASURY,
INTERNAL REVENUE SERVICE,
Washington, DC, August 4, 1995.

Hon. DAVID PRYOR,
U.S. Senate, Washington, DC.

DEAR SENATOR PRYOR: I am writing to express my concern regarding statutory language in the FY 1996 Appropriations Committee Bill (H.R. 2020) for Treasury, Postal Service and General Government that would mandate the Internal Revenue Service (IRS) spend $13 million ''to initiate a program to utilize private counsel law firms and debt collection activities . . . ''. I have grave reservations about starting down the path of using private contractors to contact taxpayers regarding their delinquent tax debts without Congress having thorough understanding of the costs, benefits and risks of embarking on such a course.

There are some administrative and support functions in the collection activity that do lend themselves to performance by private sector enterprises under contract to the IRS. For example, in FY 1994, the IRS spent nearly $5 million for contracts to acquire addresses and telephone numbers for taxpayers with delinquent accounts. In addition, we are taking many steps to emulate the best collection practices of the private sector to the extent they are compatible with safeguarding taxpayer rights. However, to this point, the IRS has not engaged contractors to make direct contact with taxpayers regarding delinquent taxes as is envisioned in H.R. 2020. Before taking this step, I strongly recommend that all parties with an interest obtain solid information on the following key issues;

(1) What impact would private debt collectors have on the public's perception of the fairness of tax administration and of the security of the financial information provided to the IRS? A recent survey conducted by Anderson Consulting revealed that 59% of Americans oppose state tax agencies contracting with private companies to administer and collect taxes while only 35% favor such a proposal. In all likelihood, the proportion of those opposed would be even higher for Federal taxes. Addressing potential public misgivings should be a priority concern.

(2) How would taxpayers rights be protected and privacy be guaranteed once tax information was released to private debt collectors? Would the financial incentives common to private debt collection (keeping a percentage of the amount collected) result in reduced rights for certain taxpayers whose accounts had been privatized? Using private collectors to contact taxpayers on collection matters would pose unique oversight problems for the IRS to assure that Taxpayers Bill of Rights and privacy rights are protected for all taxpayers. Commingling of tax and non-tax data by contractors is a risk as is the use of tax information for purposes other than intended.

(3) Is privatizing collection of tax debt a good business decision for the Federal Government? Private contractors have none of the collection powers the Congress has given to the IRS. Therefore, their success in collection may not yield the same return as a similar amount invested in IRS telephone or field collection activities where the capability to contact taxpayers is linked with the ability to institute liens and levy on property if need be. Currently, the IRS telephone collection efforts yield about $26 collected for every dollar expended. More complex and difficult cases dealt with in the field yield about $10 for every dollar spent.

I strongly believe a more extensive dialogue is needed on the matter of contracting out collection activity before the IRS proceeds to implement such a provision. Please let me know if I can provide any additional information that would be of value to you as Congress considers this matter.

Sincerely,

MARGARET MILNER RICHARDSON.

Mr. PRYOR. Mr. President, I have no further items to submit. I have no further statement to make. Therefore, I yield the floor.

I thank the President for recognizing me.

Mr. DORGAN addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota.

INTERNATIONAL TRADE

Mr. DORGAN. Mr. President, inasmuch as the Senate is in morning business, I would like to say a few words about the subject of international trade.

I, along with several of my colleagues, today had lunch with Eamonn Fingleton, the author of a new book called Blind Side, which describes in very interesting and provocative terms our trade strategy, our trade relationships with Japan and others.

It reminded me again of what is happening this year with respect to trade. Our fiscal policy deficit, the budget deficit this year will be somewhere around $160 billion, we are told. Our merchandise trade deficit, however, will be close to $200 billion, a new record, the highest in the history of this country.

When you talk about international trade, the minute you discuss it people begin to yawn. There is rarely thoughtful discussion about trade policy in this Chamber, or in the other body; rarely any thoughtful notion that I can discern in Washington, DC, about what our trade policy ought to be.

The minute you start talking about the fact that our current trade strategy is injuring this country, you get turned off. You are tagged as some sort of a protectionist, xenophobic stooge. There are two camps here in trade. Either you are a free trader, you have a world view, you think in global terms, or you are some sort of protectionist isolation xenophobic. Those are the two descriptions.

Let us evaluate that just a bit. What does a trade deficit mean? Why could people care about it? I have a theory about the sour mood about politics in this country these days. I have a theory that people are sour in this country because few in this Chamber, not Democrats nor Republicans, are addressing the central core of the issue that affects most families.

Sixty percent of the American families will sit down for supper tonight around the table and have their family there and talk about their circumstances. And 60 percent of the American families will understand they make less money now in real terms—as adjusted for inflation—than they did 20 years ago.

Why would that be the case? Why, if everything is going so well in this country, are more than half of the American families suffering from a loss of income even though they work longer hours than 20 years ago?

At least part of it, in my judgment, is the construct of international trade. Since the Second World War we had a foreign policy and a trade policy that were married. The Second World War left Europe and Japan in tatters. Wartorn Europe needed to be rebuilt. We did that. We pitched in a significant way and helped rebuild it. Japan was decimated, and we helped to rebuild Japan, too.

In the first 25 years of the post-World War II period we could not only help them rebuild but we could largely construct a trade policy in which we say, ''By the way, ship all your goods here. It is not a problem.'' We were so strong and we were so big that we could compete with one hand tied behind our back. We were the biggest. We were the best. We won, and nobody could outtrade us and nobody could outproduce us. We won hands down.

All during that 25-year period after the Second World War incomes were on the rise in this country. Our economy expanded and improved. And so did opportunity and incomes for the American family.

Then what happened? Europe became a competitor. The European countries became tough and shrewd competitors. Japan grew up to be a tough economic competitor. And we still had the same old trade policy, a foreign policy masquerading as a trade policy. We still allow the circumstances to exist where we said our market is open to you but it does not matter that your market is closed to us.

That is a fine relationship. We do not want to offend them so we just keep doing what we are doing. Meanwhile, corporations, many of which no longer say the Pledge of Allegiance and no longer sing the national anthem, but have become international conglomerates responsible only to the stockholders, have decided they would like, under the construct of this trade policy, to decide what is good for them.

What is good for them? Well, what is good for them is to produce where it is cheap. Take your product and find a way to produce it in Malaysia, Indonesia, China, Bangladesh, Sri Lanka, and then bring it back to the United States to an established marketplace where people have money to spend and sell it in Pittsburgh, San Francisco, Fargo, and Denver.

The problem with that is you disconnect. You move jobs away from America, offshore, overseas, so corporations can maximize profits, then ship the product back into our country. Then what you have is a wholesale loss of jobs in America and eventually a loss of income in this country.

Manufacturing jobs are on the decrease in this country. Oh, the last couple years we have seen a small increase. After having lost millions and millions of manufacturing jobs, we have seen several hundred thousand additional jobs over the last few years. That is fine. But it does not replace the manufacturing base we have consistently lost.

We have the folks who keep score down at the Federal Reserve Board and elsewhere in the Government. We have economists who are in the engine room or the boiler room of this ship of state and they read the little meters and gauges and dials, and they keep score by saying every month: Gee, America is really doing well. We are consuming this much; we are consuming that much; we are buying this much.

All of it is consumption. All the indices of progress in this country are how much did we spend; how much did we consume.

These economists and others who sit down there—I have said before they could sit in a concrete bunker. They need not ever see the Sun. They could sit in a concrete bunker and read these little numbers of theirs and give us all this nonsense about how healthy we are because of what we spend. It is not what we consume, it is what we produce that represents the economic base of progress in this country.

It is interesting; the economic model, the basis for what economists tell us. For instance, when Hurricane Andrew hit Florida and decimated that State, guess what? Their model, of course, does not measure damage. So they said that Hurricane Andrew contributed a one-half of 1 percent growth to the gross domestic product of America because all they count is the repairmen who came in and rebuilt the houses, not the damage that destroyed them.

Take another example; A car accident outside this building this afternoon. Somebody runs into another car. Economists call that economic growth because somebody is going to get to fix the fender.

We do not need that sort of nonsense to tell us what is going on in the country. They can talk about consumption until they are blue, these economists. The fact is our country has lost economic strength because jobs have moved offshore, overseas.

What has happened with the balance of trade as a result of all of this going on? Let us take a look at it regionally.

First, let us look at Japan. We have a $65 billion trade deficit with Japan—$65 billion. That means things are produced in Japan and sold here. Jobs that used to be here are now in Japan. It means income from the American consumer goes to Japan in the form of profits.

Is that healthy for our country? Of course not. Should we have this kind of trade deficit with Japan? Of course, we should not. Then why do we have it? Because we do not have the will to say to the Japanese: Look, if you want to ship your goods to America, God bless you; we want our consumers to have the widest range of choices from all goods produced in this world, but we expect something from you in return. You must have your markets wide open to American producers and American workers as well. And if you do not, then you will not find open markets here. We need reciprocal trade policies that say to other countries: straighten up. If you want to access the American marketplace, then your marketplace must be open to America. We insist, literally demand fair trade. We demand it. But we have not had the will or the strength or the interest to even begin talking in those terms with Japan.

It costs $30 a pound to buy T-bone in Tokyo, T-bone steak. The Japanese want a lot of it. They would like to buy a lot of it. Why is it so expensive? Because they do not have enough beef produced in Japan. So will they buy sufficient quantities of American beef? They are buying more now because we have a beef agreement with Japan. And all those folks who negotiated it almost jumped right out of their cowboy boots with the success. They almost thought they should demand a medal because of the successful agreement with Japan.

Guess what? When the agreement is finally phased in over the years, there will remain a 50-percent tariff on all American beef going into Japan. And we consider that a success because our expectations are so low with respect to what Japan will allow into their marketplace.

We ought not consider those things success. We ought to demand of countries like Japan that have such an enormous trade surplus with us that their market must be open to us or we will take action. We ought not accept this one-way trade anymore.

What about China? China now has a $30 billion trade surplus with us, or we a $30 billion deficit with them. We are a sponge for Chinese shoes and shirts and trinkets and goods. They move all their goods to America and we are a cash cow for the Chinese, who need hard currency.

Now, China needs to buy some airplanes. Guess what? Does China go to the American plane companies, Boeing, for example, and say: By the way, we need to buy some planes from you. No, that is not what they do. They go to Boeing and they say: We are interested in some airplanes, on the condition, of course, that you manufacture those airplanes in China.

This country ought to say to China: Wait a second. You do not understand how this works. You want America to be a sponge for all you produce. Then when you need something that we

have, you buy it here. That is responsibility. And that is what we expect from you, China.

China needs grain. They need more wheat. They are off price shopping in Venezuela and Canada when they are running a $30 billion trade surplus with us.

It is time for this country to have a little nerve and demand of other countries reciprocal trade policies that are fair.

Now NAFTA. We had people who had apoplectic seizures over this NAFTA debate in the Senate in recent years. We had economists that were out waving their arms on the steps of the Senate talking about 270,000 new jobs if we would just construct a new trade agreement with Mexico—270,000 new jobs. What is the record?

The record is that the year before the free trade agreement with Mexico was negotiated we had a $2 billion surplus with the country of Mexico. We had a $2 billion trade surplus the year before the Mexican free trade agreement. This year it will be a $18 billion deficit. I would like to round up all of those disciples of this trade agreement somewhere up near the Capitol and have them explain one by one what has happened.

What has happened? We know what has happened. All the jobs are moving south, two or three plants every single day being approved. They are moving to maquiladora plants over on the Mexican side because that is where you can get cheap labor; you can still pollute; and you can produce and ship back to America. It is not the kind of goods that we were talking about when NAFTA was developed.

You take a look at what is causing our trade deficit with Mexico. It is automobiles, automobile parts, electronics; it is high technology goods, good jobs. And that is the problem. If you do not want to get technical with NAFTA, just travel across the United States-Mexican border and you will find you cannot get a raw potato across the Mexican border. Lord only knows why. You just cannot. Mexico will not allow one American raw potato across the border. But guess what? Even as U.S. raw potatoes are stopped going south, just watch tons of Mexican french fried potatoes going north. I would like to get the folks who negotiated that agreement in this building and ask them why.

The devil is always in the details, whether it is potatoes or airplanes or beef or cars. But in the aggregate, the question this country needs to start asking Mexico, Japan, China, and others is: Will you not decide for a change that as a condition of trade, if you expect to enter the American marketplace, you will open your markets to American goods, American workers, and American producers? If you do not, then this country is going to reconstruct its trade model.

We as a country do not have to continue down this path. We do not have to believe this corporate baloney that they need to produce in Sri Lanka to be competitive. We can decide there is an admission price to the American economy, the American marketplace. The admission price is: you have to give a living wage, you cannot pollute the water, and you cannot hire 12-year-old kids to work 12 hours a day and work for 12 cents an hour. That is not fair trade. And we should not expect the American worker or the American corporation to compete against that.

You say, ''Well, all that is abstract.'' Well, talk to the people who testified before the Senate who described little kids making carpets, with needles going through the carpet cutting all their fingertips, causing them to miss work. What do you think the carpetmakers would do so these children do not miss days of work? They would take the fingertips of these 10- and 12-year-old kids, and they would put gunpowder on them and set them afire so that they eventually scar these fingertips. They do this so that eventually when these little kids who are working with needles on carpets it will not hurt because their scar tissue is so big it will not hurt. Then they will not lose time and cut themselves on the needles.

The products made by those kids come to the American marketplace. We are told by economists this is a wonderful thing because it is cheap. The American consumer can buy cheap foreign goods.

What about the two girls who testified not so long ago about the designer-label blouses made in Honduras by kids working 14 hours a day, are not permitted to go to the bathroom. Then the blouses are shipped to a shop in New York to be sold under a designer label to American women shopping for blouses.

Do you think someone shopping for a blouse in this country should expect to buy the product made by a 12- or 14-year-old kept in a plant for 16, 18 hours, who is paid less than 40 cents an hour, $1 an hour? You think that? I do not think that is fair trade. I do not think we ought to expect that in this country.

I am not suggesting that we build walls around our country and I am not suggesting that we ought to develop a strategy in which we decide the rest of the world does not matter. I am saying this country ought not stand for being kicked around anymore. We are big enough and strong enough to insist that the central issue in this country still must be jobs.

When we ask American workers to compete against others, it ought to be fair. They cannot compete and should not compete if they are competing with 2 or 3 billion people that are willing to earn 20 cents or 60 cents an hour and work in unsafe conditions and work 16 hours a day. We have got to start caring about keeping jobs in this country.

There are dozens of ways to do that. We have a perverse little tax incentive in our Tax Code that I have been trying to get changed for years which rewards companies who take their jobs elsewhere, close their plant in America, move it overseas to a tax haven, make the same product, and then ship it back to Nashville, TN. And we say, ''Guess what? We're going to reward you for shutting down your plant. You get a tax incentive and you get to defer income tax on the profits you make in that plant until repatriation. Just close your American plant, move overseas, hire foreigners rather than Americans, and we say, 'Hosanna, hallelujah. You get a tax break.'''

I mean, if you cannot fix that little thing and take the first step on the road to saying that creating jobs is important in this country; then, by taking that step saying that the production base is important to this country's future, there is not a chance, in my judgment, to respond to the real concerns of Americans.

The real concern of American families I think is the opportunity for themselves and their children to have a good job with decent income and a future of hope and opportunity. It is time—long past the time, in my judgment—where Republicans and Democrats should decide together that we need a new strategy.

We need a new Bretton Woods conference, a new set of designs on international finance and international trade relationships that does not represent foreign policy. A strategy that represents some semblance of national interests for us in our country, not to the exclusion of everything else, but at least to stand up and say what happens in our country to our jobs and our productive sector matters.

I said last week that, you know, next year we are going to have an Olympics. And it is going be on American soil this time. You know what will happen? We will put all these young athletes, trim and wonderful athletes, in these red, white and blue uniforms. The country will yell like crazy in support of our athletes. I will be among them.

I love the Olympics. I want our team to do well. But is it not interesting that we are willing to become so involved in national competition, in an international event on an athletic field, and we are so uninterested, as leaders, in the question of how well we compete in the area of economic growth and jobs?

After all, this is a circumstance where there is international economic competition and there are winners and losers. And the winners, which have been Japan, Germany, and others, will experience a future of growth, opportunity, and expansion. And the losers, subject to the British disease, which is long, slow, economic decline stemming from a philosophy that what you consume is a reflection of future economic health. This is a philosophy rooted, in my judgment, in the most confounding, confusing doctrine that I have ever heard. All the economics I

have studied—I studied some and taught some economics in college—tells me that the source of long-term economic health in this country is our production.

If you lose a manufacturing base, if you lose your productive sector, if you lose your ability to produce real things, you will not long be a world economic power. You will not long dominate in world commerce. And that is why it is not too late for this country to decide it is time for a new national economic strategy, not one of protectionism.

Although if you want to use the word ''protection'' in a pejorative way, I am not so interested in the typical debate. However, if you want to use the word ''protection'' to mean protecting the economic interests of this country, count me in, because that is one of the reasons I am here. But we have to define some new economic strategy that tries to preserve our manufacturing base and tries to decide that our marketplace and our manufacturing base are important national assets. Assets that represent the opportunity for expansion and hope for the American family.

The course we are on, the path that led to the largest trade deficits in history, a wholesale loss of American jobs overseas, is a destructive course, one that is wrong for our country. And I think it is part of the undercurrent of all the angst out there in the country with families knowing this is not working. This is a model that might make international corporations wealthy but people who do not have jobs are poor. It means a future of less opportunity for them. That is what I think is at work in this country. I know it is not quite as simple as all of that, but that, I think, plays a major role.

You know something? All the things we do in this Chamber, over all of these months, all ignore that central fact. There has not been, in my judgment, one day of thoughtful, interesting debate about the central economic tenant of our times, and that is the issue of what the global economy means to the future of America, to the future of American families and American workers.

Mr. President, there are some who will say that I am truly a broken record, and that is fine with me because I want to continue to repeat month after month what I think is one of the most serious problems we face in this country. And, along with recommendations, I want to be sure that we finally debate and we finally come to grips with the need for a new economic national strategy that moves our country forward. I want a strategy that gives our country an opportunity to win once again.

Mr. President, having spoken for the full 10 minutes in morning business, I now yield back the entire balance of my time.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. BURNS. Mr. President, I ask unanimous consent to proceed as in morning business for no more than 5 minutes.

The PRESIDING OFFICER. Morning business is in order.

Mr. BURNS. I thank the Chair.

(The remarks of Mr. BURNS pertaining to the introduction of S. 1278 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. BIDEN. Mr. President, Howard Schroeder first encountered southern Delaware during his Army service in World War II. His job was to protect the coast, which he did by applying his military training and muscle to help lay mines in the bay, and by applying his artist's eye and talent to help record the landscape of the area.

Some of those first Schroeder landscapes remain on display today in the Lewes, DE, public library and middle school, testaments to a love affair that lasted a lifetime.

Even beyond a lifetime—when he died at his Lewes home on Friday, September 8, at the age of 84, Howard's family announced that, in accordance with his wishes, his ashes would be scattered over the sand dunes and in the water at nearby Cape Henlopen State Park.

The people of my State take great comfort in knowing that Howard Schroeder is still guarding our coast, not only in the resting place he chose but in the legacy of his love for the beaches, the small towns, the fishing boats, the marshes, the old buildings, the people—everything that is the beauty and heart of Delaware's coastline.

It is a recorded legacy of work, literally thousands of sketches and paintings that, as one Delaware reporter wrote, ''virtually define our mental image'' of parts of our State. Howard said that he was always ''looking for the unspoiled,'' and he was able to find it, and to share it, not because he knew where to look but because he knew how to look.

It is a living legacy of teaching, because Howard Schroeder was, always, inspired to inspire others. He taught at the St. Andrew's School, at the Rehoboth Art League, which he had served as president, and in workshops that he founded in towns through Kent and Sussex Counties. He started the Artists' Sketch Group to help local artists bring out the best in each other, and he was a founding member of the Sussex County Arts Council.

He was, as his friend and fellow artist Jack Lewis wrote, ''a champion for the arts,'' and his drive to teach wherever there was someone willing to learn has left a permanent and deep imprint on the artistic community in and well beyond Delaware.

Howard Schroeder's personal legacy is rich in family and friends. His wife, Marian, was his partner in every way, including the years she and Howard sold his work at their Rehoboth Beach art supply and gift store. Together, they raised six children, at a time when it was, as Jack Lewis said, ''unheard of'' to make a family living on an artist's earnings. Marian and Howard succeeded in doing the unheard of.

Their son John, a Delaware State legislator, published a biography of his father, and remembers Howard as working until late at night in his studio but always making time for his children. Daughter Carole memorialized her father in a poem, in which she wrote:

''You showed me the beauty of life
Through your music and your art
Through history and words of prose
But mostly, by living it.''

Howard shared his life's lessons also with sons Stephen, Howard, and Robert and daughter Gail, with their families, and with countless fortunate friends and admirers.

Mr. President, Howard Schroeder worked all over the world, he was profiled on national television, he was raised in the Bronx and in northern New Jersey. But he chose Delaware, and we remember him, gratefully, as a Delaware State treasure, a treasure that we were proud to share in his lifetime and that I am proud to share, and to honor, in the Senate today.

Howard Schroeder was a neighbor with a special gift to see, and to teach us to see, the unspoiled in our own backyard. By his vision and his talent, and by the sincerity of his love, he led us to the best in ourselves, which may well be the greatest accomplishment and contribution of all.

ON THE NEW $100 BILL

Mr. LEAHY. Mr. President, today, the Treasury Department is unveiling a newly designed 1996 series $100 bill that incorporates many state-of-the-art anticounterfeiting features. I commend Secretary Rubin and the Treasury Department. Today's unveiling at the Treasury Department starts the process of reassuring the public, both here and abroad, of the abiding strength and integrity of our currency. That process will continue through next year when the new $100 bills in the 1996 series are circulated for the first time.

This country faces a serious challenge from new technologies that enable counterfeiters to turn out excellent reproductions. Unfortunately, U.S. currency has been among the most susceptible to counterfeiting in the world. Although updated in 1990 with a deterrent security strip, our bills have not had the watermarks or sophisticated dying and engraving techniques that other countries use to defeat counterfeiters.

In the past two Congresses, I have introduced, with Senator JOHN KERRY, legislation to address the growing problem of hi-tech counterfeiting. I am delighted that the Treasury has adopted many of the features we have been recommending.

According to the Secret Service, which has from its inception been combatting counterfeiting, the counterfeiting of U.S. currency has increased dramatically in recent years. Over the past 5 years, the Secret Service seized an average of $58 million annually within the United States. But in the first 4 months of 1995, alone, the Service seized more than $50 million in counterfeit U.S. currency. Likewise, seizure of counterfeit U.S. currency overseas has increased fourfold to $120.7 million in 1993 and $137.7 million in 1994.

I know from personal experience the impact that counterfeiting has had on acceptance of our currency abroad. Over the summer, I took a trip with my family to Ireland. I carried with me a few $100 bills just in case some places did not accept travelers' checks. To my surprise, I found more places that refused to accept my $100 bills. Let there be no doubt, counterfeiters undermine confidence in our currency.

Senator KERRY and I first introduced our legislation in May 1994, to stop counterfeiters from using fake American currency as a free meal ticket. Our bill would have required the Secretary of the Treasury to design a new $100 bill that incorporates some of the counterfeit-resistant features, such as watermarks, multicolored dyes, and sophisticated engraving techniques.

We were encouraged last summer when then-Treasury Secretary Bentsen announced plans for modernizing U.S. currency with new deterrence features. The results of that modernization effort are reflected in the newly-designed 1996 series $100 bill.

I examined one of these new bills earlier this week. To defeat hi-tech counterfeiting technology, this bill has a watermark, and color-shifting ink, new microprinting that requires a magnifying glass to see, and concentric, fineline moire patterns that are difficult to copy.

I congratulate Secretary Rubin and the Treasury Department for putting this country in a better position to combat counterfeiting and protect our currency. I commend the National Academy of Sciences and the Secret Service for their efforts in connection with this project and thank the talented engravers, printers, and technicians who are bringing these changes to fruition.

I also want to highlight a related development: the establishment of the Securities Technology Institute, a research facility with the Johns Hopkins Applied Physics Laboratory, to assess emerging technology and evaluate features and additional protections for currency and other security documents.

This is the most significant redesign of our currency in the last 70 years, since the ''Big Bill'' was replaced by the ''Small William'' in 1929. We have come a long way from the time when people could only tell a good Continental Congress note by the misspelling of Philadelphia. On the new $100 bill, the portrait of Benjamin Franklin, the father of paper currency in this country, and the familiar sight of Independence Hall remain. But they are now joined by a number of improved security features.

I am delighted that this day has come and look forward to working with Secretary Rubin to serve our mutual goals of deterring currency counterfeiting and increasing confidence in our currency and our economy in Vermont, across the country, and around the world.

REMINDERS OF HOME

Mr. PRESSLER. Mr. President, I rise today to pay tribute to the people of my beloved home State of South Dakota. The daily grind of life inside the beltway leaves me searching constantly for reminders of the sights, the sounds, and the citizens of the State I love. I always enjoy those moments when South Dakotans from back home visit my Washington, DC, office. I also look forward to the times when I can return to the people and the places I hold dear.

As my colleagues know well, without the constant input I receive from the folks back home, we could not do our jobs effectively here in Congress. I am very fortunate that my fellow South Dakotans keep me in frequent touch with the issues of concern to them. I also enjoy the many letters from, and conversations with, South Dakotans regarding the diverse beauty of our home—the rolling fields of grain, the endless prairie, the majestic Black Hills, the sunsets against a backdrop sky of pink, orange, and purple hues, and the wide Missouri River.

These daily visits and the calls and letters from South Dakotans mean a great deal to me. I cherish my home. I cherish the people of my State. Every day, through them, I feel a renewed pride in being South Dakota's U.S. Senator. Every day, through them, I am proud to be a South Dakotan.

Mr. President, recently an article by Robert Pore appeared in the Huron, SD, Plainsman newspaper, describing many of the issues that are pertinent to the people of South Dakota. I would like to share these concerns and ask unanimous consent that this article be printed in the RECORD.

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

THE MALL REMINDS PRESSLER OF SOUTH DAKOTA

(By Robert Pore)

WASHINGTON.—Every morning Sen. Larry Pressler starts his day with a jog along The Mall in Washington.

The shrines, monuments and museums alongside The Mall from the Capitol to the Lincoln Memorial seem a million miles away from the prairies of South Dakota.

But with a little imagination, as Pressler runs by the grass and trees that line The Mall, he imagines his home state and the people he represents who give meaning to his job.

''It makes me feel like I'm in South Dakota,'' Pressler said during an interview Wednesday in his office in the Russell Building. ''It gives me a little time alone.''

But along with running, Pressler seeks another form of strength to cope with the rigors and demands of life in the nation's capital.

''I belong to a weekly Senate prayer group that gets together to collect our thoughts and exchange ideas on the problems and promises we experience in life,'' he said.

Pressler lives a couple of blocks from his Senate office, which is located across the street from the Capitol. He said work sometimes seems to be never ending, especially as he has taken on the pressure of heading the Senate Commerce Committee.

But he makes a point to go home every night he can to have dinner with his wife.

''It gives me a little time away from the Capitol,'' Pressler said.

Because Pressler holds a position of power as a committee chairman and he is from a rural state, he understands that the insults and jokes about him are part of the political game. But at times they are personal and they hurt.

Recent newspaper ads indicating Pressler needs to change his opinion on Medicaid because it hurts people with Alzheimer's disease went too far, he has said.

''My father died of Alzheimer's disease, so I know first hand the tragedy of an illness in a family,'' he said.

After serving South Dakota for more than 20 years in both the House and Senate, Pressler always looks forward to going home.

''We have an acreage back in Hot Springs where we hope to build a vacation home,'' he said. ''We are pricing logs right now, which are pretty expensive. We also have a farm near Humboldt.''

When he's not meeting with his constituents or spending time with his family and friends in South Dakota, Pressler also likes to ride his Harley-Davidson motorcycle or his old Model D John Deere tractor, especially in small-town parades.

On his Senate office desk, Pressler has a model of his John Deere tractor as a little reminder of home.

''I get a little fun from that,'' he said with a smile.

What also brings a smile to Pressler's face is when he meets with South Dakotans who have made their way to Washington, either to vacation or to voice their concerns about an important issue.

''It means a lot to me,'' he said. ''They are helping me do my job. Whether they talk to me, my staff or another senator, their presence helps our cause.''

This week, Pressler visited with South Dakota farmers and ranchers in Washington as part of the National Farmers Union fly-in.

''Agriculture is a big industry, but it is getting smaller in numbers'' he said. ''A lot of farmers have given up. Therefore, it is important that they come here and see how the federal government works.''

Pressler's concern about the people who make up South Dakota's No. 1 industry has deep roots going back to his youth on a small family farm near Humboldt.

''We have to be very careful to protect our smaller family farms,'' he said. ''Growing up on a family farm, I showed livestock in 4–H and at the State Fair. I consider myself a farmer. I'm interested in the welfare of our family farmers and ranchers.''

Pressler said instead of rushing through legislation that he feels would be a detriment of the state's family farming heritage, he would rather see a continuing resolution that will extend the 1990 Farm Bill for another year if there's an impasse on farm bill legislation.

''Farm bills are always late because they are so controversial and they require so much work,'' he said, ''this year in particular because of the severe budgetary crisis we are in.

''We have producers in South Dakota who are not in the farm program, such as many of our cow-calf operators. We have to think about them in terms of international trade and exports. But we also have to think about the impact the huge deficit has on farmers. If the deficit stays as high as it is, it will mean higher interest rates.''

''While balancing the budget is a top priority for Pressler, he doesn't want the numbers game to take priority over the people he represents.

''I come from a family farm and I have seen how farm families struggle on the land,'' he said. ''We have to be very careful, but on the other hand we have to be honest with people. There's a lot of stuff floating around this year from the inside-the-Beltway bureaucrats. Every time we have asked the bureaucrats to reorganize they have threatened to close some local offices or take away some local services.''

Pressler said the new farm bill must help producers make a decent living and allow them flexibility about what and where they can plant without all the hassle of government rules and regulations.

But he said the most important thing lawmakers can do when writing the farm bill is to provide a framework that assists beginning farmers and provides opportunities for the next generation of South Dakota agricultural producers.

During the 20 years Pressler has been in Washington, the number of farms in South Dakota has dropped from 43,000 to 33,000 this year.

''When I was in 4–H there was a lot of young farmers who went into farming and that was their dream,'' he said. ''But nowadays many of the young 4–H'ers I talk to don't go into farming or ranching. They go out of state in many cases to take jobs.''

He said technological changes are a big factor, making it more expensive to get started in farming. But he said young people also don't have the opportunity to borrow the seed money they need.

''We have to be constantly tailoring some of these loan programs for young farmers, change the estate tax law (which I'm trying to do as a member of the Senate Finance Committee) and income averaging for farmers, so young producers can get started,'' Pressler said.

Getting the message about the needs of South Dakota farmers across to his colleagues is hard, especially when farmers only make up about 2 percent of the nation's population of 700,000 plus is a mere drop in the bucket to the country's 260 million people.

''It is very, very hard because people don't want to listen sometimes,'' Pressler said. ''They think that our farmers are doing OK and they read about the subsidies they receive. There's a lot of disinformation out there that really makes my job a challenge.''

THANKS TO THE STAFF

Mr. LEAHY. Mr. President, last Thursday, the Senate passed the fiscal year 1996 foreign operations bill. The vote was 91 to 9. That is the largest number of Senators to vote for a foreign aid appropriations bill that I can recall. I want to congratulate Senator MCCONNELL for his efforts in getting the bill done, and for the overwhelming bipartisan vote. I think it shows that despite assertions to the contrary, the Senate and the American people do support foreign aid.

I also want to thank a number of other people who contributed greatly to putting this bill together, and getting it passed.

In the Congress, the majority clerk of the Foreign Operations Subcommittee, Jim Bond, was indispensable. Jim has been around here a long time, and has gained the unqualified respect of both sides of the aisle. Senator HATFIELD could not have a more competent and dedicated adviser to the subcommittee. Jim was very ably assisted by Juanita Rilling, who has also gained an expertise in the foreign assistance programs.

On Senator MCCONNELL's personal staff, Robin Cleveland was instrumental in preparing the fiscal year 1996 bill, and in finding common ground with my staff in developing a product that Senator MCCONNELL and I could support and defend. Robin did a superb job in her first year as the subcommittee chairman's principal adviser on a wide range of foreign aid issues. Robin also had the very able and tireless assistance of Billy Piper.

On my side, Tim Rieser, who was a member of the subcommittee staff during my 6 years as chairman, gave me fine assistance throughout. Dick D'Amato, a member of the committee staff, expertly handled several important and difficult issues, including the compromise that was reached on the language concerning Korea and several amendments on the former Yugoslavia. I want to thank him and Senator BYRD for his contribution.

Janice O'Connell and Diana Olbaum of the Foreign Relations Committee staff helped resolve several difficult issues. Pam Norick on Senator MURRAY's staff and Robin Lieberman on Senator FEINGOLD's staff were very helpful in preparing for the contentious debate on international family planning.

There are many people in the administration who deserve mention. While I cannot name them all, I do want to recognize Wendy Sherman, the Assistant Secretary for Legislative Affairs at the State Department. Wendy has been a tireless advocate for the Secretary, and for the American people. Her deputy, Will Davis, was an indispensable link between me and my staff, and the State Department. Will's good natured manner and willingness to search for the answer to any question we had was greatly appreciated.

At the Agency for International Development, Jill Buckley, Assistant Administrator for Legislative and Public Affairs, with the assistance of Bob Boyer and Marianne O'Sullivan, and so many other people, made it possible for us to manage with a very difficult budget situation. I also want to single out Bob Lester, whose extraordinary knowledge of the Foreign Assistance Act prevented us from making any egregious drafting errors. Without Bob, I hate to think what kind of laws we would pass.

At the Treasury Department, Robert Baker and Victor Rojas did their best to convince a skeptical Congress of the importance of maintaining U.S. leadership in the international financial institutions.

At the Defense Security Assistance Agency, Michael Friend and Vanessa Murray were always ready to help.

Mr. President, I am sure that I have left out people I should not have. For that I apologize. let me simply conclude by saying that I have greatly appreciated the help of all these dedicated people in getting the foreign operations bill through the Senate. I often wish that critics of the Federal Government would come to Washington and see what people like those I have mentioned do every day. They would see that they are exceptionally intelligent, committed people who work extremely long hours at a fraction of the pay many of them could earn in the private sector. They deserve our respect, and our thanks.

THE PASSING OF CHRISTOPHER VAUGHN

Ms. MOSELEY-BRAUN. Mr. President, I would like to take a moment to remember Christopher Vaughn. A good man died on Sunday and he will be missed by his friends, family, and loved ones. Christopher Vaughn was a joyful, fun loving, and giving person. Every time I had the chance to be around him I felt lucky. I enjoyed our conversations and remember the laughter and smiles that always accompanied those occasions.

Christopher Vaughn was an incredible talent. He was a scholar in Renaissance history, and he had a natural flair for the world of entertainment. It is a great thing for a person to use a natural ability to its fullest, and that is what he did.

Chris began his career writing scholarly papers in Spain and then turned his literary skills to the entertainment industry when he joined the Hollywood Reporter in 1987. It is clear why he was such a success. He was smart, witty, and eloquent. His promotion to managing editor of special issues was a surprise to no one, I am sure. Working at Nickelodeon as the director of talent relations, he brought great talent to the network.

His work at Dolores Robinson Entertainment certainly paved the way. He and Delores were the team who adopted me in the early days of my effort to be elected to the U.S. Senate. Of course, it was Chris who attended to the details. He understood that history is written from the details, and that each person can make a difference in the way that challenges are resolved. Perhaps it was his appreciation for history that made

him such an advocate for my election, but I like to think it was more his vision for the future which so inspired him.

While his résumé is impressive, it is the goodness of the man I will remember. His name was not in the headlines every day, but he touched the lives of everyone he met. He was a man who did much to leave this world a better place than he found it. The entertainment world will miss him, his family will miss him, and together with all of his other friends, I will miss him.

THE BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, on the memorable evening in 1972 when I was first elected to the Senate, I made a commitment to myself that I would never fail to see a young person, or a group of young people, who wanted to see me.

It has proved enormously beneficial to me because I have been inspired by the estimated 60,000 young people with whom I have visited during the nearly 23 years I have been in the Senate.

Most of them have been concerned about the enormity of the Federal debt that Congress has run up for the coming generations to pay.

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

That is why I began making these daily reports to the Senate on February 22, 1992. I wanted to make a matter of daily record of the precise size of the Federal debt which as of yesterday, Tuesday, September 26, stood at $4,953,250,764,121.84 or $18,802.63 for every man, woman, and child in America on a per capita basis.

Mr. BURNS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. KERREY. 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. KERREY. Mr. President, I ask unanimous consent I be allowed to speak for 15 minutes as in morning business.

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

PROGRESSIVE POLICY INSTITUTE

Mr. KERREY. Mr. President, this morning, myself, Senator BREAUX, Senator LIEBERMAN and Senator NUNN stood with an organization called the Progressive Policy Institute to embrace some recommendations, an outline of recommendations they made to reform both the Medicare Program—a $170 billion program that is funded with the combination of a 2.9-percent payroll tax and a health insurance premium paid for by 37 million beneficiaries over the age of 65 with $46 or so a month, that funds about 30 percent of the part B, the doctor's payment, as well as $80 billion program for Medicaid.

These are the most rapidly growing items in the budget. They are not the most, but in terms of total dollars, this $250 billion collective program has gotten quite expensive. It has tormented a lot of Members who have been trying to figure out what to do to control the growth, in particular, of entitlements.

Last year, Senator Danforth, a former Senator from Missouri, and I made some recommendations about what should be done to reform entitlements. The purpose of our recommendation was to say to Americans that we should agree that no more than a certain percentage of our budget would go to entitlements, plus net interest.

Looking at the future, given the current trend lines particularly with the enormous demographic problem, mostly demographic not political problem, of 60 million baby boomers starting to retire in 2008, look at that problem and the cost of our entitlements not too long after the year 2008—all of our budget will be consumed by entitlement spending.

When I say all, there are not very many things in Washington, DC, that have stayed constant over the years. One that has stayed constant, except for two periods in this century, World War II and for a period during the Vietnam war, the percent that has been withdrawn from the economy to fund Federal programs, approximately 19 percent, about how much we withdraw from the economy, a fifth of the U.S. economy is used to fund Federal programs. That really has not changed except for two wartime situations.

It is likely that indicates that is about what Americans think we ought to be withdrawing from the U.S. economy for the Federal Government. There may be some that would argue we ought to do more, not very many; and maybe some would argue we should do dramatically less. Probably it means we will spend about 19 percent.

If that is the constant, Mr. President, it is very alarming to see the growth of entitlements in net interest because as it grows it decreases the amount of money available to defend our country, to keep our cities safe, educate our children, to build our roads, our sewers, our water system, space exploration—all those sorts of things.

This year's budget, 67 percent of our budget goes to entitlements and net interest, and in the year 2002 at the end of the 7-year budget resolution that we are operating under, it will be 75 percent—an 8 point increase in a span of 7 years. That is a lot of money, about $135 billion or $140 billion increase in entitlements, if you do it in a single year.

As I said, Mr. President, that trend really rapidly accelerates when the baby boomers retire some 6 years later. The entitlement commission tried to say to Americans, ''Let's make changes in our programs sooner rather than later.'' The sooner we do them the bigger the future impact and the more time we can give beneficiaries or recipients, in the case of Medicaid, with time to plan.

They can begin to adjust their own thinking about planning. If you have to adjust the eligibility age, which we recommended over a period of time; or if you have to phase in some change in premium payments, or whatever. Give people time to plan. It is more likely they can adjust.

There are tough recommendations, Mr. President. Contained inside of the recommendations was another presumption which is that we are seeing the marketplace work. It is a relatively recent change in health care.

When we debated health care 4 years ago, the facts as presented to the American people would cause you to believe that actually the Government was doing a better job of controlling costs than the private sector. Private sector costs exceeded the public side.

Today not only is that reversed, but strikingly so. We are seeing in some parts of the country where a high percentage of managed care, even some declines in overall cost of health care, where the public sector continues to grow in double digits.

That sort of frames a little bit, in a preliminary fashion, why I was pleased with the Progressive Policy Institute's proposal. It does propose to address the problem of growing entitlements, and it does propose to take advantage of the changes that are occurring in the marketplace, to restructure Medicare and Medicaid to take advantage of the changes that are occurring.

Let me say, Mr. President, one of the things I do when I am at home and talking about the current debate about Medicare and Medicaid is to say I am pleased that Republicans are trying to preserve and protect the program. Many Republicans were not, as you know. Some Republicans were opposed to this over the years. Now what we have appears to be almost unanimous—Republicans saying not only do we think Medicare is a good idea, we want to preserve Medicare for our children and for our grandchildren.

Mr. President, let me point out that underneath the program is a presumption, an assumption that we have to believe before the program itself can stand, before we can reach the conclusion that we want to preserve and protect it. That assumption is this: No matter what we do with the marketplace, no matter what happens with our economy, there is apt to be some Americans that will not be able to afford to buy health insurance, for whatever the reason. They may be disabled. In this case with Medicare it is the elderly. Say they are over 65 and likely

not to be working. Their health costs have gone up. They are in a higher-risk population. It costs more. They are not working any longer. Thus, design a program to help them purchase insurance.

I point that out, Mr. President, because it basically means Republicans and Democrats have agreed that there is a role for Government to help Americans who cannot purchase, who cannot afford to purchase health insurance. We have agreed on that.

In this case a rather expensive Government role—$170 billion for Medicare and $80 billion for the Medicaid program.

The proposal that the Progressive Policy Institute put forward this morning, and I am here this afternoon to talk about it at great length, does not view Medicare as a source of money to fund deficit reduction although I believe we have to look because of the cost of the program to Medicare for deficit reduction.

It says, instead, that we need to transform the Medicare program from what is essentially a very maternalistic program into an instrument for empowering citizens to solve common problems. A rather simple but very important change in the policy.

Medicare today is run by the Federal Government, does not take much advantage of what is going on out in the market, does not take much advantage of competitive forces. It is much more of a maternalistic—we will figure out what is good for you and tell you how the program is operated.

Their proposal, which I like very, very much, says we should move in the direction of empowering Americans to make more of their own decisions about this problem of acquiring health care and making health care decisions.

Second, those of us who have spent a great deal of time with entitlements and who have long ago reached the conclusion that Medicare is a good program that deserves our support, know health care entitlements are very archaic. They no longer fit inside the context of what we see going on in the private sector. They are governed by arbitrary political and budget goals. They are managed by command and control regulation. And, very often, they tend to reproduce inefficiencies in other sectors of the health care system.

Third, and very important, if you buy into this idea the Republicans and Democrats now agree, since I believe most if not all Republicans now say we should preserve and protect Medicare—that is what I am hearing, at least, from Speaker GINGRICH and others—if that is the case, underneath that is a presumption that we have Americans out there who cannot afford to buy.

What we ought to be trying to do is fashion the program so those who cannot afford have the means to make the purchase and those who can are required to make the purchase on their own. It seems to me Medicare and Medicaid, as they are currently constituted, are an obstacle. I emphasize this. They have become an obstacle to getting to the point where every single American, just because he or she is an American, knows with certainty that they are covered and they are going to be required to pay according to their capacity to pay. But they do not doubt, whether they are 65 or 25 or 55; they ought not doubt.

We spend $400 billion a year, direct and indirect—either direct with tax expenditures or indirectly with tax subsidies—on health care at the Federal level every single year. That is plenty to get everybody covered.

The way the current programs are designed, they are a structural barrier, a fiscal barrier, and need I say, it ought to be obvious from the current debate, a political barrier to getting ourselves to the point where all Americans know with certainty they are covered, know with certainty they have a responsibility to pay, have the information upon which they can make decisions about quality, about price.

One of the most powerful bumper stickers we had in the health care debate is true, which was, ''If you think health care is expensive now, wait until health care is free.''

In short, Americans need to understand that there is a cost attached to demands. The current system, I believe, the way we have Medicare structured and the way Medicaid is structured and the way the VA is structured and the way our income tax system is structured, provides a barrier, really, as I said, a political, a structural, as well as a fiscal barrier to getting us where I think most of us want to go, which is every American knows with certainty they are covered, knows that they have responsibilities in the system, knows clearly what those responsibilities are, and knows not to ask for more than what is, in fact, reasonable.

There are flaws in the Republican proposal. I will mention them briefly. I do not want to dwell too long on them here because I am really not trying this afternoon to attack the Republican proposal. More, I am trying to see if it is possible to reach some consensus with Republicans who indeed want to reform this system; to make sure, when we take action that might be politically difficult, that we have an exciting and constructive improvement in the system.

I believe the proposal ignores the baby-boom generation. I have mentioned it before. This solution takes us out to 2002, maybe 2005. We have not seen anything yet when the demographics of the baby-boom generation becomes apparent to us. We are, I think, going to be very sorry we did not take action sooner rather than later. It, in many ways, continues the status quo. It does provide people with more choice in the private sector, but not in the kind of vigorous competitive environment that we need if we expect to see the forces of the marketplace work the kind of, really, miracles that we have seen in the private sector. In other words, it tends to privatize but does not provide a competitive environment.

The proposal we presented this morning, over the next 5 years does four things that are very important. It does not get everything done over the next 5 years, but it does four things that are terribly important.

No. 1, it privatizes insurance for Medicare beneficiaries. We say the Federal Government ought to do a much more limited number of things than they are doing today. It ought to make certain we have a market. It ought to make certain Medicare can use its tremendous purchasing power to get cost savings from the private sector. There are lots of things that Medicare can do, but it ought not try to micromanage the health care environment.

So that is Medicare. We ought to privatize it and move it in the direction of becoming a privatized insurance for Medicare beneficiaries. In the area of Medicare, we need not only to cap the individual amount for acute care, but we also need to deregulate the States so they can continue to use the market at the State level, to continue to use the private sector to produce the kind of cost savings that the private sector has produced in the last 2, 3, 4 years.

So capping the Medicaid entitlement, the individual entitlement is critical. But deregulating the States for that acute care is equally critical so they can begin to fashion programs.

I believe it will be a mistake to block grant Medicaid at this point. Perhaps 6, 7, 8 years down the road, after we have really seen this thing move more aggressively in the private sector. We have a bit of a problem because of the Federal-State relationship. I think it would be far—not think, I very strongly believe it would be far sounder for us to cap the entitlement and deregulate so the States could use the market much more as a consequence.

Long-term care is much more of a problem. As people who have looked at it know, the long-term piece, although it is a much smaller number of people covered, it is a very large part of the total Medicaid spending—the long-term piece. We are also, in my judgment, going to have to have some capitation of payment. But we are going to have to encourage States to develop private sector solutions. We simply cannot provide, through the Government, all the long-term care requirements that are out there. We have to basically take the Medicaid Program, as we were proposing to do with Medicare, move it as quickly as possible toward a private sector solution.

The third thing that we are saying is, make health care subsidies fair. The most important thing we do there is to cap the income tax deduction. Some will say, ''You are increasing taxes on my health insurance.'' Our proposal caps it at a high enough level inside of the market that nobody is going to be

able to say that they are paying taxes on normal health care. They are going to be paying taxes on that beyond what the market judges to be in the median range.

It is very uncomfortable for upper-income people to have to consider that one of the things that is going on if they are in the 40-percent tax bracket, let us say, is that if they are buying a health insurance policy of $7,000 or $8,000 a year, they are receiving a $2,800 to $3,200 subsidy as a result of receiving that deduction, and very often receiving that subsidy from people who do not have health insurance.

So this says, let us make it fair. Let us keep the deduction in place so you can encourage the individuals to purchase and encourage the employers to provide it, but let us cap it out so those subsidies end up being not only fair but consistent with our desire to make sure that we provide subsidies to people who need them but do not provide subsidies to people who do not.

The fourth thing we are attempting to do—there are a whole series of things that need to be done, including the creation of a health care network and additional information provided to consumers—we are trying to create a universal health care marketplace. So the decisions and choices that are made by individuals about price and the decisions and choices made by individuals about quality will determine the nature of our delivery system, the nature of our payment system. Again, for emphasis, we want the negotiation for price to occur out there in the market.

We do not want the negotiations for price to occur here in Washington, DC. That kind of top-down, paternalistic system I think is a recipe for either increased regulation or unsuccessful efforts to control costs.

So the proposal in its early stages is relatively simple. It is not easy, but it is based upon a vision of a universal marketplace for all Americans where everybody knows they are covered, where everybody knows what their responsibilities are, and where everybody knows the costs attached to their demand.

There are seven things I would like to emphasize inside trying to create this buyers' market for Medicare and Medicaid. Again, division for me is removing from a paternalistic federalized system into a system where everybody knows that they are covered but their decisions are shaping both the delivery and the payer system for the kinds of products that companies offer for sale.

First, we use market mechanisms to determine proper levels of supply and demand. Let the market make that decision. If we try to make that decision here in a political environment, it is very difficult for us to say no and very difficult for the majority of us, when appeal is made, to say no. It is not altogether likely that we are going to be honest and say to somebody, if we say yes, ''By the way, here is the cost, and we would like to have you pay for it.'' We typically try to spread the cost over somebody else's income.

Second, we should protect the value of the subsidy while avoiding an unlimited subsidy. It is a very important thing for us to do. We need to protect the value of the subsidy so that it moves with inflation. But we cannot continue with a system that says the subsidy is unlimited, the sky is the limit, and whatever you need we will pay for it regardless of what contributions you have made, regardless of what your income is, and regardless of your wealth status.

Third, we need to maintain the collective purchasing power of Medicare and Medicaid. That is extremely important. The Government can help drive down the cost if they use that purchasing power in a constructive fashion instead of sort of laying back and saying we will pay out whatever is submitted to us. The law currently does not allow HCFA to do that sort of thing. We are talking about not eliminating HCFA but moving HCFA in a direction where it does a different set of things than it is currently being asked by our laws to do.

Fourth, we must enable beneficiaries—250 million to 260 million—to become more informed. At the end of the day we are the ones that create the demand. We are the ones, as a consequence of our own evaluation of health and what we are willing to do, who create the demand. We have to become better informed both about cost and about quality.

Fifth, we have to align Medicare and Medicaid with trends towards cost-effective care in the private sector rather than again just engaging in a debate about, are we cutting too much, and are we cutting too little? We need to take advantage of what is going on in the private sector with the objective of getting every single American inside the system.

Next, we have to create a privately run, decentralized system to deliver our health insurance as opposed to, again, a centralized system that tends to be more paternalistic and not terribly creative, not nearly as creative as what the market can do.

Seventh, we should limit the Government role to the essential.

This gets me back where I was at the beginning. Mr. President, it is terribly important to argue and decide what do we want the Federal Government to do. It appears to me that we have achieved consensus that there is a legitimate role for Government, at least for 37 million Americans who are over the age of 65. It seems to me that we have reached consensus. The principle ought to be that the reason we are helping people over 65 is they cannot buy. They are having trouble buying. Let us limit the role of Government to help those who cannot buy purchase it. But let us not subsidize—whether it is me or you, Mr. President, or anybody else—people that do not need to be subsidized. Let us not have the Federal Government commanding the system to do something that is going to cost the taxpayer more and perhaps end up delivering lower quality care.

In closing, one of the most exciting areas of effort that is ongoing right now in the area of waste, fraud, and abuse is by Senator GRAHAM of Florida and Senator HARKIN of Iowa. A long time ago a rather clever fellow by the name of Willie Sutton said, ''The reason I rob banks is that's where the money is.'' At $250 billion, if Willie were around today, he would be apt to be looking at Medicare and Medicaid. People are getting ripped off by a substantial amount. They know how to game the system. They are well organized. I am not talking typically about individuals. I am talking about people who are in it for the money, for the dough.

I think we have an obligation to do everything that we can to use competition, not only to get the price down as low as possible, but to make sure that we hold to a very high standard of accountability those people who find themselves being qualified as providers.

Mr. President, again, I applaud what I see as essentially a Republican conversion that Medicare is a good program, that we ought to preserve and save it. I think that is an awfully good piece of news. The underlying principle that should enable us to make decisions, not just for the short term where in truth not much effort is needed to save Medicare in the short term over the next 7 to 10 years—not that much change is required—but to take advantage of the marketplace and to solve the problem that is created when the baby boomers retire. A good deal more than what I have seen thus far in the Republican proposal needs to be done.

So I am hoping that this statement—and others that I will make on this issue of Medicare and Medicaid, if not this year in the budget deliberations, throughout the next year as we begin to do next year's budget deliberations—I am hoping that we can in fact build some bipartisan coalition around the need to control the rapidly rising cost of entitlements that is squeezing out our ability to make long-term investments in our future, and the increasing insecurity that all Americans feel as a consequence, I think, of very inefficiently run Federal programs.

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

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

LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION APPROPRIATIONS

Mr. SPECTER. Mr. President, we have been in a quorum call trying to work out an arrangement on the bill on Labor, Health and Human Services and Education, of which I am the manager for the majority as chairman of the appropriations subcommittee, and in the absence of any action on the bill up to the moment—we are optimistic we will have agreement on a procedure to move ahead—I thought it would be useful to take this time to make what would in effect be an opening statement on the bill so that people will be aware of what this bill means.

The Labor, Health and Human Services and Education bill, which will shortly be before the Senate, totals $62.8 billion in discretionary budget authority, including $65 million in funds from the Violent Crime Reduction Trust Fund. Mandatory spending totals $200.9 billion, an increase of $17.7 billion over the 1995 levels, but those are mandatory expenditures over which we have no control, entitlements. These totals are within the subcommittee's 602(b) allocation for both budget authority and outlays, according to the Congressional Budget Office. The allocation falls over $7 billion below the original appropriated funds for fiscal year 1995 and $4.4 billion below the postrescission levels.

That means we have an enormous cut this year, but this is on a trend line to have a balanced budget by the year 2002 so that we do not burden further generations with excessive spending in the present.

In structuring this bill, we have tried to deal with this budget with a scalpel instead of a meat ax and very carefully approaching the allocations for the most important items, and I think we have succeeded in doing that.

This year has been an extremely difficult one for the subcommittee, and very many difficult decisions had to be made in order to stay within that allocation.

Senator HARKIN and I have taken a careful look at all of the programs within the bill and have sought to make some modifications in some of the proposals made by the House, particularly in education, workplace safety, and also funding for programs to protect women against violence.

I take this opportunity to thank my distinguished colleague, Senator HARKIN, for his help and cooperation in bringing this bill forward to this point. Senator HARKIN and I have worked together on this subcommittee. Last year, in the 103d Congress, he was the chairman, I ranking; this year it is nicer to be chairman, and Senator HARKIN has been a very cooperative ranking member.

The important programs funded within this subcommittee's jurisdiction provide moneys to improve the public health, strengthen biomedical research, assure a quality education for America's children, and job training activities to keep America's work force competitive within world markets.

The funds are not adequate, Mr. President, but they are the best that can be done under the circumstances. The House budget was less than ours. We had almost $1.6 billion additional funding, and we have put all of that money into education.

That is a subject, Mr. President, that I feel very strongly about from my days growing up where education was very heavily stressed in the Specter household really because my parents had so little of it.

My father, as an immigrant from Russia, coming to this country as a young man of 18, had no formal education at all. My mother came with her family when she was 5 years old from a small town on the Russian-Polish border and she went to only the eighth grade. Her father, my grandfather, died of a heart attack in his mid-forties, and she had to leave school in the eighth grade to help support the family. My brother, my two sisters and I, having had excellent educational opportunities, have been able to share in the American dream.

I think in the long run education is the answer. If you take a look at virtually all of the problems that beset our society, problems of welfare, problems of teenage pregnancy, problems of disintegration of the family, problems of crime, education would be the long-range answer.

Twenty-eight years ago, when I was an official in the city of Philadelphia, working as district attorney and a candidate that year for mayor, there was an impressive book written, ''Cities in a Race with Time,'' and not a whole lot has changed because we really have not dug into the educational system in America.

One of the proposals in this bill which we have funded in the Senate but was not funded in the House has been the Goals 2000 program, initiated under a Republican President, President Bush, carried forward under a Democratic President, President Clinton.

There are two States which have not taken funding under Goals 2000, the State of Virginia and the State of New Hampshire, and one State, Montana, will not take funding next year.

It is my view, Mr. President, that Goals 2000 constitutes a very important step forward. They are voluntary goals. They are not mandatory. States may adopt other goals as they see fit There are some standards. Terrel Bell, in 1983, was Secretary of Education when a book came forward talking about the crisis in the American educational system, and still we have failed to deal adequately with that issue.

We held hearings in the Labor, HHS and Education Appropriations Subcommittee, on September 12, looking for a way to eliminate some of the Federal strings to satisfy all of the States, and we may have found changes to pursue in an authorization bill.

Also, there is a possibility that funds might be given directly to local school districts subject to veto power by the State which has sovereignty. But it is my hope that states will use Goals 2000 to set these standards to strengthen education in America.

On biomedical research, Mr. President, we have for the National Institutes of Health nearly $11.6 billion, an increase of some $300 million over the fiscal year 1995 appropriations. These funds will boost the biomedical research appropriations to maintain and strengthen the tremendous strides which have been made in unlocking medical mysteries which lead to new treatments and cures. Gene therapy offers great promise for the future. In the 15 years that I have been in the Senate, all those years on the appropriations subcommittee dealing with health and human services, where cuts have been proposed by Presidents, both Democrat and Republican, we have increased funding for medical research, which I think it is very important.

Two years ago, I had a medical problem and was the beneficiary of the MRI developed in 1985, after I had come to the Senate, a life-saving procedure to detect an intracranial lesion. So I have professional, political, and personal experiences to attest to the importance of health research funding.

On Alzheimer's disease, Mr. President, this last year the United States spent over $90 billion to care for Alzheimer's patients. This devastating disease robs its victims of their minds while depriving families of the well-being and security they deserve.

We have been working to focus more attention and more money into the causes and cures of Alzheimer's. To address this problem, the bill contains increased funding for research into finding the cause and cures for Alzheimer's disease. The bill also includes nearly $5 million for a State grant program to help families caring for Alzheimer's patients at home. The statistics are enormously impressive, Mr. President, that if we could delay the onset of Alzheimer's disease, we could save billions of dollars.

On women's health, in 1995, 182,000 women will be diagnosed as having breast cancer and some 46,000 women will die from the disease. The investment in education and treatment advances led to the announcement last year that the breast cancer death rates in American women declined by 4.7 percent between 1989 and 1992, the largest such short-term decline since 1950.

And while this was encouraging news, it only highlighted the fact that the Federal Government investment is beginning to pay off. While it was difficult in a tight budget year to raise funding levels, the subcommittee placed a very high priority on women's health issues. The bill before the Senate contains an increase of $25 million for breast and cervical cancer screening, increases to expand research on the breast cancer gene, to permit the

development of a diagnostic test to identify women who are at risk, and speed research to develop effective methods of prevention, early detection and treatment.

Funding for the Office of Women's Health has also been doubled to continue the national action plan on breast cancer, and to develop and establish a clearinghouse to provide health care professionals with a broad range of women's health-related information. This increase has been recommended for the Office of Women's Health, because of the very effective work that that office has been doing.

On Healthy Start, Mr. President, children born of low birthweight is the leading cause of infant mortality. Infants who have been exposed to drugs, alcohol or tobacco in utero are more likely to be born prematurely and of low birthweight. We have in our society, Mr. President, thousands of children born each year no bigger than the size of my hand, weighing a pound, some even as little as 12 ounces. They are human tragedies at birth carrying scars for a lifetime. They are enormously expensive, costing more than $200,000 until they are released from the hospital.

Years ago, Dr. Koop outlined the way to deal with this issue by prenatal visits. The Healthy Start program was initiated, and has been carried forward, to target resources for prenatal care to high incidence communities; it is funded as well as we could under this bill with increases as I have noted.

On AIDS, the bill contains $2.6 billion for research, education, prevention and services to embattle the scourge of AIDS, including $379 million for emergency aid to the 42 cities hardest hit by this disease.

When it comes to the subject of violence against women, it is one of the epidemic problems in our society. The Department of Justice reports that each year women are the victims of more than 4.5 million violent crimes, including an estimated 500,000 rapes or other sexual assaults.

But crime statistics do not tell the whole story. I have visited many shelters, Mr. President, in Harrisburg and Pittsburgh and have seen firsthand the physical and emotional suffering so many women are enduring. In a sad, ironic way the women I saw were the lucky ones because they survived violent attacks.

The Labor-HHS-Education bill contains $96 million for programs authorized by the Violent Crime Reduction Act. The bill before the Senate contains the full amount authorized for these programs, including $50 million for battered-women shelters, $35 million for rape prevention programs, $7 million for runaway youth, and $4.9 million for community demonstration programs, the operation of the hotline and education programs for youth. These funds have been appropriated, Mr. President, after very, very careful analysis as to where the subcommittee and the full committee felt the money could best be spent.

On the school-to-work program, the committee recommends $245 million within the Departments of Labor and Education, which is maintenance of the level provided in 1995. We would like to have had more money, but that was the best we could do considering the other cuts.

On nutrition programs for the elderly, for the congregate and home-delivered meals program, the bill provides almost $475 million. Within this amount is $110.3 million for the home-delivered meals program, an increase of $16.2 million over the 1995 appropriation because there are such long waiting lists, so many seniors who really depend upon this for basic subsistence.

On education, we have allocated the full amount of the increase that our subcommittee received, some $1.6 billion. The bill does not contain all of the funds we would like to have provided, but it is a maximum effort on this important subject.

As to job training, Mr. President, we know all too well that high unemployment means a waste of valuable human resources, inevitably depresses consumer spending, and weakens our economy. The bill before us today includes $3.4 billion for job training programs. And again, candidly, I would like to see more, Mr. President, but this is the maximum that we could allocate.

As to workplace safety, the bill contains an increase of $62 million over the amount recommended by the House for worker protection programs. While progress has been made in this area, there are still far too many work-related injuries and illnesses, and these funds will provide programs and inspect businesses and industry, weed out occupational hazards, and protect worker pensions within reasonable bounds.

LIHEAP is a program which is very important, Mr. President, to much of America. It provides low-income heating and fuel assistance. Eighty percent of those who receive LIHEAP assistance earn less than $7,000 a year. It is a program which was zeroed out by the House, and we have reinstated it in this bill. We have effectively included a total of $1 billion here, $100 million of which is carryover funds, as we understand the current state of affairs, although it is hard to get an exact figure, and an additional $900 million.

As the Congress consolidates and streamlines programs, Federal administrative costs must also be downsized. In this bill, with the exception of the Social Security Administration, we have cut program management an average of 8 percent. Many view administrative costs as waste and others suggest that deeper cuts are justified. It is our judgment that any further reductions would be counterproductive.

In closing, Mr. President, I want to thank the extraordinary staffs who have worked on this program. On the Senate side, Bettilou Taylor and Craig Higgins have been extraordinary and professional in taking inordinately complicated printouts and working through a careful analysis of the priorities.

We received requests from many of our colleagues. And to the maximum extent, we have accommodated those requests. We have received many requests from people around the country. We have accommodated as many requests for personal meetings as we could, both with the Senators and with their staffs. And we think this is a very significant bill.

There are people on both sides who have objected to provisions of the bill. When a motion to proceed is offered, it is my hope that we will proceed to take up this bill and that we will pass it. We are aware that there has been the threat of a veto from the executive branch, and I invite the President or any of his officials to suggest improvements if they feel they can do it better.

There is a commitment in America to a balanced budget and, that is something we have to do. We have structured our program to have that balanced budget within 7 years by the year 2002. The President talks about a balanced budget within 9 years. I suggest that our targeting is the preferable target.

To the extent people have suggestions on better allocations, we are prepared to listen, but this is our best judgment. We urge the Senate to proceed with this bill.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. DOLE. Mr. President, we have been trying to figure out some way to move this bill out of the Senate. As the Senator from Pennsylvania has been explaining, it is a very important bill. We understand the President is going to veto it. We have been trying to determine how can we get it to the President quickly.

Of course, one way to do it is to pass it without any amendments, have him veto it, and then have the fight on all these different amendments at a later time. Unfortunately, we do not seem to have an agreement on that procedure. But the two leaders have agreed to a request, and it has been signed off on by the Senator from Pennsylvania, Senator SPECTER, the chairman of the subcommittee, and Senator HARKIN from Iowa, the ranking member on the subcommittee. I will propound that request.

Let me first explain to all Senators that we have a problem here because we could not come together. There would have been a filibuster on a motion to proceed. In order to have a motion to proceed, it takes 60 affirmative votes to shut off debate so you can go to the bill. That also requires that you set up getting a cloture motion signed. Then it must be filed and there must be one intervening day of the Senate's session. We are within a couple of days of completing our work on the appropriations bills prior to the end of the

fiscal year. It seems to me the agreement I will ask for in a minute seems to achieve this 60-vote test without having to file cloture motions to comply with all other provisions of rule XXII.

I will now make the request.

UNANIMOUS CONSENT AGREEMENT—H.R. 2127

Mr. DOLE. Mr. President, I ask unanimous consent that at 9 a.m. on Thursday, I be recognized to make a motion to proceed to consideration of H.R. 2127; that a vote occur on the motion to proceed at 10 a.m. on Thursday; that the time between 9 a.m. and 10 a.m. be equally divided in the usual form.

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

Mr. DOLE. Mr. President, I further ask unanimous consent that if the motion to proceed does not receive 60 or more votes, there then be a second vote on the motion to proceed at 11 a.m. on Thursday, with the time between votes to be equally divided in the usual form.

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

Mr. DOLE. Mr. President, I further ask unanimous consent that if the second vote on the motion to proceed does not receive 60 votes in the affirmative, the motion automatically be withdrawn.

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

Mr. DOLE. Mr. President, I think I have explained this. This, in effect, saves a couple of days going through the cloture route, intervening days and all these things. It seems to me we have so many differences on each side that this bill is in great difficulty, notwithstanding the splendid efforts made by the managers, particularly the chairman of the subcommittee.

But it also seems to me if we are not going to have any movement on the bill, we at least ought to make the effort and then withdraw the motion to proceed and lay the bill aside.

That would leave us one additional bill, State, Justice, Commerce appropriations to deal with yet this week, and also the continuing resolution, and also to complete in the Finance Committee and the Agriculture Committee our reconciliation obligations.

I think the other committees, as far as I know, have completed them. The Finance Committee will meet this evening as soon as we recess, which will be in a few moments.

So I hope this procedure will expedite something. I am not certain what. Maybe it will expedite getting out this week.

Hopefully, this may not happen, but I have discussed this with the manager, Senator SPECTER, after we have these two votes, if we do not receive 60 votes, maybe then we can convince our colleagues on each side to let us pass this by voice vote, send it to conference, and get it down to the President. He already said he is going to veto it. There is no question about a veto. The veto cannot be overridden. Then we initiate a new bill in the House, it will come back to the Senate, and then we have our fight sometime probably late October. In the meantime, it will be wrapped in the continuing resolution.

MEASURE READ FOR FIRST TIME—H.R. 927

Mr. DOLE. Mr. President, I inquire of the chair if H.R. 927 has arrived from the House of Representatives.

The PRESIDING OFFICER. It has arrived.

Mr. DOLE. Therefore, I ask for its first reading.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 927) to seek international sanctions against the Castro government in Cuba, to plan for support of a transition government leading to a democratically elected government in Cuba, and for other purposes.

Mr. DOLE. I now ask for its second reading.

The PRESIDING OFFICER. Is there objection?

Mr. SPECTER. Mr. President, as a pro forma matter, I voice an objection at this time since there is no other Senator on the floor to raise that objection. I do so pro forma to protect the record, not because I would not like personally to see us proceed.

The PRESIDING OFFICER. Objection is heard.

Mr. DOLE. I thank my colleague from Pennsylvania. Senator DASCHLE would have objected and appreciates you doing that for him.

Mr. DOLE. As I understand, the bill remains at the desk?

The PRESIDING OFFICER. The bill will be read a second time on the next legislative day.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

THE RUSSELL, KS, DELEGATION

Mr. SPECTER. Mr. President, I thank the distinguished majority leader for working out this procedure. I have been here almost 15 years. This is the first time, I think, that only Senator DOLE and I have been on the floor at the same time. I hope everyone in Russell, KS, who has C–SPAN 2 is watching this proceeding. This is a full Russell, KS, delegation now on the floor conducting the Senate business. I do hope if Russell High School has not yet initiated a course in Senate procedure, they do so very, very promptly. Perhaps Senator DOLE and I can nominate Mrs. Alice Mills, the sole remaining teacher who taught both of us, to be emeritus instructor of that course.

Mr. DOLE. I thank the Senator from Pennsylvania. I do hope people in our hometown are watching. It is a small place, but a lot of good people there. They are friends of both of ours. They are having great difficulties sorting out all this 1996 Presidential politics in Russell, KS.

Mr. SPECTER. That is the most encouraging thing I have heard today, Mr. President.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Thomas, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 2:30 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. 927. An act to seek international sanctions against the Castro government in Cuba, to plan for support of a transition government leading to a democratically elected government in Cuba, and for other purposes.

H.R. 2399. An act to amend the Truth in Lending Act to clarify the intent of such Act and to reduce burdensome regulatory requirements on creditors.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

H.R. 927. An act to seek international sanctions against the Castro government in Cuba, to plan for support of a transition government leading to a democratically elected government in Cuba, and for other purposes.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on September 22, 1995 he had presented to the President of the United States, the following enrolled bills:

S. 464. An act to make the reporting deadlines for studies conducted in Federal court demonstration districts consistent with the deadlines for pilot districts, and for other purposes.

S. 532. An act to clarify the rules governing venue, and for other purposes.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. GRASSLEY:

S. 1276. A bill to permit agricultural producers to enter into market transition contracts and receive loans, to require a pilot

revenue insurance program, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. BROWN (for himself and Mr. PRYOR):

S. 1277. A bill to provide equitable relief for the generic drug industry, and for other purposes; to the Committee on the Judiciary.

By Mr. BURNS:

S. 1278. A bill to establish an education satellite loan guarantee program for communications among education, Federal, State, and local institutions and agencies and instructional and educational resource providers; to the Committee on Commerce, Science, and Transportation.

By Mr. DOLE (for himself, Mr. HATCH, Mr. ABRAHAM, Mr. KYL, Mr. REID, Mr. SPECTER, Mrs. HUTCHISON, Mr. THURMOND, Mr. SANTORUM, Mr. BOND, Mr. D'AMATO, and Mr. GRAMM):

S. 1279. A bill to provide for appropriate remedies for prison condition lawsuits, to discourage frivolous and abusive prison lawsuits, and for other purposes; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. GRASSLEY:

S. 1276. A bill to permit agricultural producers to enter into market transition contracts and receive loans, to require a pilot revenue insurance program, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

THE FARM INCOME TRANSITION ACT OF 1995

Mr. GRASSLEY. Mr. President, today the Senate Agriculture Committee began marking up the commodity title to the 1995 farm bill. Although I am no longer a member of that committee, the farm bill has as much impact on my State as any other piece of legislation considered before this body.

For that reason, Mr. President, I have used my position on other committees to indirectly influence farm policy. I have also formed a group, the Farm Policy Coalition, that is cochaired by Senator DORGAN and consists of 52 Members of the Senate. In order to more directly influence the debate.

Today, however, the Agriculture Committee was not able to agree on a farm bill to take to reconciliation. And there are rumors that the Budget Committee may have to act to make the necessary cuts in farm spending. As a member of the Budget Committee, I publicly stated that the Agriculture Committee, and not the Budget Committee, is the best place to write the farm bill.

But now with the Agriculture Committee deadlocked, I feel it necessary to send a clear signal, as a Budget Committee member and a Senator interested in the future of agriculture, on how I believe we should proceed on the 1995 farm bill; taking into consideration what is in the best interests of my State and American agriculture as a whole.

Therefore, Mr. President, I rise today to introduce the Farm Income Transition Act of 1995. This bill is similar to one introduced by the distinguished chairman of the House Agriculture Committee, PAT ROBERTS, known as the Freedom to Farm Act.

My bill represents a transition to a new era of farm programs; an era that will be characterized by limited Government intrusion in the market and the unleashing of the productivity of American agriculture. Yet the Federal Government will still play a role in providing a safety-net for the family farmer.

Mr. President, this bill is a dramatic departure from the farm programs of the past. We all know that our current farm programs were established during the Great Depression of the 1930's.

The intent of the program then, as it is now, was to stabilize farm income while ensuring a dependable, abundant, and inexpensive food supply. This is accomplished mainly by making direct payments to farmers when commodity prices are low, and implementing production controls to limit the supply of commodities.

To a large extent, the programs of the past have been successful. The American consumer spends less than 10 percent of their disposable income on food; the lowest of any Nation in the world.

Despite its success, the farm program has had many critics. Some criticize the program for its high degree of Government intervention. Others argue that the benefits go primarily to large, corporate farms. Many farmers, themselves, have grown tired of the endless amount of paperwork and redtape associated with the program.

Through all the criticism, however, the farm program has remained virtually unchanged for the last 50 years. But times have changed. And these changes mandate that a new direction be taken on farm programs.

The crisis of the 1930's was rampant unemployment and poverty. Drastic action was needed to support the income of ordinary Americans.

The crisis of the 1990's is rampant Government spending and intervention into the lives of ordinary Americans. The voters told us in no uncertain terms last November that they wanted the Government out of their lives and the budget deficit brought under control.

Mr. President, the Senate approved a budget resolution this spring that will bring the Federal budget into balance in the year 2002. This resolution contains a sense-of-the Senate calling for a cut in spending on agriculture commodity programs of about $9.6 billion over the next 7 years.

During the debate on the budget, I voiced my strong opposition to further cuts in agriculture spending. I will not repeat all of the arguments I made at that time, but it is clear to me that agriculture has contributed disproportionately to deficit reduction in the past. All I asked for at that time, Mr. President, was that agriculture be treated equitably in the budget process.

I also argued during the budget debate that agriculture, more than any other sector of this economy, has much to gain by achieving a balanced budget.

Agriculture is a capital-intensive business, its success dependent on low-interest rates. Only by getting our fiscal house in order can we ensure a sustained period of low-interest rates and the continued success of the family farmer.

So although Federal spending on agriculture will be reduced, because this reduction is within the context of a balanced budget, agriculture will benefit greatly in the long run.

But, Mr. President, it is vital that as Federal spending on agriculture is reduced, the regulations and restrictions on individual farmers are reduced accordingly. Because if farmers are getting less from the Government, they must have the tools to earn more income from the marketplace.

This bill meets both of these goals: It reduces spending to meet the requirements of my sense-of-the Senate in the budget resolution and it dramatically reduces the regulatory burden placed on farmers.

Mr. President, I will take a moment to describe how this bill accomplishes these goals. First, it mirrors the Freedom to Farm Act by providing farmers with a 7-year contract consisting of annual payments. In return, the farmer must maintain compliance with current conservation requirements. The total payments over the 7-year period are capped at $43 billion, which meets the requirements of the budget resolution.

Furthermore, the regulatory burden on farmers is significantly diminished. For many years, the planting decisions of American farmers have been dictated, in part, by the U.S. Congress and the Department of Agriculture. This limits a farmer's ability to maximize his profit from the marketplace. These decisions must be removed from the hands of bureaucrats and put back into the hands of the farmers.

My bill provides for full planting flexibility. Farmers' planting decisions will no longer be restricted by their historical crop base. This will allow farmers to plant for the marketplace and not the Federal farm program.

The bill also eliminates the acreage reduction program. No longer will farmers be required to leave a portion of their productive land unplanted because of a mandate imposed by Washington.

Furthermore, the bill maintains certain aspects of the current farm program while reforming others. For instance, nonrecourse loans will continue to be made available. This is a necessary and important marketing tool for farmers that does not require direct Government spending.

On the other hand, the three-entity rule is eliminated. Payments will now be directly attributed to farmers instead of corporations and other entities.

Last, the bill provides for a new era of farm programs based on risk management. Specifically, it directs the Secretary to initiate a revenue insurance pilot program as an alternative to the crop insurance program.

Revenue insurance will cost the Federal Government no more than the current crop insurance program. But it will give the farmer a solid and dependable safety net.

The program will allow a farmer to pay a premium to protect himself from a significant decline in revenue, whether it is caused by crop loss or low prices. Thus unlike crop insurance, the farmer is protected from both natural disasters and from situations when too much grain on the market causes extremely low prices.

This revenue insurance program truly represents a revolutionary new farm program.

Mr. President, the future of American agriculture is not in Government payments and subsidies. The future of American agriculture rests on the ability of farmers to remain competitive in a world marketplace.

The role of government consists of opening access to new markets for agricultural products, providing research for the development of better crops and new uses for existing commodities, and providing a safety net for the family farm structure.

Mr. President, I am convinced that not only will American agriculture reach unprecedented levels of productivity and profitability in the future, but there will continue to be a vital role for the family farmer.

The independent, family farmer is still the backbone of the agricultural economy in my State of Iowa. These farmers tell me that they can compete with the large farms, if they only have a level playing field and equal access to markets and information.

Government should do everything in its power to provide this level playing field. I believe that the bill I have introduced today helps put all farmers on an equal footing as agriculture approaches the 21st century.

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. 1276

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 ''Farm Income Transition Act of 1995 ''.

SEC. 2. CERTAINTY AND FLEXIBILITY FOR AGRICULTURAL PROGRAMS.

The Agricultural Act of 1949 (7 U.S.C. 1441 et seq.) is amended—

(1) by transferring sections 106, 106A, and 106B to the end of part I of subtitle B of title III of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1311 et seq.) and redesignating the sections as sections 320D, 320E, and 320F, respectively;

(2) by moving sections 104, 111, 112, 114, and 202 to the end of title IV and redesignating the sections as sections 428, 429, 430, 431, and 432 respectively;

(3) by moving sections 108B, 204, and 206 to the end of title IV (as amended by paragraph (2)) and redesignating the sections as sections 433, 434, and 435, respectively; and

(4) by striking titles I through III and inserting the following:

''SEC. 2. DEFINITIONS.

''In this Act:

''(1) CONSIDERED PLANTED.—The term 'considered planted', with respect to acreage on a farm, means acreage considered planted to a covered commodity (as defined in section 201(a)) in the conservation reserve, or under a program in effect under this Act through the 1995 crop of a commodity or the 1996 crop of winter wheat on—

''(A) any reduced acreage on the farm;

''(B) any acreage on the farm that producers were prevented from planting to the commodity because of drought, flood, or other natural disaster, or other condition beyond the control of the producers;

''(C) acreage in a quantity equal to the difference between the permitted acreage for a commodity and the acreage planted to the commodity, if the acreage considered to be planted is devoted to conservation uses or the production of crops permitted by the Secretary under the programs established for any of the 1990 through 1994 crops of a commodity; or

''(D) any acreage on the farm that the Secretary determines is necessary to be included in establishing a fair and equitable crop acreage base.

''(2) CROP ACREAGE BASE.—The term 'crop acreage base' means the average of the quantity of acres planted and considered planted to the commodity for the 1990 through 1994 crops, including the crop acreage base for extra long staple cotton established under section 103(h)(5) (as in effect prior to the date of enactment of the Farm Income Transition Act of 1995).

''(3) DOUBLE CROPPING.—The term 'double cropping' means a farming practice, as defined by the Secretary, that has been carried out on a farm during at least 3 of the 5 crop years immediately preceding the crop year for which the crop acreage base for the farm is established.

''(4) MARKET TRANSITION PAYMENT.—The term 'market transition payment' means a payment made pursuant to a contract entered into under section 201 with producers on a farm who—

''(A) satisfy the eligibility requirements of section 201(c); and

''(B) in exchange for annual payments, are in compliance with the conservation compliance plan for the farm prepared in accordance with section 1212 of the Food Security Act of 1985 (16 U.S.C. 3812) and wetland protection requirements applicable to the farm under subtitle C of title XII of the Act (16 U.S.C. 3821 et seq.).

''(5) NONRECOURSE COMMODITY LOAN.—The term 'nonrecourse commodity loan' means a nonrecourse loan paid to producers on a farm under the terms provided in section 202.

''(6) PERSON.—The term 'person' means an individual, corporation, or other entity, as defined by the Secretary.

''(7) PRODUCERS.—The term 'producers' means 1 or more individual persons who, as determined by the Secretary—

''(A) share in the risk of production of a commodity; and

''(B) is, or would have been, entitled to a share of the proceeds from the marketing of the commodity.

''(8) SECRETARY.—The term 'Secretary' means the Secretary of Agriculture.

''(9) UNITED STATES.—The term 'United States' means the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the other territories and possessions of the United States.

''TITLE I—FUNDING FOR FEDERAL FARM PROGRAM COMMODITY PAYMENTS

''SEC. 101. EXPENDITURES FOR MARKET TRANSITION PAYMENTS FOR 1996 THROUGH 2002 CROP YEARS.

''(a) TOTAL EXPENDITURES.—The total amount of funds expended by the Commodity Credit Corporation under this title may not exceed $46,920,000,000 for—

''(1) payments made for the 1995 crop of a commodity after September 30, 1995; and

''(2) market transition payments for a commodity for the 1996 through 2002 crops.

''(b) TOTAL EXPENDITURES PER CROP YEAR.—The Secretary shall, to the maximum extent practicable, expend not more than the following amounts on market transition payments:

''(1) For the 1996 crop, $8,260,000,000.

''(2) For the 1997 crop, $7,240,000,000.

''(3) For the 1998 crop, $7,080,000,000.

''(4) For the 1999 crop, $6,850,000,000.

''(5) For the 2000 crop, $6,590,000,000.

''(6) For the 2001 crop, $5,490,000,000.

''(7) For the 2002 crop, $5,380,000,000.

''(c) COMMODITY CREDIT CORPORATION.—

''(1) SALARIES AND EXPENSES.—No funds of the Commodity Credit Corporation may be used to pay any salary or expense of an officer or employee of the Department of Agriculture in connection with the administration of market transition payments or nonrecourse commodity loans.

''(2) AGRICULTURAL PRODUCTION.—No funds of the Commodity Credit Corporation in excess of the amounts authorized by subsection (b) may be used to support—

''(A) the price of a covered commodity (as defined in section 201(a)) or any similar activity in relation to the commodity; or

''(B) the income of producers on a farm.

''TITLE II—MULTIYEAR PAYMENTS TO IMPROVE FARMING CERTAINTY AND FLEXIBILITY

''SEC. 201. MARKET TRANSITION PAYMENTS.

''(a) DEFINITION OF COVERED COMMODITY.—In this section, the term 'covered commodity' means wheat, corn, grain sorghums, barley, oats, upland cotton, extra long staple cotton, and rice.

''(b) MARKET TRANSITION CONTRACTS.—

''(1) OFFER AND CONSIDERATION.—Beginning as soon as practicable after the date of enactment of the Farm Income Transition Act of 1995, but not later than February 1, 1996, the Secretary shall offer to enter into a market transition contract with producers on a farm who satisfy the requirements of subsection (c). Participating producers shall agree, in exchange for annual payments, to comply with the conservation compliance plan for the farm established under section 1212 of the Food Security Act of 1985 (16 U.S.C. 3812) and the wetland protection requirements applicable to the farm under subtitle C of title XII of the Act (16 U.S.C. 3821 et seq.).

''(2) ENTRY INTO CONTRACTS.—

''(A) DEADLINE.—Except as provided in subparagraphs (B) and (C), producers on a farm shall elect whether to enter into a market transition contract not later than April 15, 1996.

''(B) CONSERVATION RESERVE LANDS.—

''(i) IN GENERAL.—In the case of a conservation reserve contract applicable to cropland on a farm that expires after April 15, 1996, producers on the farm shall have the option of including the cropland on the farm that has considered planting history (as determined by the Secretary) in a market transition contract of the producers. To be eligible, the cropland must include 1 or more crop

acreage bases attributable to the cropland (as determined by the Secretary).

''(ii) WHOLE FARM ENROLLED IN CONSERVATION RESERVE.—Producers on a farm who have enrolled the entire cropland on the farm, as determined by the Secretary, into the conservation reserve shall have the option, on expiration of the conservation reserve contract, to enter into a market transition contract.

''(iii) AMOUNT.—Market transition payments made for cropland under this subparagraph shall be made at the rate and amount applicable to the market transition payment level for that year.

''(C) 1996 CROP OF WINTER WHEAT.—

''(i) IN GENERAL.—Producers on a farm who plant a 1996 crop of winter wheat in 1995 may elect to enter into a market transition contract, or obtain loans and payments for the 1996 crop of winter wheat, under the same terms and conditions as were in effect for the 1995 crop of winter wheat.

''(ii) TIMING OF PAYMENTS.—The Secretary shall, if the Secretary determines practicable, pay producers on a farm who plant a 1996 crop of winter wheat and elect to enter into a market transition contract for the crop—

''(I) an advance payment not later than June 1, 1996; and

''(II) a final payment not later than September 30, 1996.

''(iii) SUBSEQUENT CROPS.—Producers on a farm who plant a 1996 crop of winter wheat shall elect whether to enter into a market transition contract for each of the 1997 through 2002 crops not later than April 15, 1996.

''(3) DURATION OF CONTRACT.—Except for the 1996 crop of winter wheat, a market transition contract shall apply to the 1996 crop of a covered commodity and terminate on December 31, 2002.

''(c) ELIGIBILITY FOR MARKET TRANSITION PAYMENTS.—

''(1) IN GENERAL.—To be eligible for market transition payments, producers on a farm must—

''(A) own, rent, or crop share land that has a crop acreage base that is attributable to the farm, as determined by the Secretary; and

''(B) satisfy the criteria under paragraph (2).

''(2) PAYMENTS BASED ON PRODUCTION HISTORY.—Producers on a farm shall be eligible for market transition payments if deficiency payments and, if applicable, conservation reserve payments were made for covered commodities that were planted, or considered planted, on a crop acreage base established on the farm for at least 2 of the 1990 through 1994 crops.

''(d) AMOUNT OF MARKET TRANSITION PAYMENTS.—

''(1) DEFINITION OF PAYMENTS.—In this subsection (except as otherwise specifically provided), the term 'payments' means—

''(A) deficiency payments; and

''(B) if applicable, the lesser of—

''(i) conservation reserve payments; or

''(ii) the amount of deficiency payments that would have been made for the quantity of the covered commodity considered planted if the commodity had been planted, as determined by the Secretary.

''(2) 1990-1994 PAYMENTS.—The Secretary shall determine the total amount of payments—

''(A) made to producers on a farm for all covered commodities that were planted or considered planted on the farm for the 1990 through 1994 crops; and

''(B) made for all covered commodities that were planted and considered planted throughout the United States for the 1990 through 1994 crops.

''(3) MARKET TRANSITION PAYMENT FOR 1996-2002 CROPS.—The annual market transition payment for each of the 1996 through 2002 crops shall equal the product of—

''(A) the total amount of payments made to producers on a farm determined under paragraph (2)(A) divided by the total amount of payments made throughout the United States determined under paragraph (2)(C); and

''(B) the annual funding available for the crop under section 101(b).

''(4) ADJUSTMENT.—To maintain equity and fairness in market transition payments, the Secretary shall, as determined appropriate, adjust the payments to producers on a farm to reflect the ratio of—

''(A) the land on the farm on which there is historical production and considered planting history on 1 or more crop acreage bases; to

''(B) the land on the farm for which the producers on the farm are at risk in the year of the market transition payment.

''(e) RECEIPT OF MARKET TRANSITION PAYMENTS.—

''(1) ANNUAL PAYMENT ESTIMATE.—The Secretary shall announce the estimated minimum payment to producers entering into a market transition contract not later than March 15 of each year of the term of the contract. The producers may terminate the contract without penalty not later than 15 days after the date of the announcement.

''(2) TIMING OF PAYMENTS.—

''(A) IN GENERAL.—Payments shall be made not later than September 30 of the year covered by the contract.

''(B) ADVANCE PAYMENT.—

''(i) IN GENERAL.—Subject to clause (ii), the Secretary may provide ½ of the annual payment in advance to producers on a farm not later than March 15 of the same year, at the option of the producers.

''(ii) 1996 CROP.—If the Secretary elects to provide advance payments for the 1996 crop, the Secretary shall make the advance payments as soon as practicable after the date of enactment of the Farm Income Transition Act of 1995, as determined by the Secretary.

''(3) ELIGIBILITY.—Producers on a farm who have entered into a market transition contract shall be eligible to receive market transition payments if the producers comply with the conservation compliance plan for the farm and applicable wetland protection requirements, as determined by the Secretary.

''(f) PLANTING FLEXIBILITY.—Producers on a farm who possess 1 or more crop acreage bases shall plant any crop or conserving crop on the acreage base to receive a market transition payment. If a perennial conserving crop is planted, the producers shall not be required to replant the crop in the subsequent year.

''(g) PAYMENT LIMITATION.—

''(1) AMOUNT.—The total amount of payments made to a person under a market transition contract for any year may not exceed $50,000.

''(2) ATTRIBUTION.—The Secretary shall attribute payments to a natural person in proportion to the ownership interests of the person in a corporation, limited partnership, or other entity (as determined by the Secretary).

''(3) SCHEME OR DEVICE.—If the Secretary determines that a person has knowingly adopted a material scheme or device to obtain market transition payments to which the person is not entitled, has evaded the requirements of this section, or has acted with the purpose of evading the requirements of this section, the person shall be ineligible to receive all payments applicable to the crop year for which the scheme or device was adopted and the succeeding crop year. The authority provided by this paragraph shall be in addition to, and shall not supplant, the authority provided by subsection (h).

''(4) REGULATIONS.—The Secretary shall issue regulations—

''(A) defining the term 'person', as used in this subsection, in a manner that conforms, to the maximum extent practicable, to the regulations defining the term 'person' issued under section 1001 of the Food Security Act of 1985 (7 U.S.C. 1308);

''(B) prescribing such rules as the Secretary determines are necessary to ensure a fair and reasonable application of the limitation established under this subsection; and

''(C) providing for the tracking of payments made or attributed to a person or entity (as determined by the Secretary) on the basis of the social security account number of the person or the employer identification number of the entity.

''(h) VIOLATION OF CONTRACT.—

''(1) IN GENERAL.—Except as provided in paragraph (2), if the Secretary determines that producers on a farm are in violation of, or have violated, the conservation compliance plan for the farm or wetland protection requirements applicable to the farm, the Secretary may terminate the market transition contract with respect to the producers. On termination, the producers shall forfeit all rights to receive future payments under the contract and shall refund to the Secretary all payments received by the producers during the period of the violation with interest (as determined by the Secretary).

''(2) REFUND OR ADJUSTMENT.—If the Secretary determines that a violation does not warrant termination of the contract, the Secretary shall require the producers to—

''(A) refund to the Secretary a portion of the payments received during the period of the violation, together with interest, that is proportionate to the severity of the violation (as determined by the Secretary); or

''(B) accept a reduction in the amount of future payments that is proportionate to the severity of the violation (as determined by the Secretary).

''(i) TRANSFER OF INTEREST IN LAND SUBJECT TO CONTRACT.—

''(1) EFFECT OF TRANSFER.—Except as provided in paragraph (2), if producers on a farm who have entered into a market transition contract transfer title of the land of the farm to another person, or otherwise transfer the right to receive market transition payments, the transfer shall void the contract with the producers on the farm, effective as of the date of the transfer, unless—

''(A) the transferee of the land or the right to receive the remaining market transition payments agrees to assume all or a portion of the obligations of the contract in proportion to the transfer (as determined by the Secretary); and

''(B) the transferor agrees to transfer all or a portion of the remaining transition payments in proportion to the transfer (as determined by the Secretary).

''(2) EXCEPTION.—If a producer who is eligible for payments under a market transition contract dies, becomes incompetent, or is otherwise unable to receive the payments, the Secretary shall make the payments in accordance with regulations prescribed by the Secretary.

''SEC. 202. NONRECOURSE AND MARKETING LOANS.

''(a) DEFINITION OF COVERED COMMODITY.—In this section, the term 'covered commodity' means corn, grain sorghums, barley, oats, rye, wheat, upland cotton, extra long staple cotton, rice, soybeans, sunflower seed, rapeseed, canola, safflower, flaxseed, and mustard seed.

''(b) NONRECOURSE LOANS.—For each of the 1996 through 2002 crops of a covered commodity, the Secretary shall make available to producers on a farm a nonrecourse commodity loan under terms and conditions prescribed by the Secretary. A nonrecourse commodity loan shall have a term of 9 months, beginning on the first day of the first month after the month in which the loan is made and may be extended at the discretion of the Secretary.

''(c) LOAN RATE.—

''(1) IN GENERAL.—The Secretary shall announce the loan rate for each covered commodity not later than the first day of the marketing year for which the loan rate is to be in effect.

''(2) CALCULATION.—The loan rate for a marketing transition loan for a crop shall be equal to 80 percent of the simple average price received by the producer for the covered commodity during the immediately preceding 5 marketing years for the commodity, excluding the year in which the average price was lowest and the year in which the average price was highest.

''(3) SIMPLE AVERAGE PRICE.—For purposes of paragraph (2), the Secretary shall determine the simple average price received by producers of a covered commodity for the immediately preceding marketing year.

''(d) MARKETING LOANS.—

''(1) IN GENERAL.—The Secretary may permit producers on a farm to repay a loan made under this section for a covered commodity at a level that is the lesser of—

''(A) the loan level; or

''(B) the prevailing world market price for the commodity (adjusted to United States quality and location), as determined by the Secretary.

''(2) PREVAILING WORLD MARKET PRICE.—If the Secretary permits producers on a farm to repay a loan in accordance with paragraph (1), the Secretary shall prescribe by regulation—

''(A) a formula to determine the prevailing world market price for the crop of a covered commodity, adjusted to United States quality and location; and

''(B) a mechanism by which the Secretary shall announce periodically the prevailing world market price for the crop of the commodity.

''TITLE III—ADMINISTRATION

''SEC. 301. REVENUE INSURANCE.

''(a) PILOT PROGRAM.—Not later than December 31, 1996, the Secretary shall carry out a pilot program in a limited number of States or groups of States, as determined by the Secretary, under which a producer of an agricultural commodity can elect to receive revenue insurance that will ensure that the producer receives an indemnity if the producer suffers a loss of revenue, as determined by the Secretary.

''(b) NATIONAL PROGRAM.—Not later than December 31, 2000, the Secretary shall offer revenue insurance to agricultural producers at 1 or more levels of coverage that is in addition to, or in place of, catastrophic and higher levels of crop insurance.

''(c) ADMINISTRATION.—Revenue insurance under this section shall—

''(1) be offered through reinsurance arrangements with private insurance companies;

''(2) offer at least a minimum level of coverage that is an alternative to catastrophic crop insurance;

''(3) be actuarily sound; and

''(4) require the payment of premiums and administrative fees by participating producers.

''SEC. 302. ADMINISTRATION.

''(a) EQUITABLE RELIEF.—

''(1) LOANS AND PAYMENTS.—Notwithstanding section 201(h), if the failure of producers on a farm to comply fully with the terms and conditions of the program conducted under titles I through III precludes the making of loans and payments, the Secretary may, notwithstanding the failure, make the loans and payments in such amounts as the Secretary determines are equitable in relation to the seriousness of the failure. The Secretary may consider whether the producers made a good faith effort to comply fully with the terms and conditions of the program in determining whether equitable relief is warranted under this paragraph.

''(2) DEADLINES AND PROGRAM REQUIREMENTS.—The Secretary may authorize the county and State committees established under section 8(b) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(b)) to waive or modify deadlines and other program requirements in cases in which lateness or failure to meet the other requirements does not affect adversely the operation of the program.

''(b) COMMODITY CREDIT CORPORATION.—The Secretary shall carry out the programs authorized by title I through this title through the Commodity Credit Corporation.

''(c) ASSIGNMENT OF PAYMENTS.—Section 8(g) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(g)) shall apply to payments or loans made under title I through this title.

''(d) SHARING OF PAYMENTS.—The Secretary shall provide for the sharing of payments made under title I through this title for any farm among the producers on the farm on a fair and equitable basis.

''(e) TENANTS AND SHARECROPPERS.—In carrying out this Act, the Secretary shall provide adequate safeguards to protect the interests of tenants and sharecroppers.''.

SEC. 3. CONFORMING AMENDMENTS.

Title X of the Food Security Act of 1985 is amended by striking sections 1001, 1001A, 1001B, and 1001D (7 U.S.C. 1308 et seq.).

SEC. 4. EFFECTIVE DATE.

(a) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in this subsection and as otherwise specifically provided in this Act, this Act and the amendments made by this Act shall apply beginning with the earlier of—

(A) the 1996 crop of an agricultural commodity; or

(B) December 1, 1995.

(2) MARKET TRANSITION CONTRACT.—Title II of the Agricultural Act of 1949 (as amended by section 2(4)) shall apply as of the beginning of signup for market transition payments under section 201 of the Act.

(b) PRIOR CROPS.—

(1) IN GENERAL.—Except as otherwise specifically provided and notwithstanding any other provision of law, this Act and the amendments made by this Act shall not affect the authority of the Secretary of Agriculture to carry out a price support or production adjustment program for any of the 1991 through 1995 crops of an agricultural commodity established under a provision of law in effect immediately before the effective date specified in subsection (a).

(2) LIABILITY.—A provision of this Act or an amendment made by this Act shall not affect the liability of any person under any provision of law as in effect before the application of the provision in accordance with subsection (a).

By Mr. BURNS:

S. 1278. A bill to establish an education satellite loan guarantee program for communications among education, Federal, State, and local institutions and agencies and instructional and educational resource providers; to the Committee on Commerce, Science, and Transportation.

THE EDUCATIONAL SATELLITE LOAN GUARANTEE PROGRAM ACT

Mr. BURNS. Mr. President, today I introduced a bill to establish an education satellite loan guarantee program from communications among education, Federal, State, and local institutions and agencies and instructional and educational resource providers. Americans face many problems and challenges in education. From Montana to Maine, local school districts to large universities, educators are being asked to do more with less. There is overcrowding in urban areas and a lack of access to educational opportunities in many rural areas. We are being challenged as a nation, and we must react as a nation with unity of purpose. We must marshall our resources and save our children's future. Over this Nation's history, we have used good old American creativity to conquer many challenges and force new horizons. I believe that technology plays a key role in making us world leaders. In the areas of space and defense, our technological know-how has made us second to none.

We should act now to apply our same know-how to education. Whether it be through copper wire, glass, or satellites, distance learning can provide access to the vast educational resources of our Nation, regardless of wealth or geographic location. There is a crisis facing America's distance education providers and users at all levels of schooling due to shortages and price increases in satellite capacity. This crisis in the distance education field has been noted and documented by the satellite and broadcasting industries and the National Education Telecommunications Organization [NETO]. The crisis facing the educators is a lack of availability of satellite capacity and dramatically escalating costs which puts an educational institution's ability to equitably transmit instructions at high risk. We must start right here, right now, by taking advantage of the satellite technology that exist today.

More than 90 American college provide education and instruction to K–12 school districts, colleges, libraries, and students in other distant education centers, nationwide and internationally. In my own State of Montana and throughout the country from Washington State through Texas to Maine, teaches and students are receiving word that they will not have access to instruction heretofore received in science, math, language, and other special events. Rural and urban school districts, family health centers in hard-to-reach areas and rural hospitals will be immediately impacted at the start-up of the fall 1995 semester. If nothing is done to ameliorate the crisis more than 200 small education entrepreneurial communications centers are at risk

by the fall of 1996. These are communications centers in America's colleges, school districts, and education consortia which include State education and television agencies who have invested State and local taxes to create cost-effective, equitable transmission using satellite, telephone, and cable to deliver instruction and training in classrooms throughout the Nation.

For an interim solution to the crisis, Congresswoman CONSTANCE MORELLA, Congressman CEORGE E. BROWN, JR., and I have asked NASA to dedicate unused satellite capacity to the education sector as the prime users for a period up to 3 years. However, we must begin to create an adequate satellite system dedicated to education to meet the educational needs and demands of America's students, teachers, and workers for the future.

The bill introduced today will facilitate the acquisition by an appropriate nonprofit, public corporation of a communications satellite system dedicated to the transmission of instructions, education, and training programming that is not subject to preemptive use by Federal Government for purposes of national security. The bill would authorize the Secretary of Interior to carry out a loan guarantee program under which a non-profit, public corporation could borrow funds to buy or lease satellites dedicated to instructional programming. A dedicated educational satellite will allow us to address two barriers faced by those involved in distance learning via satellite. First, it will insure instructional programmers that they will be able to obtain affordable satellite transmission time without risk of preemption by commercial users. Second, it will allow educators using the programming to have one dish focused on one satellite off which they can receive at least 24 channels of instructional programming—every hour of the school year.

There is no doubt in my mind that distance learning is a growth area and that there is a role for the Federal Government in facilitating that growth. The Office of Technology Assessment's 1989 report, ''Linking for Learning: A New Course for Education'' documents the recent growth of distance learning, calling the growth in the K–12 sector dramatic. OTA anticipates this growth to continue. The National Governors' Association in 1988 found that while fewer than 10 States were promoting distance learning in 1987; 1 year later two-thirds of the States reported involvement. The NGA passed a resolution in 1988, and revised it in 1991, expressing their support for a dedicated education and public purpose satellite-based telecommunications network. Following their 1989 education summit in Charlottesville, VA where former Governor Wallace Wilkinson of Kentucky and other Governors raised with President Bush the proposal for this dedicated system, the EDSAT Institute was formed to analyze the proposal. In 1991, they issued a report entitled ''Analysis of a Proposal for an Education Satellite,'' and they found as did the OTA report, that individual States and consortiums of States are investing heavily in distance learning technologies and that the education sector is a significant market.

The organization, the National Educations Telecommunications Organization [NETO], was formed after the EDSAT Institute held seven regional meetings during the summer of 1991. Through these meetings, they recognized the need to aggregate the education market for distance learning and concluded that an education programming users organization was needed. NETO has a distinguished board of educators, public policy officials, State education agencies, and telecommunications experts who are committed to the goal of developing an integrated telecommunications system dedicated to education. The first step is what we are facilitating through Federal loan guarantees.

If this legislation passes, the Federal Government will be setting a national policy in support of a telecommunications infrastructure for distance learning. A policy that will cost the government relatively little compared to the benefits our Nation will receive through improved education and educational access. The risk to the Federal Government is minimal. The only risk the Government is assuming is the risk that the distance learning market will dissipate. I think the findings of the National Governors' Association, the OTA, and the EDSAT Institute prove highly unlikely. But I also believe that with distance learning, as with transportation and other infrastructure-dependent markets, once an infrastructure is in place the market will expand beyond our current expectations.

A dedicated satellite system will bring instructional programming which is now scattered across 12 to 15 satellites into one place in the sky. This collocation will allow educators to receive a variety of instructional programs without having to constantly reorient their satellite dish. By making the investment in a dedicated system on the front end, we are reducing distance learning costs for educators on the State and local levels. The programmers will benefit because they will be able to market their programming to a wider audience and will be guaranteed reliable satellite time at an affordable rate. A rate that will be equal no matter how much time they buy. Programmers include public schools, colleges, universities, State agencies, private sector corporations and consortiums, such as the star schools consortiums, and independents. The users will benefit because their investment in equipment to receive instructional programming may be reduced because of the technological advantages of focusing on one point in the sky. Users include primary and secondary students, college, and university students, professionals interested in continuing education, community members, and government bodies. The benefits far outweigh the costs in my mind.

A dedicated educational satellite will allow our kids to benefit from equal access to quality education. This is really just the first step. Both NETO and I believe that a telecommunications infrastructure for use by the educational sector should not be technology specific. I plan to continue pushing for passage of S. 1200 to make a national broadband fiber-optic network a reality. NETO's vision is for an integrated, nationwide telecommunications system, a transparent highway that encompasses land and space, over which educational and instructional resources can be delivered. They envision bringing together the land-based systems that are already in place, not replacing them. This is an inclusive effort, not an exclusive one. I hope that my colleagues will join me in making this a reality.

Technology has transformed every sector of our lives. It can transform education as well. It will not replace teachers, it will empower them with better teaching tools. It will inspire our young people to actively engage in their education. It will expose them to the world around them and broaden their horizons. Our Nation's children deserve no less.

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. 1278

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PURPOSE.

It is the purpose of this Act to facilitate the acquisition of a dedicated communications satellite system on which instruction, education, and training programming can be collocated and free from preemption.

SEC. 2. EDUCATIONAL SATELLITE LOAN GUARANTEE PROGRAM.

(a) PROGRAM AUTHORIZED.—

(1) IN GENERAL.—The Secretary of Commerce may carry out a program to guarantee any lender against loss of principal or interest on a loan described in subsection (b) made by such lender to a nonprofit, public corporation that—

(A) is recognized for expertise in governing and operating educational and instructional telecommunications in schools, colleges, libraries, State agencies, workplaces, and other distant education centers;

(B) was in existence as of January 1, 1992;

(C) the charter of which is designed for affiliation with Federal, State, and local educational and instructional institutions and agencies, and other distant education and instructional resource providers;

(D) has a governing board that includes members representing elementary and secondary education, community and State colleges, universities, elected officials, and the private sector; and

(E) has as its sole purpose the acquisition and operation of an integrated communications satellite system and other telecommunications facilities dedicated to transmitting instruction, education, and training programming.

(2) INTERIM ACQUISITION OF TRANSPONDER CAPACITY.—As an interim measure to acquire a communications satellite system dedicated to instruction, education, and training programming, a corporation that meets the requirements of paragraph (1) may acquire unused satellite transponder capacity owned or leased by a department or agency of the Federal Government or unused satellite transponder capacity owned or leased by a non-Federal broadcast organization for reuse by schools, colleges, community colleges, universities, State agencies, libraries, and other distant education centers at competitive, low costs, subject only to preemption for national security purposes.

(3) ENCOURAGEMENT OF INTERCONNECTIVITY.—A corporation that meets the requirements of paragraph (1) shall encourage the interconnectivity of elementary and secondary schools, colleges, and community colleges, universities, State agencies, libraries, and other distant education centers with ground facilities and services of United States domestic common carriers and international common carriers and ground facilities and services of satellite, cable, and other private communications systems in order to ensure technical compatibility and interconnectivity of the space segment with existing communications facilities in the United States and foreign countries to best serve United States education, instruction, and training needs and to achieve cost-effective, interoperability for friendly end-user, ''last mile'' access and use.

(4) TECHNICAL AND TRAINING NEEDS.—A corporation that meets the requirements of paragraph (1) shall determine the technical and training needs of educations users and providers to facilitate coordinated and efficient use of a communications satellite system dedicated to instruction, education, and training to further unlimited access for schools, colleges, community colleges, universities, State agencies, libraries, and other distant education centers.

(b) ELIGIBLE LOANS.—The Secretary of Commerce may guarantee a loan under this section only if—

(1) the corporation described in subsection (a)(1) has—

(A) investigated all practical means of acquiring a communications satellite system;

(B) reported to the Secretary the findings of such investigation; and

(C) identified for acquisition the most cost-effective, high-quality communications satellite system to meet the purpose of this Act; and

(2) the proceeds of such loan are used solely to acquire and operate a communications satellite system dedicated to transmitting instruction, education, and training programming.

(c) LOAN GUARANTEE LIMITATIONS.—The Secretary of Commerce may not guarantee more than $270,000,000 in loans under the program under this section, of which—

(1) not more than $250,000,000 shall be for the guarantee of such loans the proceeds of which are used to acquire a communications satellite system; and

(2) not more than $20,000,000 shall be used for the guarantee of such loans the proceeds of which are used to pay the costs of not more than 4 years of operating and management expenses associated with providing integrated communications satellite system services through the integrated communications satellite system referred to in subsection (a)(1)(E).

(d) LIQUIDATION OR ASSIGNMENT.—

(1) IN GENERAL.—In order for a lender to receive a loan guarantee under this section the lender shall agree to assign to the United States any right or interest in the communications satellite system or communications satellite system services that such lender possesses upon payment by the Secretary of Commerce on such loan guarantee.

(2) DISPOSITION.—The Secretary may exercise, retain, or dispose of any right or interest acquired pursuant to paragraph (1) in any manner that the Secretary considers appropriate.

(e) SPECIAL RULE.—Any loan guarantee under this section shall be guaranteed with full faith and credit of the United States.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary for each fiscal year to carry out this section.

(g) DEFINITIONS.—In this section:

(1) The term ''acquire'' includes acquisition through lease, purchase, or donation.

(2) The term ''communications satellite system'' means one or more communications satellites capable of providing service from space, including transponder capacity, on such satellite or satellites.

(3) The term ''national security preemption'' means preemption by the Federal Government for national security purposes.

Mr. DOLE (for himself, Mr. HATCH, Mr. ABRAHAM, Mr. KYL, Mr. REID, Mr. SPECTER, Mrs. HUTCHISON, Mr. THURMOND, Mr. SANTORUM, Mr. BOND, Mr. D'AMATO, and Mr. GRAMM):

S. 1279. A bill to provide for appropriate remedies for prison condition lawsuits, to discourage frivolous and abusive prison lawsuits, and for other purposes; to the Committee on the Judiciary.

THE PRISON LITIGATION REFORM ACT OF 1995

Mr. DOLE. Mr. President, I am pleased to join today with my distinguished colleagues, Senators HATCH, KYL, ABRAHAM, HUTCHISON, REID, THURMOND, SPECTER, SANTORUM, D'AMATO, GRAMM, and BOND, in introducing the Prison Litigation Reform Act of 1995.

This legislation is a new and improved version of S. 866, which I introduced earlier this year to address the alarming explosion in the number of frivolous lawsuits filed by State and Federal prisoners. It also builds on the stop-turning-out-prisoners legislation, championed by Senators KAY BAILEY HUTCHISON and SPENCER ABRAHAM, by making it much more difficult for Federal judges to issue orders directing the release of convicted criminals from prison custody.

INMATE LITIGATION

Unfortunately, the litigation explosion now plaguing our country does not stop at the prison gate. According to Enterprise Institute scholar Walter Berns, the number of ''due-process and cruel and unusual punishment'' complaints filed by prisoners has grown astronomically—from 6,600 in 1975 to more than 39,000 in 1994. These suits can involve such grievances as insufficient storage locker space, a defective haircut by a prison barber, the failure of prison officials to invite a prisoner to a pizza party for a departing prison employee, and yes, being served chunky peanut butter instead of the creamy variety. The list goes on and on.

These legal claims may sound farfetched, almost funny, but unfortunately, prisoner litigation does not operate in a vacuum. Frivolous lawsuits filed by prisoners tie up the courts, waste valuable legal resources, and affect the quality of justice enjoyed by law-abiding citizens. The time and money spent defending these cases are clearly time and money better spent prosecuting violent criminals, fighting illegal drugs, or cracking down on consumer fraud.

The National Association of Attorneys General estimates that inmate civil rights litigation costs the States more than $81 million each year. Of course, most of these costs are incurred defending lawsuits that have no merit whatsoever.

Let me be more specific. According the Arizona Attorney General Grant Woods, a staggering 45 percent of the civil cases filed in Arizona's Federal courts last year were filed by State prisoners. That means that 20,000 prisoners in Arizona filed almost as many cases as Arizona's 3.5 million law-abiding citizens. And most of these prisoner lawsuits were filed free of charge. No court costs. No filing fees. This is outrageous and it must stop.

GARNISHMENT

Mr. President, I happen to believe that prisons should be just that—prisons, not law firms. That is why the Prison Litigation Reform Act proposes several important reforms that would dramatically reduce the number of meritless prisoner lawsuits.

For starters, the act would require inmates who file lawsuits to pay the full amount of their court fees and other costs.

Many prisoners filing lawsuits today in Federal court claim indigent status. As indigents, prisoners are generally not required to pay the fees that normally accompany the filing of a lawsuit. In other words, there is no economic disincentive to going to court.

The Prison Litigation Reform Act would change this by establishing a garnishment procedure: If a prisoner is unable to fully pay court fees and other costs at the time of filing a lawsuit, 20 percent of the funds in his trust account would be garnished for this purpose. Every month thereafter, an additional 20 percent of the income credited to the prisoner's account would be garnished, until the full amount of the court fees and costs are paid-off.

When average law-abiding citizens file a lawsuit, they recognize that there could be an economic downside to going to court. Convicted criminals should not get preferential treatment: If a law-abiding citizen has to pay the costs associated with a lawsuit, so too should a convicted criminal.

In addition, when prisoners know that they will have to pay these costs—perhaps not at the time of filing, but

eventually—they will be less inclined to file a lawsuit in the first place.

JUDICIAL SCREENING

Another provision of the Prison Litigation Reform Act would require judicial screening, before docketing, of any civil complaint filed by a prisoner seeking relief from the Government. This provision would allow a Federal judge to immediately dismiss a complaint if either of two conditions is met: First, the complaint does not state a claim upon which relief may be granted, or second, the defendant is immune from suit.

OTHER REFORMS

The Prison Litigation Reform Act would also allow Federal courts to revoke any good-time credits accumulated by a prisoner who files a frivolous suit. It requires State prisoners to exhaust all administrative remedies before filing a lawsuit in Federal court. And it prohibits prisoners from suing the Government for mental or emotional injury, absent a prior showing of physical injury.

If enacted, all of these provisions would go a long way to take the frivolity out of frivolous inmate litigation.

STOP TURNING OUT PRISONERS

The second major section of the Prison Litigation Reform Act establishes some tough new guidelines for Federal courts when evaluating legal challenges to prison conditions. These guidelines will work to restrain liberal Federal judges who see violations on constitutional rights in every prisoner complaint and who have used these complaints to micromanage State and local prison systems.

Perhaps the most pernicious form of judicial micromanagement is the so-called prison population cap.

In 1993, for example, the State of Florida put 20,000 prisoners on early release because of a prison cap order issued by a Federal judge who thought the Florida system was overcrowded and thereby inflected cruel and unusual punishment on the State's prisoners.

And, then, there's the case of Philadelphia, where a court-ordered prison cap has put thousands of violent criminals back on the city's streets, often with disastrous consequences. As Pro. John Diiulio has pointed out: ''Federal Judge Norma Shapiro has singlehandedly decriminalized property and drug crimes in the City of Brotherly Love * * * Judge Shapiro has done what the city's organized crime bosses never could; namely, turn the town into a major drug smuggling port.''

By establishing tough new conditions that a Federal court must meet before issuing a prison cap order, this bill will help slam-shut the revolving prison door.

CONCLUSION

Finally, Mr. President, I want to express my special thanks to Arizona Attorney General Grant Woods and to the National Association of Attorneys General. Their input these past several months has been invaluable as we have attempted to draft a better, more effective piece of legislation.

Mr. President, I ask unanimous consent that the full text of the Prison Litigation Reform, as well as a letter from the National Association of Attorneys General and a section-by-section summary, be reprinted in the RECORD.

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

S. 1279

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 ''Prison Litigation Reform Act of 1995''.

SEC. 2. APPROPRIATE REMEDIES FOR PRISON CONDITIONS.

(a) IN GENERAL.—Section 3626 of title 18, United States Code, is amended to read as follows:

''§ 3626. Appropriate remedies with respect to prison conditions

''(a) REQUIREMENTS FOR RELIEF.—

''(1) PROSPECTIVE RELIEF.—(A) Prospective relief in any civil action with respect to prison conditions shall extend no further than necessary to correct the violation of the Federal right of a particular plaintiff or plaintiffs. The court shall not grant or approve any prospective relief unless the court finds that such relief is narrowly drawn, extends no further than necessary to correct the violation of the Federal right, and is the least intrusive means necessary to correct the violation of the Federal right. The court shall give substantial weight to any adverse impact on public safety or the operation of a criminal justice system caused by the relief.

''(B) Nothing in this section shall be construed to authorize the courts, in exercising their remedial powers, to order the construction of prisons or the raising of taxes, or to repeal or detract from otherwise applicable limitations on the remedial powers of the courts.

''(2) PRELIMINARY INJUNCTIVE RELIEF.—In any civil action with respect to prison conditions, to the extent otherwise authorized by law, the court may enter a temporary restraining order or an order for preliminary injunctive relief. Preliminary injunctive relief must be narrowly drawn, extend no further than necessary to correct the harm the court finds requires preliminary relief, and be the least intrusive means necessary to correct that harm. Preliminary injunctive relief shall automatically expire on the date that is 90 days after its entry, unless the court makes the findings required under subsection (a)(1) for the entry of prospective relief and makes the order final before the expiration of the 90-day period.

''(3) PRISONER RELEASE ORDER.—(A) In any civil action with respect to prison conditions, no prisoner release order shall be entered unless—

''(i) a court has previously entered an order for less intrusive relief that has failed to remedy the deprivation of the Federal right sought to be remedied through the prisoner release order; and

''(ii) the defendant has had a reasonable amount of time to comply with the previous court orders.

''(B) In any civil action in Federal court with respect to prison conditions, a prisoner release order shall be entered only by a three-judge court in accordance with section 2284 of title 28, if the requirements of subparagraph (E) have been met.

''(C) A party seeking a prisoner release order in Federal court shall file with any request for such relief, a request for a three-judge court and materials sufficient to demonstrate that the requirements of subparagraph (A) have been met.

''(D) If the requirements under subparagraph (A) have been met, a Federal judge before whom a civil action with respect to prison conditions is pending who believes that a prison release order should be considered may sua sponte request the convening of a three-judge court to determine whether a prisoner release order should be entered.

''(E) The court shall enter a prisoner release order only if the court finds—

''(i) by clear and convincing evidence—

''(I) that crowding is the primary cause of the violation of a Federal right; and

''(II) that no other relief will remedy the violation of the Federal right; and

''(ii) by a preponderance of the evidence—

''(I) that crowding has deprived a particular plaintiff or plaintiffs of at least one essential, identifiable human need; and

''(II) that prison officials have acted with obduracy and wantonness in depriving the particular plaintiff or plaintiffs of the one essential, identifiable human need caused by the crowding.

''(F) Any State or local official or unit of government whose jurisdiction or function includes the prosecution or custody of persons who may be released from, or not admitted to, a prison as a result of a prisoner release order shall have standing to oppose the imposition or continuation in effect of such relief and to seek termination of such relief, and shall have the right to intervene in any proceeding relating to such relief.

''(b) TERMINATION OF RELIEF.—

''(1) TERMINATION OF PROSPECTIVE RELIEF.—(A) In any civil action with respect to prison conditions in which prospective relief is ordered, such relief shall be terminable upon the motion of any party—

''(i) 2 years after the date the court granted or approved the prospective relief;

''(ii) 1 year after the date the court has entered an order denying termination of prospective relief under this paragraph; or

''(iii) in the case of an order issued on or before the date of enactment of the Prison Litigation Reform Act, 2 years after such date of enactment.

''(B) Nothing in this section shall prevent the parties from agreeing to terminate or modify relief before the relief is terminated under subparagraph (A).

''(2) IMMEDIATE TERMINATION OF PROSPECTIVE RELIEF.—In any civil action with respect to prison conditions, a defendant or intervener shall be entitled to the immediate termination of any prospective relief if the relief was approved or granted in the absence of a finding by the court that the relief is narrowly drawn, extends no further than necessary to correct the violation of the Federal right, and is the least intrusive means necessary to correct the violation of the Federal right.

''(3) LIMITATION.—Prospective relief shall not terminate if the court makes written findings based on the record that prospective relief remains necessary to correct a current or ongoing violation of the Federal right, extends no further than necessary to correct the violation of the Federal right, and that the prospective relief is narrowly drawn and the least intrusive means to correct the violation.

''(4) TERMINATION OR MODIFICATION OF RELIEF.—Nothing in this section shall prevent any party from seeking modification or termination before the relief is terminable under paragraph (1) or (2), to the extent that modification or termination would otherwise be legally permissible.

''(c) SETTLEMENTS.—

''(1) CONSENT DECREES.—In any civil action with respect to prison conditions, the court shall not enter or approve a consent decree unless it complies with the limitations on relief set forth in subsection (a).

''(2) PRIVATE SETTLEMENT AGREEMENTS.—(A) Nothing in this section shall preclude parties from entering into a private settlement agreement that does not comply with the limitations on relief set forth in subsection (a), if the terms of that agreement are not subject to court enforcement other than the reinstatement of the civil proceeding that the agreement settled.

''(B) Nothing in this section shall preclude any party claiming that a private settlement agreement has been breached from seeking in State court any remedy for breach of contract available under State law.

''(d) STATE LAW REMEDIES.—The limitations on remedies in this section shall not apply to relief entered by a State court based solely upon claims arising under State law.

''(e) PROCEDURE FOR MOTIONS AFFECTING PROSPECTIVE RELIEF.—

''(1) GENERALLY.—The court shall promptly rule on any motion to modify or terminate prospective relief in a civil action with respect to prison conditions.

''(2) AUTOMATIC STAY.—Any prospective relief subject to a pending motion shall be automatically stayed during the period—

''(A)(i) beginning on the 30th day after such motion is filed, in the case of a motion made under paragraph (1) or (2) of subsection (b); or

''(ii) beginning on the 180th day after such motion is filed, in the case of a motion made under subsection (b)(4); and

''(B) ending on the date the court enters a final order ruling on the motion.

''(f) SPECIAL MASTERS.—

''(1) IN GENERAL.—(A) In any civil action in a Federal court with respect to prison conditions, the court may appoint a disinterested and objective special master, who will give due regard to the public safety, to conduct hearings on the record and prepare proposed findings of fact.

''(B) The court shall appoint a special master under this subsection during the remedial phase of the action only upon a finding that the remedial phase will be sufficiently complex to warrant the appointment.

''(2) APPOINTMENT.—(A) If the court determines that the appointment of a special master is necessary, the court shall request that the defendant institution and the plaintiff each submit a list of not more than 5 persons to serve as a special master.

''(B) Each party shall have the opportunity to remove up to 3 persons from the opposing party's list.

''(C) The court shall select the master from the persons remaining on the list after the operation of subparagraph (B).

''(3) INTERLOCUTORY APPEAL.—Any party shall have the right to an interlocutory appeal of the judge's selection of the special master under this subsection, on the ground of partiality.

''(4) COMPENSATION.—The compensation to be allowed to a special master under this section shall be based on an hourly rate not greater than the hourly rate established under section 3006A for payment of court-appointed counsel, plus costs reasonably incurred by the special master. Such compensation and costs shall be paid with funds appropriated to the Federal Judiciary.

''(5) REGULAR REVIEW OF APPOINTMENT.—In any civil action with respect to prison conditions in which a special master is appointed under this subsection, the court shall review the appointment of the special master every 6 months to determine whether the services of the special master continue to be required under paragraph (1). In no event shall the appointment of a special master extend beyond the termination of the relief.

''(6) LIMITATIONS ON POWERS AND DUTIES.—A special master appointed under this subsection—

''(A) shall make any findings based on the record as a whole;

''(B) shall not make any findings or communications ex parte; and

''(C) may be removed at any time, but shall be relieved of the appointment upon the termination of relief.

''(g) DEFINITIONS.—As used in this section—

''(1) the term 'consent decree' means any relief entered by the court that is based in whole or in part upon the consent or acquiescence of the parties but dues not include private settlements;

''(2) the term 'civil action with respect to prison conditions' means any civil proceeding arising under Federal law with respect to the conditions of confinement or the effects of actions by government officials on the lives of persons confined in prison, but does not include habeas corpus proceedings challenging the fact or duration of confinement in prison;

''(3) the term 'prisoner' means any person subject to incarceration, detention, or admission to any facility who is accused of, convicted of, sentenced for, or adjudicated delinquent for, violations of criminal law or the terms and conditions of parole, probation, pretrial release, or diversionary program;

''(4) the term 'prisoner release order' includes any order, including a temporary restraining order or preliminary injunctive relief, that has the purpose or effect of reducing or limiting the prison population, or that directs the release from or nonadmission of prisoners to a prison;

''(5) the term 'prison' means any Federal, State, or local facility that incarcerates or detains juveniles or adults accused of, convicted of, sentenced for, or adjudicated delinquent for, violations of criminal law;

''(6) the term 'private settlement agreement' means an agreement entered into among the parties that is not subject to judicial enforcement other than the reinstatement of the civil proceeding that the agreement settled;

''(7) the term 'prospective relief' means all relief other than compensatory monetary damages; and

''(8) the term 'relief' means all relief in any form that may be granted or approved by the court, and includes consent decrees but does not include private settlement agreements.''.

(b) APPLICATION OF AMENDMENT.—

(1) IN GENERAL.—Section 3626 of title 18, United States Code, as amended by this section, shall apply with respect to all prospective relief whether such relief was originally granted or approved before, on, or after the date of the enactment of this Act.

(2) TECHNICAL AMENDMENT.—Subsections (b) and (d) of section 20409 of the Violent Crime Control and Law Enforcement Act of 1994 are repealed.

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter C of chapter 229 of title 18, United States Code, is amended to read as follows:

''3626. Appropriate remedies with respect to prison conditions.''.

SEC. 3. AMENDMENTS TO CIVIL RIGHTS OF INSTITUTIONALIZED PERSONS ACT.

(a) INITIATION OF CIVIL ACTIONS.—Section 3(c) of the Civil Rights of Institutionalized Persons Act (42 U.S.C. 1997a(c)) (referred to in this section as the ''Act'') is amended to read as follows:

''(c) The Attorney General shall personally sign any complaint filed pursuant to this section.''.

(b) CERTIFICATION REQUIREMENTS.—Section 4 of the Act (42 U.S.C. 1997b) is amended—

(1) in subsection (a)—

(A) by striking ''he'' each place it appears and inserting ''the Attorney General''; and

(B) by striking ''his'' and inserting ''the Attorney General's''; and

(2) by amending subsection (b) to read as follows:

''(b) The Attorney General shall personally sign any certification made pursuant to this section.''.

(c) INTERVENTION IN ACTIONS.—Section 5 of the Act (42 U.S.C. 1997c) is amended—

(1) in subsection (b)—

(A) in paragraph (1), by striking ''he'' each place it appears and inserting ''the Attorney General''; and

(B) by amending paragraph (2) to read as follows:

''(2) The Attorney General shall personally sign any certification made pursuant to this section.''; and

(2) by amending subsection (c) to read as follows:

''(c) The Attorney General shall personally sign any motion to intervene made pursuant to this section.''.

(d) SUITS BY PRISONERS.—Section 7 of the Act (42 U.S.C. 1997e) is amended to read as follows:

''SEC. 7. SUITS BY PRISONERS.

''(a) APPLICABILITY OF ADMINISTRATIVE REMEDIES.—No action shall be brought with respect to prison conditions under section 1979 of the Revised Statutes of the United States (42 U.S.C. 1983), or any other law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted.

''(b) FAILURE OF STATE TO ADOPT OR ADHERE TO ADMINISTRATIVE GRIEVANCE PROCEDURE.—The failure of a State to adopt or adhere to an administrative grievance procedure shall not constitute the basis for an action under section 3 or 5 of this Act.

''(c) DISMISSAL.—(1) The court shall on its own motion or on the motion of a party dismiss any action brought with respect to prison conditions under section 1979 of the Revised Statutes of the United States (42 U.S.C. 1983), or any other law, by a prisoner confined in any jail, prison, or other correctional facility if the court is satisfied that the action fails to state a claim upon which relief can be granted or is frivolous or malicious.

''(2) In the event that a claim is, on its face, frivolous or malicious, the court may dismiss the underlying claim without first requiring the exhaustion of administrative remedies.

''(d) ATTORNEY'S FEES.—(1) In any action brought by a prisoner who is confined to any jail, prison, or other correctional facility, in which attorney's fees are authorized under section 2 of the Revised Statutes of the United States (42 U.S.C. 1988), such fees shall not be awarded, except to the extent that—

''(A) the fee was directly and reasonably incurred in proving an actual violation of the plaintiff's rights protected by a statute pursuant to which a fee may be awarded under section 2 of the Revised Statutes; and

''(B) the amount of the fee is proportionately related to the court ordered relief for the violation.

''(2) Whenever a monetary judgment is awarded in an action described in paragraph (1), a portion of the judgment (not to exceed 25 percent) shall be applied to satisfy the amount of attorney's fees awarded against the defendant. If the award of attorney's fees is greater than 25 percent of the judgment, the excess shall be paid by the defendant.

''(3) No award of attorney's fees in an action described in paragraph (1) shall be based

on an hourly rate greater than the hourly rate established under section 3006A of title 18, United States Code, for payment of court-appointed counsel.

''(4) Nothing in this subsection shall prohibit a prisoner from entering into an agreement to pay an attorney's fee in an amount greater than the amount authorized under this subsection, if the fee is paid by the individual rather than by the defendant pursuant to section 2 of the Revised Statutes of the United States (42 U.S.C. 1988).

''(e) LIMITATION ON RECOVERY.—No Federal civil action may be brought by a prisoner confined in a jail, prison, or other correctional facility, for mental or emotional injury suffered while in custody without a prior showing of physical injury.

''(f) HEARING LOCATION.—To the extent practicable, in any action brought with respect to prison conditions in Federal court pursuant to section 1979 of the Revised Statutes of the United States (42 U.S.C. 1983), or any other law, by a prisoner confined in any jail, prison, or other correctional facility, pretrial proceedings in which the prisoner's participation is required or permitted shall be conducted—

''(1) at the facility; or

''(2) by telephone or video conference without removing the prisoner from the facility in which the prisoner is confined.

Any State may adopt a similar requirement regarding hearings in such actions in that State's courts.

''(g) WAIVER OF REPLY.—(1) Any defendant may waive the right to reply to any action brought by a prisoner confined in any jail, prison, or other correctional facility under section 1979 of the Revised Statutes of the United States (42 U.S.C. 1983) or any other law. Notwithstanding any other law or rule of procedure, such waiver shall not constitute an admission of the allegations contained in the complaint. No relief shall be granted to the plaintiff unless a reply has been filed.

''(2) The court may, in its discretion, require any defendant to reply to a complaint commenced under this section.

''(h) DEFINITION.—As used in this section, the term 'prisoner' means any person incarcerated or detained in any facility who is accused of, convicted of, sentenced for, or adjudicated delinquent for, violations of criminal law or the terms and conditions of parole, probation, pretrial release, or diversionary program.''.

(e) REPORT TO CONGRESS.—Section 8 of the Act (42 U.S.C. 1997f) is amended by striking ''his report'' and inserting ''the report''.

(f) NOTICE TO FEDERAL DEPARTMENTS.—Section 10 of the Act (42 U.S.C. 1997h) is amended—

(1) by striking ''his action'' and inserting ''the action''; and

(2) by striking ''he is satisfied'' and inserting ''the Attorney General is satisfied''.

SEC. 4. PROCEEDINGS IN FORMA PAUPERIS.

(a) FILING FEES.—Section 1915 of title 28, United States Code, is amended—

(1) in subsection (a)—

(A) by striking ''(a) Any'' and inserting ''(a)(1) Subject to subsection (b), any'';

(B) by striking ''and costs'';

(C) by striking ''makes affidavit'' and inserting ''submits an affidavit'';

(D) by striking ''such costs'' and inserting ''such fees'';

(E) by striking ''he'' each place it appears and inserting ''the person'';

(F) by adding immediately after paragraph (1), the following new paragraph:

''(2) A prisoner seeking to bring a civil action or appeal a judgment in a civil action or proceeding without prepayment of fees or security therefor, in addition to filing the affidavit filed under paragraph (1), shall submit a certified copy of the trust fund account statement (or institutional equivalent) for the prisoner for the 6-month period immediately preceding the filing of the complaint or notice of appeal, obtained from the appropriate official of each prison at which the prisoner is or was confined.''; and

(G) by striking ''An appeal'' and inserting ''(3) An appeal'';

(2) by redesignating subsections (b), (c), (d), and (e) as subsections (c), (d), (e), and (f), respectively;

(3) by inserting after subsection (a) the following new subsection:

''(b)(1) Notwithstanding subsection (a), if a prisoner brings a civil action or files an appeal in forma pauperis, the prisoner shall be required to pay the full amount of a filing fee. The court shall assess, and when funds exist, collect, as a partial payment of any court fees required by law, an initial partial filing fee of 20 percent of the greater of—

''(A) the average monthly deposits to the prisoner's account; or

''(B) the average monthly balance in the prisoner's account for the 6-month period immediately preceding the filing of the complaint or notice of appeal.

''(2) After payment of the initial partial filing fee, the prisoner shall be required to make monthly payments of 20 percent of the preceding month's income credited to the prisoner's account. The agency having custody of the prisoner shall forward payments from the prisoner's account to the clerk of the court each time the amount in the account exceeds $10 until the filing fees are paid.

''(3) In no event shall the filing fee collected exceed the amount of fees permitted by statute for the commencement of a civil action or an appeal of a civil action or criminal judgment.

''(4) In no event shall a prisoner be prohibited from bringing a civil action or appealing a civil or criminal judgment for the reason that the prisoner has no assets and no means by which to pay the initial partial filing fee.'';

(4) in subsection (c), as redesignated by paragraph (2), by striking ''subsection (a) of this section'' and inserting ''subsections (a) and (b) and the prepayment of any partial filing fee as may be required under subsection (b)''; and

(5) by amending subsection (e), as redesignated by paragraph (2), to read as follows:

''(e)(1) The court may request an attorney to represent any person unable to afford counsel.

''(2) Notwithstanding any filing fee that may have been paid, the court shall dismiss the case at any time if the court determines that—

''(A) the allegation of poverty is untrue; or

''(B) the action or appeal—

''(i) is frivolous or malicious; or

''(ii) fails to state a claim on which relief may be granted.''.

(b) COSTS.—Section 1915(f) of title 28, United States Code (as redesignated by subsection (a)(2)), is amended—

(1) by striking ''(f) Judgment'' and inserting ''(f)(1) Judgment'';

(2) by striking ''cases'' and inserting ''proceedings''; and

(3) by adding at the end the following new paragraph:

''(2)(A) If the judgment against a prisoner includes the payment of costs under this subsection, the prisoner shall be required to pay the full amount of the costs ordered.

''(B) The prisoner shall be required to make payments for costs under this subsection in the same manner as is provided for filing fees under subsection (a)(2).

''(C) In no event shall the costs collected exceed the amount of the costs ordered by the court.''.

(c) SUCCESSIVE CLAIMS.—Section 1915 of title 28, United States Code, is amended by adding at the end the following new subsection:

''(g) In no event shall a prisoner in any prison bring a civil action or appeal a judgment in a civil action or proceeding under this section if the prisoner has, on 3 or more prior occasions, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious bodily harm.''.

(d) DEFINITION.—Section 1915 of title 28, United States Code, is amended by adding at the end the following new subsection:

''(h) As used in this section, the term 'prisoner' means any person incarcerated or detained in any facility who is accused of, convicted of, sentenced for, or adjudicated delinquent for, violations of criminal law or the terms and conditions of parole, probation, pretrial release, or diversionary program.''.

SEC. 5. JUDICIAL SCREENING.

(a) IN GENERAL.—Chapter 123 of title 28, United States Code, is amended by inserting after section 1915 the following new section:

''§ 1915A. Screening

''(a) SCREENING.—The court shall review, before docketing, if feasible or, in any event, as soon as practicable after docketing, a complaint in a civil action in which a prisoner seeks redress from a governmental entity or officer or employee of a governmental entity.

''(b) GROUNDS FOR DISMISSAL.—On review, the court shall dismiss the complaint, or any portion of the complaint, if the complaint—

''(1) fails to state a claim upon which relief may be granted; or

''(2) seeks monetary relief from a defendant who is immune from such relief.

''(c) DEFINITION.—As used in this section, the term 'prisoner' means any person incarcerated or detained in any facility who is accused of, convicted of, sentenced for, or adjudicated delinquent for, violations of criminal law or the terms and conditions of parole, probation, pretrial release, or diversionary program.''.

(b) TECHNICAL AMENDMENT.—The analysis for chapter 123 of title 28, United States Code, is amended by inserting after the item relating to section 1915 the following new item:

''1915A. Screening.''.

SEC. 6. FEDERAL TORT CLAIMS.

Section 1346(b) of title 28, United States Code, is amended—

(1) by striking ''(b)'' and inserting ''(b)(1)''; and

(2) by adding at the end the following:

''(2) No person convicted of a felony who is incarcerated while awaiting sentencing or while serving a sentence may bring a civil action against the United States or an agency, officer, or employee of the Government, for mental or emotional injury suffered while in custody without a prior showing of physical injury.''.

SEC. 7. EARNED RELEASE CREDIT OR GOOD TIME CREDIT REVOCATION.

(a) IN GENERAL.—Chapter 123 of title 28, United States Code, is amended by adding at the end the following new section:

''§ 1932. Revocation of earned release credit

''In any civil action brought by an adult convicted of a crime and confined in a Federal correctional facility, the court may order the revocation of such earned good time credit under section 3624(b) of title 18,

United States Code, that has not yet vested, if, on its own motion or the motion of any party, the court finds that—

''(1) the claim was filed for a malicious purpose;

''(2) the claim was filed solely to harass the party against which it was filed; or

''(3) the claimant testifies falsely or otherwise knowingly presents false evidence or information to the court.''.

(b) TECHNICAL AMENDMENT.—The analysis for chapter 123 of title 28, United States Code, is amended by inserting after the item relating to section 1931 the following:

''1932. Revocation of earned release credit.''.

(c) AMENDMENT OF SECTION 3624 OF TITLE 18.—Section 3624(b) of title 18, United States Code, is amended—

(1) in paragraph (1)—

(A) by striking the first sentence;

(B) in the second sentence—

(i) by striking ''A prisoner'' and inserting ''Subject to paragraph (2), a prisoner'';

(ii) by striking ''for a crime of violence,''; and

(iii) by striking ''such'';

(C) in the third sentence, by striking ''If the Bureau'' and inserting ''Subject to paragraph (2), if the Bureau'';

(D) by striking the fourth sentence and inserting the following: ''In awarding credit under this section, the Bureau shall consider whether the prisoner, during the relevant period, has earned, or is making satisfactory progress toward earning, a high school diploma or an equivalent degree.''; and

(E) in the sixth sentence, by striking ''Credit for the last'' and inserting ''Subject to paragraph (2), credit for the last''; and

(2) by amending paragraph (2) to read as follows:

''(2) Notwithstanding any other law, credit awarded under this subsection after the date of enactment of the Prison Litigation Reform Act shall vest on the date the prisoner is released from custody.''.

PRISON LITIGATION REFORM ACT OF 1995—SECTION SUMMARY

Section 1: Short Title:

Entitles the Act as the ''Prison Litigation Reform Act of 1995.''

Section 2: Appropriate Remedies for Prison Conditions:

This section limits the remedies available to federal courts in suits challenging conditions of confinement and defines the procedures for seeking, enforcing, and terminating remedial relief in these cases. Highlights include appointment of a special 3-judge panel to consider any order that would impose a population cap on a prison or jail.

Prospective relief in prison conditions cases would not be allowed to extend any further than necessary to correct the violation of a federal right of an identifiable plaintiff. Federal courts would have to ensure that the relief is narrowly drawn and that it is the least intrusive means of correcting the violation, giving substantial weight to any adverse impact the relief might have on public safety.

Preliminary injunctive relief would expire after 90 days, unless made final before that date.

No prison population cap could be imposed unless:

(a) the court had previously entered an order for a less intrusive remedy that, after sufficient time for implementation, failed to correct the violation of the federal right; and

(b) a 3-judge panel finds by clear and convincing evidence that crowding is the primary cause of the violation and no other relief will remedy it, and finds by a preponderance of the evidence that crowding has deprived an identifiable plaintiff of an essential human need.

Public officials whose function includes the prosecution or custody of persons who could be released from, or not admitted to, a prison or jail as a result of a population cap would have standing to challenge the imposition or continuation of such a cap.

Prosective relief granted in conditions of confinement cases may be terminated on the motion of either party unless the court finds, based on the record, that the relief remains necessary to correct a current, ongoing violation of a federal right, and that the relief extends no further than necessary, is narrowly drawn, and is the least intrusive means to correct the violation of the right.

Federal court approval of consent decrees would be subject to the same limitations. Private settlements and remedies under state law would be unaffected.

The court would be required to rule promptly on any motion to modify or terminate prospective relief. After 30 days, an automatic stay on the prospective relief would apply during the pendency of the motion.

Courts would be authorized to employ an impartial special master for the preparation of proposed findings of fact in the remedial phase of complex prison conditions cases. The special master would be appointed from lists submitted by both parties, and would be compensated at a rate no higher than that for federal court-appointed counsel. The appointment would be reviewed every 6 months, and would lapse at the termination of the prospective relief. The special master's findings would be required to be on the record, and no ex parte findings or communications would be permitted.

Section 3: Amendments to Civil Rights of Institutionalized Persons Act (CRIPA):

Subsections (a) through (c): Technical amendments concerning references to the Attorney General.

Subsection (d): Suits by Prisoners.

This subsection rewrites Section 7 of CRIPA (42 U.S.C. 1997e), which is currently limited to provisions related to administrative remedies in connection with inmate lawsuits, to establish broader standards to govern suits filed by prisoners.

Requires inmates' administrative remedies be exhausted prior to the filing of a suit in federal court; removes requirement that state administrative remedies be certified by the Attorney General of the United States. Retains provision of current law stating that the absence of administrative remedies by itself does not provide the Attorney General with grounds to bring or intervene in a suit against a state or local prison.

Permits the court to dismiss, without hearing, inmate suits that are frivolous or malicious.

Limits attorney's fees that may be awarded to successful inmate plaintiffs. Fees must be directly and reasonably incurred in proving an actual violation of a plaintiff's rights, and would be based on an hourly rate no higher than that for other federal court appointed counsel. Also requires that up to 25% of a plaintiff's monetary judgement be applied towards attorney's fees.

Limits prisoner suits in federal court for mental or emotional injury to instances where the plaintiff shows physical injury as well.

Provides that in civil suits brought by a prisoner, any pretrial proceedings in which the prisoner must or may participate may be conducted at the prison or jail, by teleconference, or by videoconference whenever practicable.

Permits the defendant in a prisoner-initiated suit to waive reply without default, unless the reply is required by the court.

Subsections (e) and (f): Technical amendments concerning references to the Attorney General.

Section 4: Proceedings In Forma Pauperis:

This section reforms the filing of suits in forma pauperis by prisoners.

Requires an inmate seeking to file in forma pauperis to submit to the court a certified copy of the inmate's prison trust fund account.

Requires prisoners seeking to file in forma pauperis to pay, in installments, the full amount of filing fees, unless the prisoner has absolutely no assets.

Provides for appointed counsel for indigent in forma pauperis litigants, and requires the court to dismiss a suit filed in forma pauperis if the allegation of poverty is untrue, or if the suit is frivolous or malicious.

Requires payment of costs by unsuccessful prisoner litigants in the same manner as filing fees, if the judgment against the prisoner includes costs.

Prohibits, except in narrow circumstances, the filing of an in forma pauperis suit by a prisoner, who, on at least 3 prior occasions, has brought a suit that was dismissed because it was frivolous, malicious, or failed to state a claim upon which relief could be granted.

Section 5: Judicial Screening:

Requires judicial pre-screening of prisoner suits against government entities or employees; requires dismissal of suits which fail to state a claim upon which relief can be granted, or which seek monetary damages from an immune defendant.

Section 6: Federal Tort Claims:

Limits prisoner suits against the federal government for mental or emotional injury under the Federal Tort Claims Act to instances where the plaintiff shows physical injury as well.

Section 7: Earned Release Credit or Good Time Credit Revocation:

Reforms provisions governing the awarding of ''good time'' credit in the federal prison system.

Subsections (a) and (b): Permits a federal court to order the revocation of a federal prisoner's good time credit as a sanction for the filing of malicious or harassing claims, or for the knowing presentation of false evidence to the court.

Subsection (c): Revises present ''good time'' statute.

Requires exemplary adherence to prison rules by all prisoners in order to qualify for good time credit and permits Bureau of Prisons to award partial credit at its option.

Provides that progress toward a high school equivalency degree should be a factor for consideration in awarding good time credit.

Provides that future awards of good time credit will not vest prior to the prisoner's actual release date. Returns to the standard that applied prior to the enactment of the Sentencing Reform Act of 1986.

NATIONAL ASSOCIATION OF ATTORNEYS GENERAL,

Washington, DC, September 19, 1995.

Re Frivolous Inmate Litigation: Proposed Amendment to the Commerce, Justice, State Appropriations Bill.

Hon. BOB DOLE,

Senate Majority Leader, U.S. Senate, Washington, DC.

DEAR SENATOR DOLE: We write on behalf of the Inmate Litigation Task Force of the National Association of Attorneys General to express our strong support for the Prison Litigation Reform Act, which we understand you intend to offer as an amendment to the Appropriations Bill for Commerce, Justice, State and Related Agencies. As you know, the issue of frivolous inmate litigation has been a major priority of this Association for a number of years. Although a number of states—including our own—have enacted

state legislation to address this issue, the states alone cannot solve this problem because the vast majority of these suits are brought in federal courts under federal laws. We thank you for recognizing the importance of federal legislation to curb the epidemic of frivolous inmate litigation that is plaguing this country.

Although numbers are not available for all of the states, 33 states have estimated that together inmate civil rights suits cost them at least $54.5 million annually. Extrapolating this figure to all 50 states, we estimate that inmate civil rights suits cost states at least $81.3 million per year. Experience at both the federal and state level suggests that, while all of these cases are not frivolous, more than 95 percent of inmate civil rights suits are dismissed without the inmate receiving anything. Although occasional meritorious claims absorb state resources, nonetheless, we believe the vast majority of the $81.3 million figure is attributable to the non-meritorious cases.

We have not had an opportunity to discuss the specifics of the amendment with every Attorney General, however, we are confident that they would concur in our view that this amendment will take us a long way toward curing the vexatious and expensive problem of frivolous inmate lawsuits. Thank you again for championing this important issue, along with Senators Hatch, Kyl, Reid and others, as it is a top priority for virtually every Attorney General. Your leadership on this issue and your continued commitment to this common sense legal reform is very important to us and our colleagues.

Sincerely,

FRANKIE SUE DEL PAPA,
Attorney General of Nevada, Chair, NAAG Inmate Litigation Task Force.
DANIEL E. LUNGREN,
Attorney General of California, Chair, NAAG Criminal Law Committee,
GRANT WOODS,
Attorney General of Arizona, Vice-Chair, NAAG Inmate Litigation Task Force,
JEREMIAH W. NIXON,
Attorney General of Missouri, Vice-Chair, NAAG Criminal Law Committee.

Mr. HATCH. Mr. President, I am pleased to be joined by the majority leader and Senators KYL, ABRAHAM, REID, THURMOND, SPECTER, HUTCHISON, D'AMATO, SANTORUM, and GRAMM in introducing the Prison Litigation Reform Act of 1995. This landmark legislation will help bring relief to a civil justice system overburdened by frivolous prisoner lawsuits. Jailhouse lawyers with little else to do are tying our courts in knots with an endless flood of frivolous litigation.

Our legislation will also help restore balance to prison conditions litigation and will ensure that Federal court orders are limited to remedying actual violations of prisoners' rights, not letting prisoners out of jail. It is past time to slam shut the revolving door on the prison gate and to put the key safely out of reach of overzealous Federal courts.

As of January 1994, 24 corrections agencies reported having court-mandated population caps. Nearly every day we hear of vicious crimes committed by individuals who should have been locked up. Not all of these tragedies are the result of court-ordered population caps, of course, but such caps are a part of the problem. While prison conditions that actually violate the Constitution should not be allowed to persist, I believe that the courts have gone too far in micromanaging our Nation's prisons.

Our legislation also addresses the flood of frivolous lawsuits brought by inmates. In 1994, over 39,000 lawsuits were filed by inmates in Federal courts, a staggering 15 percent increase over the number filed the previous year. The vast majority of these suits are completely without merit. Indeed, roughly 94.7 percent are dismissed before the pretrial phase, and only a scant 3.1 percent have enough validity to reach trial. In my State of Utah, 297 inmate suits were filed in Federal courts during 1994, which accounted for 22 percent of all Federal civil cases filed in Utah last year. I should emphasize that these numbers do not include habeas corpus petitions or other cases challenging the inmate's conviction or sentence. The crushing burden of these frivolous suits makes it difficult for courts to consider meritorious claims.

In one frivolous case in Utah, an inmate sued demanding that he be issued Reebok or L.A. Gear brand shoes instead of the Converse brand being issued. In another case, an inmate deliberately flooded his cell, and then sued the officers who cleaned up the mess because they got his Pinochle cards wet.

It is time to stop this ridiculous waste of the taxpayers' money. The huge costs imposed on State governments to defend against these meritless suits is another kind of crime committed against law-abiding citizens.

Mr. President, this legislation enjoys broad, bipartisan support from State attorneys general across the Nation. We believe with them that it is time to wrest control of our prisons from the lawyers and the inmates and return that control to competent administrators appointed to look out for society's interests as well as the legitimate needs of prisoners. I urge my colleagues to support this bill, and look forward to securing its quick passage by the Senate.

Mr. KYL. Mr. President, special masters, who are supposed to assist judges as factfinders in complex litigation, have all too often been improperly used in prison condition cases. In Arizona, special masters have micromanaged the department of corrections, and have performed all manner of services in behalf of convicted felons, from maintaining lavish law libraries to distributing up to 750 tons of Christmas packages each year. Special masters appointed to oversee prison litigation have cost Arizona taxpayers more than $320,000 since 1992. One special master was even allowed to hire a chauffeur, at taxpayers' expense, because he said he had a bad back.

The Prison Litigation Reform Act, introduced as an amendment to the Commerce/Justice/State appropriations bill, requires the Federal judiciary, not the States, to foot the bill for special masters in prison litigation cases. Last July the Arizona legislature and Governor Symington cut off funds to special masters. It's time we take the Arizona model to the rest of the States.

The amendment also addresses prison litigation reform. Many people think of prison inmates as spending their free time in the weight room or the television lounge. But the most crowded place in today's prisons may be the law library. Federal prison lawsuits have risen from 2,000 in 1970 to 39,000 in 1994. In the words of the Third Circuit Court of Appeals, suing has because, recreational activity for long-term residents of our prisons.

Today's system seems to encourage prisoners to file with impunity. After all, it's free. And a courtroom is certainly a more hospitable place to spend an afternoon than a prison cell. Prisoners file free lawsuits in response to almost any perceived slight or inconvenience—being served chunky instead of creamy peanut butter, for instance, or being denied the use of a Gameboy video game—a case which prompted a lawsuit in my home State of Arizona.

These prisoners are victimizing society twice—first when they commit the crime that put them in prison, and second when they waste our hard-earned tax dollars while cases based on serious grievances languish on the court calendar.

In Arizona, Attorney General Grant Woods, who is here with us today, used to spend well over $1 million a year processing and defending against frivolous inmate lawsuits. But Grant successfully championed a reform bill, which went into effect last year, and the number of prison lawsuits was cut in half. Arizona prisoners still have the right to seek legal redress for meritorious claims, but the time and money once spent defending frivolous suits is now used to settle legitimate claims in a timely manner.

But the States alone cannot solve this problem. The vast majority of frivolous suits are brought in Federal courts under Federal laws—which is why I introduced the Prison Litigation Reform Act of 1995 last may with Senators DOLE and HATCH. We are incorporating that legislation into the Commerce/Justice/State amendment.

Federal prisoners are churning out lawsuits with no regard to this cost to the taxpayers or their legal merit. We can no longer ignore this abuse of our court system and taxpayers' funds. With the support of attorneys general around the country, I am confident that we will see real reform on this issue.

Mr. ABRAHAM. Mr. President, the legislation we are introducing today

will play a critical role in restoring public confidence in government's ability to protect the public safety. Moreover, it will accomplish this important purpose not by spending more taxpayer money but by saving it.

I would like to focus my remarks on the provisions addressing the proper scope of court-ordered remedies in prison conditions cases.

In many jurisdictions, including my own State of Michigan, judicial orders entered under Federal law have effectively turned control of the prison system away from elected officials accountable to the taxpayer, and over to the courts. The courts, in turn, raise the costs of running prisons far beyond what is necessary. In the process, they also undermine the legitimacy and punitive and deterrent effect of prison sentences.

Let me tell you a little bit about how this works.

Under a series of judicial decrees resulting from Justice Department suits against the Michigan Department of Corrections, the Federal courts now monitor our State prisons to determine.

First, how warm the food is; second, how bright the lights are; third, whether there are electrical outlets in each cell; fourth, whether windows are inspected and up to code; fifth, whether prisoners' hair is cut only by licensed barbers; and sixth, and whether air and water temperatures are comfortable.

This would be bad enough if a court had ever found that Michigan's prison system was at some point in violation of the Constitution, or if conditions there had been inhumane. But that is not the case.

To the contrary, nearly all of Michigan's facilities are fully accredited by the American Corrections Association. We have what may be the most extensive training program in the Nation for corrections officers. Our rate of prison violence is among the lowest of any State. And we spend an average of $4,000 a year per prisoner for health care, including nearly $1,700 for mental health services.

Rather, the judicial intervention is the result of a consent decree that Michigan entered into in 1982—13 years ago—that was supposed to end a lawsuit filed at the same time. Instead, the decree has been a source of continuous litigation and intervention by the court into the minutia of prison operations.

I think this is all wrong. People deserve to keep their tax dollars or have them spent on projects they approve. They deserve better than to have their money spent, on keeping prisoners in conditions some Federal judge feels are desirable, although not required by any provision of the Constitution or any law. And they certainly don't need it spent on defending against endless prisoner lawsuits.

Meanwhile, criminals, while they must be accorded their constitutional rights, deserve to be punished. Obviously, they should not be tortured or treated cruelly. At the same time, they also should not have all the rights and privileges the rest of us enjoy. Rather, their lives should, on the whole, be describable by the old concept known as ''hard time.''

By interfering with the fulfillment of this punitive function, the courts are effectively seriously undermining the entire criminal justice system. The legislation we are introducing today will return sanity and State control to our prison systems.

Our bill forbids courts from entering orders for prospective relief (such as regulating food temperatures) unless the order is necessary to correct violations of individual plaintiffs' Federal rights. It also requires that the relief be narrowly drawn and be the least intrusive means of protecting the Federal rights. And it directs courts to give substantial weight to any adverse impact on public safety or the operation of the criminal justice system caused by the relief.

It also provides that any party can seek to have a court decree ended after 2 years, and that the court will order it ended unless there is still a constitutional violation that needs to be corrected.

As a result, no longer will prison administration be turned over to Federal judges for the indefinite future for the slightest reason. Instead, the States will be able to run prisons as they see fit unless there is a constitutional violation, in which case a narrowly tailored order to correct the violation may be entered.

This is a balanced bill that allows the courts to step in where they are needed, but puts an end to unnecessary judicial intervention and micromanagement. I thank all my colleagues for their interest in this matter and hope we will be able to get something enacted soon.

ADDITIONAL COSPONSORS

S. 773

At the request of Mrs. KASSEBAUM, the name of the Senator from Alaska [Mr. STEVENS] was added as a cosponsor of S. 773, a bill to amend the Federal Food, Drug, and Cosmetic Act to provide for improvements in the process of approving and using animal drugs, and for other purposes.

S. 881

At the request of Mr. PRYOR, the names of the Senator from Vermont [Mr. LEAHY] and the Senator from Mississippi [Mr. LOTT] were added as cosponsors of S. 881, a bill to amend the Internal Revenue Code of 1986 to clarify provisions relating to church pension benefit plans, to modify certain provisions relating to participants in such plans, to reduce the complexity of and to bring workable consistency to the applicable rules, to promote retirement savings and benefits, and for other purposes.

S. 896

At the request of Mr. CHAFEE, the name of the Senator from North Dakota [Mr. DORGAN] was added as a cosponsor of S. 896, a bill to amend title XIX of the Social Security Act to make certain technical corrections relating to physicians' services, and for other purposes.

S. 949

At the request of Mr. GRAHAM, the names of the Senator from Kansas [Mr. DOLE], the Senator from Louisiana [Mr. JOHNSTON], the Senator from Illinois [Ms. MOSELEY-BRAUN], and the Senator from Minnesota [Mr. WELLSTONE] were added as cosponsors of S. 949, a bill to require the Secretary of the Treasury to mint coins in commemoration of the 200th anniversary of the death of George Washington.

S. 953

At the request of Mr. CHAFEE, the name of the Senator from North Dakota [Mr. CONRAD] was added as a cosponsor of S. 953, a bill to require the Secretary of the Treasury to mint coins in commemoration of black Revolutionary War patriots.

S. 955

At the request of Mr. HATCH, the name of the Senator from Vermont [Mr. JEFFORDS] was added as a cosponsor of S. 955, a bill to clarify the scope of coverage and amount of payment under the medicare program of items and services associated with the use in the furnishing of inpatient hospital services of certain medical devices approved for investigational use.

S. 1006

At the request of Mr. PRYOR, the name of the Senator from Wyoming [Mr. SIMPSON] was added as a cosponsor of S. 1006, a bill to amend the Internal Revenue Code of 1986 to simplify the pension laws, and for other purposes.

S. 1052

At the request of Mr. HATCH, the name of the Senator from New Hampshire [Mr. GREGG] was added as a cosponsor of S. 1052, a bill to amend the Internal Revenue Code of 1986 to make permanent the credit for clinical testing expenses for certain drugs for rare diseases or conditions and to provide for carryovers and carrybacks of unused credits.

S. 1200

At the request of Ms. SNOWE, the name of the Senator from Virginia [Mr. ROBB] was added as a cosponsor of S. 1200, a bill to establish and implement efforts to eliminate restrictions on the enclaved people of Cyprus.

S. 1219

At the request of Mr. FEINGOLD, the name of the Senator from New Mexico [Mr. BINGAMAN] was added as a cosponsor of S. 1219, a bill to reform the financing of Federal elections, and for other purposes.

AMENDMENT NO. 2784

At the request of Mr. KERRY his name was added as a cosponsor of amendment No. 2784 proposed to H.R.

2099, a bill making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for fiscal year ending September 30, 1996, and for other purposes.

AMENDMENT NO. 2785

At the request of Mr. ROCKEFELLER the name of the Senator from Massachusetts [Mr. KERRY] was added as a cosponsor of Amendment No. 2785 proposed to H.R. 2099, a bill making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for fiscal year ending September 30, 1996, and for other purposes.

AMENDMENT NO. 2786

At the request of Mr. BAUCUS the names of the Senator from Washington [Mrs. MURRAY] and the Senator from Minnesota [Mr. WELLSTONE] were added as cosponsors of Amendment No. 2786 proposed to H.R. 2099, a bill making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for fiscal year ending September 30, 1996, and for other purposes.

AMENDMENTS SUBMITTED

THE VA–HUD APPROPRIATIONS ACT FOR FISCAL YEAR 1996

LAUTENBERG (AND ROBB) AMENDMENT NO. 2788

Mr. LAUTENBERG (for himself and Mr. ROBB) making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for fiscal year ending September 30, 1996, and for other purposes; as follows:

On page 141, line 4, strike beginning with ''$1,003,400,000'' through page 152, line 9, and insert the following: ''$1,435,000,000 to remain available until expended, consisting of $1,185,000,000 as authorized by section 517(a) of the Superfund Amendments and Reauthorization Act of 1986 (SARA), as amended by Public Law 101–508, and $250,000,000 as a payment from general revenues to the Hazardous Substance Superfund as authorized by section 517(b) of SARA, as amended by Public Law 101–508: *Provided,* That funds appropriated under this heading may be allocated to other Federal agencies in accordance with section 111(a) of CERCLA: *Provided further,* That $11,700,000 of the funds appropriated under this heading shall be transferred to the Office of Inspector General appropriation to remain available until September 30, 1996: *Provided further,* That notwithstanding section 111(m) of CERCLA or any other provision of law, not to exceed $64,000,000 of the funds appropriated under this heading shall be available to the Agency for Toxic Substances and Disease Registry to carry out activities described in sections 104(i), 111(c)(4), and 111(c)(14) of CERCLA and section 118(f) of the Superfund Amendments and Reauthorization Act of 1986: *Provided further,* That none of the funds appropriated under this heading shall be available for the Agency for Toxic Substances and Disease Registry to issue in excess of 40 toxicological profiles pursuant to section 104(i) of CERCLA during fiscal year 1996*: Provided further,* That none of the funds made available under this heading may be used by the Environmental Protection Agency to propose 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), as amended (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 appropriate tribal leader, or unless legislation to reauthorize CERCLA is enacted.

LEAKING UNDERGROUND STORAGE TANK TRUST FUND

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out leaking underground storage tank cleanup activities authorized by section 205 of the Superfund Amendments and Reauthorization Act of 1986, and for construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed $75,000 per project, $45,827,000, to remain available until expended: *Provided,* That no more than $8,000,000 shall be available for administrative expenses: *Provided further,* That $600,000 shall be transferred to the Office of Inspector General appropriation to remain available until September 30, 1996.

OIL SPILL RESPONSE

(INCLUDING TRANSFER OF FUNDS)

For expenses necessary to carry out the Environmental Protection Agency's responsibilities under the Oil Pollution Act of 1990, $15,000,000, to be derived from the Oil Spill Liability trust fund, and to remain available until expended: *Provided,* That not more than $8,000,000 of these funds shall be available for administrative expenses.

PROGRAM AND INFRASTRUCTURE ASSISTANCE

For environmental programs and infrastructure assistance, including capitalization grants for state revolving funds and performance partnership grants, $2,668,000,000, to remain available until expended, of which $1,828,000,000 shall be for making capitalization grants for State revolving funds to support water infrastructure financing; $100,000,000 for architectural, engineering, design, construction and related activities in connection with the construction of high priority water and wastewater facilities in the area of the United States-Mexico Border, after consultation with the appropriate border commission; $50,000,000 for grants to the State of Texas, which shall be matched by an equal amount of State funds from State resources, for the purpose of improving wastewater treatment for colonias; and $15,000,000 for grants to the State of Alaska, subject to an appropriate cost share as determined by the Administrator, to address wastewater infrastructure needs of Alaska Native villages: *Provided,* That beginning in fiscal year 1996 and each fiscal year thereafter, and notwithstanding any other provision of law, the Administrator is authorized to make grants annually from funds appropriated under this heading, subject to such terms and conditions as the Administrator shall establish, to any State or federally recognized Indian tribe for multimedia or single media pollution prevention, control and abatement and related environmental activities at the request of the Governor or other appropriate State official or the tribe: *Provided further,* That from funds appropriated under this heading, the Administrator may make grants to federally recognized Indian governments for the development of multimedia environmental programs: *Provided further,* That of the $1,828,000,000 for capitalization grants for State revolving funds to support water infrastructure financing, $500,000,000 shall be for drinking water State revolving funds, but if no drinking water State revolving fund legislation is enacted by December 31, 1995, these funds shall immediately be available for making capitalization grants under title VI of the Federal Water Pollution Control Act, as amended: *Provided further,* That of the funds made available under this heading in Public Law 103–327 and in Public Law 103–124 for capitalization grants for State revolving funds to support water infrastructure financing, $225,000,000 shall be made available for capitalization grants for State revolving funds under title VI of the Federal Water Pollution Control Act, as amended, if no drinking water State revolving fund legislation is enacted by December 31, 1995.

ADMINISTRATIVE PROVISIONS

SEC. 301. MORATORIUM ON CERTAIN EMISSIONS TESTING REQUIREMENTS.

(a) MORATORIUM.—

(1) IN GENERAL.—The Administrator of the Environmental Protection Agency (referred to in this subsection as the ''Administrator'') shall not require adoption or implementation by a State of a test-only or I/M240 enhanced vehicle inspection and maintenance program as a means of compliance with section 182 of the Clean Air Act (42 U.S.C. 7511a), but the Administrator may approve such a program if a State chooses to adopt the program as a means of compliance.

(2) REPEAL.—Paragraph (1) is repealed effective as of the date that is 1 year after the date of enactment of this Act.

(b) PLAN APPROVAL.—

(1) IN GENERAL.—The Administrator of the Environmental Protection Agency (referred to in this subsection as the ''Administrator'') shall not disapprove a State implementation plan revision under section 182 of the Clean Air Act (42 U.S.C. 7511a) on the basis of a regulation providing for a 50-percent discount for alternative test-and-repair inspection and maintenance programs.

(2) CREDIT.—If a State provides data for a proposed inspection and maintenance system for which credits are appropriate under section 182 of the Clean Air Act (42 U.S.C. 7511a), the Administrator shall allow the full amount of credit for the system that is appropriate without regard to any regulation that implements that section by requiring centralized emissions testing.

(3) DEADLINE.—The Administrator shall complete and present a technical assessment of data for a proposed inspection and maintenance system submitted by a State not later than 45 days after the date of submission.

SEC. 302. None of the funds made available in this Act 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. Section 304 of the Clean Air Act (42 U.S.C. 7604) shall not apply with respect to any such requirement during the period beginning on the date of the enactment of this Act and ending September 30, 1996.

SEC. 303. None of the funds provided in this Act may be used within the Environmental Protection Agency for any final action by the Administrator or her delegate for signing and publishing for promulgation a rule concerning any new standard for arsenic, sulfates, radon, ground water disinfection, or

the contaminants in phase IV B in drinking water, unless the Safe Drinking Water Act of 1986 has been reauthorized.

SEC. 304. None of the funds provided in this Act may be used during fiscal year 1996 to sign, promulgate, implement or enforce the requirement proposed as ''Regulation of Fuels and Fuel Additives: Individual Foreign Refinery Baseline Requirements for Reformulated Gasoline'' at volume 59 of the Federal Register at pages 22800 through 22814.

SEC. 305. None of the funds appropriated to the Environmental Protection Agency for fiscal year 1996 may be used to implement section 404(c) of the Federal Water Pollution Control Act, as amended. No pending action by the Environmental Protection Agency to implement section 404(c) with respect to an individual permit shall remain in effect after the date of enactment of this Act.

SEC. 306. Notwithstanding any other provision of law, for this fiscal year and hereafter, an industrial discharger to the Kalamazoo Water Reclamation Plant, an advanced wastewater treatment plant with activated carbon, may be exempted from categorical pretreatment standards under section 307(b) of the Federal Water Pollution Control Act, as amended, if the following conditions are met: (1) the Kalamazoo Water Reclamation Plant applies to the State of Michigan for an exemption for such industrial discharger and (2) the State or the Administrator, as applicable, approves such exemption request based upon a determination that the Kalamazoo Water Reclamation Plant will provide treatment consistent with or better than treatment requirements set forth by the EPA, and there exists an operative financial contract between the City of Kalamazoo and the industrial user and an approved local pretreatment program, including a joint monitoring program and local controls to prevent against interference and pass through.

SEC. 307. No funds appropriated by this Act may be used during fiscal year 1996 to enforce the requirements of section 211(m)(2) of the Clean Air Act that require fuel refiners, marketers, or persons who sell or dispense fuel to ultimate consumers in any carbon monoxide nonattainment area in Alaska to use methyl tertiary butyl ether (MTBE) to meet the oxygen requirements of that section.

EXECUTIVE OFFICE OF THE PRESIDENT

OFFICE OF SCIENCE AND TECHNOLOGY POLICY

For necessary expenses of the Office of Science and Technology Policy, in carrying out the purposes of the National Science and Technology Policy, Organization, and Priorities Act of 1976 (42 U.S.C. 6601 and 6671), hire of passenger motor vehicles, services as authorized by 5 U.S.C. 3109, not to exceed $2,500 for official reception and representation expenses, and rental of conference rooms in the District of Columbia, $4,981,000: *Provided*, That the Office of Science and Technology Policy shall reimburse other agencies for not less than one-half of the personnel compensation costs of individuals detailed to it.

COUNCIL ON ENVIRONMENTAL QUALITY AND OFFICE OF ENVIRONMENTAL QUALITY

For necessary expenses to continue functions assigned to the Council on Environmental Quality and Office of Environmental Quality pursuant to the National Environmental Policy Act of 1969, the Environmental Improvement Act of 1970 and Reorganization Plan No. 1 of 1977, $2,188,000.

ADMINISTRATIVE PROVISIONS

SEC. 401. Section 105(b) of House Concurrent Resolution 67 (104th Congress, 1st Session) is amended to read as follows:

''(b) RECONCILIATION OF REVENUE REDUCTIONS IN THE SENATE.—

''(1) CERTIFICATION.—(A) In the Senate, upon the certification pursuant to section 205(a) of this resolution, the Senate Committee on Finance shall submit its recommendations pursuant to paragraph (2) to the Senate Committee on the Budget. After receiving the recommendations, the Committee on the Budget shall add such recommendations to the recommendations submitted pursuant to subsection (a) and report a reconciliation bill carrying out all such recommendations without any substantive revision.

''(B) The Chair of the Committee on the Budget shall file with the Senate revised allocations, aggregates, and discretionary spending limits under section 201(a)(1)(B) increasing budget authority by $760,788,000 and outlays by $760,788,000.

''(2) COMMITTEE ON FINANCE.—Funding for this section shall be provided by limiting any tax cut provided in the reconciliation bill to families with incomes less than $150,000.''.

FEINGOLD (AND OTHERS) AMENDMENT NO. 2789

Mr. FEINGOLD (for himself, Ms. MOSELEY-BRAUN, Mr. KENNEDY, Mr. BRADLEY, Mr. WELLSTONE, Ms. MIKULSKI, and Mr. SIMON) proposed an amendment to the bill H.R. 2099, supra; as follows:

On page 125, strike lines 12 through 17.

CHAFEE (AND LEVIN) AMENDMENT NO. 2790

Mr. CHAFEE (for himself and Mr. LEVIN) proposed an amendment to the bill H.R. 2099, supra; as follows:

On page 150, strike lines 12 through 24, and insert the following: ''for this fiscal year and hereafter, an industrial discharger that is a pharmaceutical manufacturing facility and discharged to the Kalamazoo Water Reclamation Plant (an advanced wastewater treatment plant with activated carbon) prior to the date of enactment of this Act may be exempted from categorical pretreatment standards under section 307(b) of the Federal Water Pollution Control Act, as amended, if the following conditions are met: (1) the owner or operator of the Kalamazoo Water Reclamation Plant applies to the State of Michigan for an exemption for such industrial discharger, (2) the State or Administrator, as applicable, approves such exemption request based upon a determination that the Kalamazoo Water Reclamation Plant will provide treatment and pollution removal consistent with or better than treatment and pollution removal requirements set forth by the Environmental Protection Agency, the State determines that the total removal of each pollutant released into the environment will not be lesser than the total removal of such pollutants that would occur in the absence of the exemption, and (3) compliance with paragraph (2) is addressed by the provisions and conditions of a permit issued to the Kalamazoo Water Reclamation Plant under section 402 of such Act, and there exists an operative''.

BINGAMAN (AND OTHERS) AMENDMENT NO. 2791

Mr. BINGAMAN (for himself, Mrs. HUTCHISON, and Mr. DOMENICI) proposed an amendment to the bill H.R. 2099, supra; as follows:

On page 40, line 17, insert before the period the following: '': *Provided further*, That section 916 of the Cranston-Gonzalez National Affordable Housing Act shall apply with respect to fiscal year 1996, notwithstanding section 916(f) of that Act''.

CHAFEE (AND OTHERS) AMENDMENT NO. 2792

Mr. CHAFEE (for himself, Mr. LIEBERMAN, and Mr. SANTORUM) proposed an amendment to the bill H.R. 2099, supra; as follows:

On page 142, line 20, after the period, insert the following: ''*Provided further*, That the Administrator shall continue funding the Brownfields Economic Redevelopment Initiative from available funds at a level necessary to complete the award of 50 cumulative Brownfields Pilots planned for award by the end of FY96 and carry out other elements of the Brownfields Action Agenda in order to facilitate economic redevelopment at Brownfields sites.''

THURMOND AMENDMENT NO. 2793

Mr. THURMOND proposed an amendment to the bill H.R. 2099, supra; as follows:

On page 3, line 19, strike ''$1,345,300,000'' and insert ''$1,352,180,000.''

On page 3, strike line 24 and add ''as amended: *Provided further*, That of the amounts appropriated for readjustment benefits, $6,880,000 shall be available for funding the Service Members Occupational Conversion and Training program as authorized by sections 4481–4497 of Public Law 102–484, as amended.''

On page 10, line 18, strike ''$880,000,000'' and insert ''$872,000,000.''

HARKIN AMENDMENT NO. 2794

Ms. MIKULSKI (for Mr. HARKIN) proposed an amendment to the bill H.R. 2099, supra; as follows:

At the appropriate place, insert the following:

SEC. . The Administrator of the Environmental Protection Agency shall not, under authority of section 6 of the Toxic Substances Control Act (15 U.S.C. 2605), take final action on the proposed rule dated February 28, 1994 (59 Fed. Reg. 11122 (March 9, 1994)) to prohibit or otherwise restrict the manufacturing, processing, distributing, or use of any fishing sinkers or lures containing lead, zinc, or brass unless the Administrator finds that the risk to waterfowl cannot be addressed through alternative means in which case, the rule making may proceed 180 days after Congress is notified of the finding.

BOND (AND OTHERS) AMENDMENT NO. 2795

Mr. BOND (for himself, Mr. D'AMATO, Mr. BENNETT, and Mr. MACK) proposed an amendment to the bill H.R. 2099, supra; as follows:

On page 105, beginning on line 10, strike ''SEC. 214.'' and all that follows through line 4 on page 107:

''SEC. 214. SECTION 8 CONTRACT RENEWAL.

''(a) IN GENERAL.—Notwithstanding any other provision of law, the Secretary shall renew upon expiration each contract for project-based assistance under section 8 of the United States Housing Act of 1937 that expires during fiscal year 1996 in accordance with this subsection.

''(b) CONTRACT TERM.—Each contract described in subsection (a) may be renewed for a term not to exceed 2 years.

''(c) RENTS AND OTHER CONTRACT TERMS.—Except as provided in subsections (d) and (e),

the Secretary shall offer to renew each contract described in subsection (a) (including any contract relating to a multifamily project whose mortgage is insured or assisted under the new construction and substantial rehabilitation program under section 8 of the United States Housing Act of 1937):

''(1) at a rent equal to the budget-based rent for the project;

''(2) at the current rent, where the current rent does not exceed 120 percent of the fair market rent for the jurisdiction in which the project is located; or

''(3) at the current rent, pending the implementation of guidelines for budget-based rents.

''(d) LOAN MANAGEMENT SET-ASIDE CONTRACTS.—The Secretary shall offer to renew each loan management set-aside contract at a rent equal to the budget-based rent for the unit, as determined by the Secretary, for a period not to exceed 1 year.

''(e) TENANT-BASED ASSISTANCE OPTION.—Notwithstanding any other provision of law, the Secretary may, with the consent of the owner of a project that is subject to a contract described in subsection (a) and with notice to and in consultation with the tenants, agree to provide tenant-based rental assistance under section 8(b) or 8(o) in lieu of renewing a contract to provide project-based rental assistance under subsection (a). Subject to advance appropriations, the Secretary may offer an owner incentives to convert to tenant-based rental assistance.

''(f) DEMONSTRATION PROGRAM.—If a contract described in subsection (a) is eligible for the demonstration program under section 213, the Secretary may make the contract subject to the requirements of section 213.

''(g) DEFINITIONS.—

''(1) BUDGET-BASED RENT.—For purposes of this section, the term ''budget-based rent'', with respect to a multifamily housing project, means the rent that is established by the Secretary, based on the actual and projected costs of operating the project, at a level that will provide income sufficient, with respect to the project, to support—

''(A) the debt service of the project.

''(B) the operating expenses of the project, including—

(i) contributions to actual reserves;

(ii) the costs of maintenance and necessary rehabilitation, as determined by the Secretary;

(iii) other costs permitted under section 8 of the United States Housing Act of 1937, as determined by the Secretary.

''(C) an adequate allowance for potential and reasonable operating losses due to vacancies and failure to collect rents, as determined by the Secretary.

''(D) an allowance for a rate of return on equity to the owner not to exceed 6 percent.

''(E) other expenses, as determined to be necessary by the Secretary.

''(2) BASIC RENTAL CHARGE FOR SECTION 236. ''A basic rental charge'' determined or approved by the Secretary for a project receiving interest reduction payments under section 236 of the National Housing Act shall be deemed a ''budget-based rent'' within the meaning of this section.''.

''(3) SECRETARY.—The term ''Secretary'' refers to the Secretary of Housing and Urban Development.''.

SIMON (AND MOSELEY-BRAUN) AMENDMENT NO. 2796

Mr. BOND (for Mr. SIMON for himself and Ms. MOSELEY-BRAUN) proposed an amendment to the bill H.R. 2099, supra; as follows:

On page 169, at the end of line 7, insert before the period the following: ''effective April 1, 1997: *Provided,* That none of the aforementioned authority or responsibility for enforcement of the Fair Housing Act shall be transferred to the Attorney General until adequate personnel and resources allocated to such activity at the Department of Housing and Urban Development are transferred to the Department of Justice.''

JOHNSTON AMENDMENT NO. 2797

Mr. BOND (for Mr. JOHNSTON) proposed an amendment to the bill H.R. 2099, supra; as follows:

At the appropriate place, insert: ''Not later than 90 days after the date of enactment of this Act, the Administrator of the Environmental Protection Agency (EPA) shall enter into an arrangement with the National Academy of Sciences to investigate and report on the scientific bases for the public recommendations of the EPA with respect to indoor radon and other naturally occurring radioactive materials (NORM). The National Academy shall examine EPA's guidelines in light of the recommendations of the National Council on Radiation Protection and Measurements, and other peer-reviewed research by the National Cancer Institute, the Centers for Disease Control, and others, on radon and NORM. The National Academy shall summarize the principal areas of agreement and disagreement among the above, and shall evaluate the scientific and technical basis for any differences that exist. Not later than 18 months after the date of enactment of this Act, the Administrator shall submit to Congress the report of the National Academy and a statement, the Administrator's views on the need to revise guidelines for radon and NORM in response to the evaluation of the National Academy. Such statement shall explain and differentiate the technical and policy bases for such views.''

BINGAMAN AMENDMENT NO. 2798

Mr. BOND (for Mr. BINGAMAN) proposed an amendment to the bill H.R. 2099, supra; as follows:

At the appropriate place, insert the following:

SEC. . ENERGY SAVINGS AT FEDERAL FACILITIES.

(a) REDUCTION IN FACILITIES ENERGY COSTS.—

(1) IN GENERAL.—The head of each agency for which funds are made available under this Act shall—

(A) take all actions necessary to achieve during fiscal year 1996 a 5 percent reduction, from fiscal year 1995 levels, in the energy costs of the facilities used by the agency; or

(B) enter into a sufficient number of energy savings performance contracts with private sector energy service companies under title VIII of the National Energy Conservation Policy Act (42 U.S.C. 8287 et seq.) to achieve during fiscal year 1996 at least a 5 percent reduction, from fiscal year 1995 levels, in the energy use of the facilities used by the agency.

(2) GOAL.—The activities described in paragraph (1) should be a key component of agency programs that will by the year 2000 result in a 20 percent reduction, from fiscal year 1985 levels, in the energy use of the facilities used by the agency, as required by section 543 of the National Energy Conservation Policy Act (42 U.S.C. 8253).

(b) USE OF COST SAVINGS.—An amount equal to the amount of cost savings realized by an agency under subsection (a) shall remain available for obligation through the end of fiscal year 2000, without further authorization or appropriation, as follows:

(1) CONSERVATION MEASURES.—Fifty percent of the amount shall remain available for the implementation of additional energy conservation measures and for water conservation measures at such facilities used by the agency as are designated by the head of the agency.

(2) OTHER PURPOSES.—Fifty percent of the amount shall remain available for use by the agency for such purposes as are designated by the head of the agency, consistent with applicable law.

(c) REPORTS.—

(1) BY AGENCY HEADS.—The head of each agency for which funds are made available under this Act shall include in each report of the agency to the Secretary of Energy under section 548(a) of the National Energy Conservation Policy Act (42 U.S.C. 8258(a)) a description of the results of the activities carried out under subsection (a) and recommendations concerning how to further reduce energy costs and energy consumption in the future.

(2) BY SECRETARY OF ENERGY.—The reports required under paragraph (1) shall be included in the annual reports required to be submitted to Congress by the Secretary of Energy under section 548(b) of the Act (42 U.S.C. 8258(b)).

(3) CONTENTS.—With respect to the period since the date of the preceding report, a report under paragraph (1) or (2) shall—

(A) specify the total energy costs of the facilities used by the agency;

(B) identify the reductions achieved;

(C) specify the actions that resulted in the reductions;

(D) with respect to the procurement procedures of the agency, specify what actions have been taken to—

(i) implement the procurement authorities provided by subsections (a) and (c) of section 546 of the National Energy Conservation Policy Act (42 U.S.C. 8256); and

(ii) incorporate directly, or by reference, the requirements of the regulations issued by the Secretary of Energy under title VIII of the Act (42 U.S.C. 8287 et seq.); and

(E) specify—

(i) the actions taken by the agency to achieve the goal specified in subsection (a)(2);

(ii) the procurement procedures and methods used by the agency under section 546(a)(2) of the Act (42 U.S.C. 8256(a)(2)); and

(iii) the number of energy savings performance contracts entered into by the agency under title VIII of the Act (42 U.S.C. 8287 et seq.).

BOND AMENDMENT NO. 2799

Mr. BOND proposed an amendment to the bill H.R. 2099, supra; as follows:

On page 153, line 17, strike ''$166,000,000'', and insert ''$168,900,000''.

On page 153, line 21, strike ''$4,400,000'', and insert ''$4,673,000''.

On page 154, line 13, strike ''$100,000,000'', and insert ''$114,173,000''.

BOND AMENDMENT NO. 2800

Mr. BOND proposed an amendment to the bill H.R. 2099, supra; as follows:

On page 22, line 5, insert the following:

''SEC. 111. During fiscal year 1996, not to exceed $5,700,000 may be transferred from 'Medical care' to 'Medical administration and miscellaneous operating expenses.' No transfer may occur until 20 days after the Secretary of Veterans Affairs provides written notice to the House and Senate Committees on Appropriations.''

On page 27, line 23, insert a comma after the word ''analysis''.

On page 28, line 1, strike out ''program and'' and insert in lieu thereof ''program,''.

On page 28, line 18, strike out ''or court orders''.

On page 28, line 20, strike out ''and''.

On page 29, line 13, strike out ''amount'' and insert in lieu thereof ''$624,000,000''.

On page 29, line 17, strike out ''plan of actions'' and insert in lieu thereof ''plans of action''.

On page 29, line 21, strike out ''be closed'' and insert in lieu thereof ''close''.

On page 29, lines 23 and 24, strike out ''$624,000,000 appropriated in the preceding proviso'' and insert in lieu thereof ''foregoing $624,000,000''.

On page 30, line 2, strike out ''the discretion to give'' and insert in lieu thereof ''giving''.

On page 30, line 12, strike out ''proviso'' and insert in lieu thereof ''provision''.

On page 32, line 10, strike out ''purpose'' and insert in lieu thereof ''purposes''.

On page 33, line 6, strike out ''purpose'' and insert in lieu thereof ''purposes''.

On page 33, line 10, strike out ''determined'' and insert in lieu thereof ''determines''.

On page 33, strike out lines 15 and 15, and insert in lieu thereof ''funding made available pursuant to this paragraph and that has not been obligated by the agency and distribute such funds to one or more''.

On page 33, line 23, strike out ''agencies and'' and insert ''agencies and to''.

On page 40, strike out line 9 and insert ''a grant made available under the preceding proviso to the Housing Assistance Council or the National American Indian Housing Council, or a grant using funds under section 107(b)(3) of the Housing and Community Development Act of 1974)''.

On page 40, beginning on line 20, strike out ''public and Indian housing agencies'' and insert in lieu thereof ''public housing agencies (including Indian housing authorities), nonprofit corporations, and other appropriate entities''.

On page 40, line 22, strike out ''and'' the second time it appears and insert a comma.

On page 40, line 24, insert after ''1437f)'' the following: '', and other low-income families and individuals''.

On page 41, line 5, after ''*Provided*'' insert ''*further*''.

On page 41, line 6, after ''shall include'' insert ''congregate services for the elderly and disabled, service coordinators, and''.

On page 45, line 24, strike out ''orginally'' and insert in lieu thereof ''originally''.

On page 45, strike out the matter after ''That'' on line 26, through line 5 on page 46, and insert in lieu thereof ''the Secretary may use any negative subsidy amounts from the sale of such assigned mortgage notes during fiscal year 1996 for the disposition of properties or notes under this heading.''.

On page 47, strike out the matter after ''That'' on line 17, through ''Development'' on line 25, and insert in lieu thereof ''the Secretary may use any negative subsidy amounts from the sale of such assigned mortgage notes during fiscal year 1996, in addition to amounts otherwise provided, for the disposition of properties or notes under this heading (including the credit subsidy for the guarantee of loans or the reduction of positive credit subsidy amounts that would otherwise be required for the sale of such properties or notes), and for any other purpose under this heading''.

On page 68, line 1, after ''Section 1002'' insert ''(d)''.

On page 69, lines 5 and 6, strike out ''Notwithstanding the previous sentence'' and insert in lieu thereof ''Where the rent determined under the previous sentence is less than $25''.

On page 70, line 12, strike out ''and'' and insert in lieu thereof ''any''.

On page 71, line 1, strike out ''(A) IN GENERAL.—''.

On page 71, strike out lines 11 through 18.

On page 72, line 6, after ''comment,'' insert ''a''.

On page 72, line 7, strike out ''are'' and insert ''is''.

On page 72, line 18, after ''comment,'' insert ''a''.

On page 72, line 19, strike out ''are'' and insert ''is''.

On page 74, line 6, strike out ''selection criteria'' and insert in lieu thereof ''system of preferences for selection''.

On page 74, line 11, strike out ''selection criteria'' and insert in lieu thereof ''system of preferences for selection''.

On page 74, strike out lines 13 through 16, and redesignate subsequent paragraphs.

On page 75, line 1, strike out ''selection criteria'' and insert in lieu thereof ''system of preferences for selection''.

On page 75, strike out the matter beginning on line 12 through line 19 on page 76, and insert in lieu thereof the following:

''(B) CRANSTON-GONZALEZ NATIONAL AFFORDABLE HOUSING ACT.—Section 522(f)(b)(B) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12704 et seq.) is amended by striking 'any preferences for such assistance under section 8(d)(1)(A)(i)' and inserting 'written system of preferences for selection established pursuant to section 8(d)(1)(A)'.

''(C) HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1992.—Section 655 of the Housing and Community Development Act of 1992 (42 U.S.C. 13615) is amended by striking 'the preferences' and all that follows through the period at the end and inserting 'any preferences'.''.

On page 76, line 20, strike out ''(E)'' and insert ''(D)''.

On page 77, lines 3 and 4, strike out ''selection criteria'' and insert in lieu thereof ''system of preferences for selection''.

On page 86, line 1, strike out ''of issuance and''.

On page 87, line 13, after ''evaluations of'', insert ''up to 15''.

On page 87, line 17, strike out ''(d)'' and insert ''(e)''.

On page 90, line 2, strike out ''Secretary.'' and insert ''Secretary; and''.

On page 90, line 5, strike out ''agree to cooperate with'' and insert in lieu thereof ''participate in a''.

On page 92, line 21, strike out ''final''.

On page 95, line 9, after ''agency'' insert ''in connection with a program authorized under section 542 (b) or (c) of the Housing and Community Development Act of 1992''.

On page 95, strike out lines 11 and 12, and insert in lieu thereof ''542(c)(4) of such Act.''.

On page 95, strike out the matter beginning with ''a'' on line 17 through ''section'' on line 18, and insert in lieu thereof ''an assistance contract under this section, other than a contract for tenant-based assistance,''.

On page 96, line 10, strike out ''years'' and insert ''year''.

On page 102, line 18, strike out ''section 216(c)(4) hereof'' and insert in lieu thereof ''paragraph (4)''.

On page 106, line 8, strike out ''subject to'' and insert in lieu thereof ''eligible for''.

On page 106, line 14, strike out ''(8 NC/SR)'' and insert in lieu thereof ''the section 8 new construction or substantial rehabilitation program''.

On page 106, line 15, strike out ''subject to'' and insert in lieu thereof ''eligible for''.

On page 107, line 6, strike out ''Sec. 217.'' and insert ''Sec. 215.''.

On page 117, line 8, strike out ''subparagraphs'' and insert ''subsections''.

On page 117, line 10, strike out ''subsections'' and insert ''subparagraphs''.

On page 117, line 11, strike out ''subparagraph'' and insert ''subsection''.

On page 118, strike out lines 19 through 21, and insert in lieu thereof the following:

''(1) Subsection (a) is amended by—

(A) striking out in the first sentence 'low-income' and inserting in lieu thereof 'very low-income'; and

(B) striking out 'eligible low income housing' and inserting in lieu thereof 'housing financed under the programs set forth in section 229(1)(A) of this Act'.''.

On page 120, line 2, strike out ''Subsection'' and insert ''Paragraph''.

On page 120, strike out lines 18 through 22, and insert in lieu thereof the following:

''(2) Paragraph (8) is amended—

(A) by deleting in subparagraph (A) the words 'determining the authorized return under section 219(b)(6)(ii)';

(B) by deleting in subparagraph (B) 'and 221'; and

(C) by deleting in subparagraph (B) the words 'acquisition loans under''.

On page 121, line 3, strike out ''Subsection'' and insert ''Paragraph''.

On page 122, line 4, strike out ''Subsection'' and insert ''Paragraph''.

On page 122, line 13, strike out ''Subsection'' and insert ''Section''.

On page 122, line 21, strike out ''Subsection'' and insert ''Section''.

On page 147, line 17, before the period, insert the following:

'': *Provided further*, That of the funds appropriated in the Construction Grants and Water Infrastructure/State Revolving Funds accounts since the appropriation for the fiscal year ending September 30, 1992, and hereafter, for making grants for wastewater treatment works construction projects, portions may be provided by the recipients to states for managing construction grant activities, on condition that the states agree to reimburse the recipients from state funding sources''.

On page 149, line 19, strike ''phase IV'' and insert in lieu thereof ''phase VI''.

KEMPTHORNE (AND BOND) AMENDMENT NO. 2801

Mr. BOND (for Mr. KEMPTHORNE for himself and Mr. BOND) proposed an amendment to the bill, H.R. 2099, supra; as follows:

On page 147, line 6, strike ''December 31, 1995'' and insert ''April 30, 1996''.

On page 147, line 17, strike ''December 31, 1995'' and insert ''April 30, 1996''.

FAIRCLOTH AMENDMENT NO. 2802

Mr. BOND (for Mr. FAIRCLOTH) proposed an amendment to the bill, H.R. 2099, supra; as follows:

On page 128, add a new section to the bill:

''SEC. . None of the funds provided in this Act may be used during fiscal year 1996 to investigate or prosecute under the Fair Housing Act (42 U.S.C. 3601, et seq.) any otherwise lawful activity engaged in by one or more persons, including the filing or maintaining of nonfrivolous legal action, that is engaged in solely for the purposes of—

''(1) achieving or preventing action by a Government official, entity, or court of competent jurisdiction.''.

FAIRCLOTH (AND KYL) AMENDMENT NO. 2803

Mr. BOND (for Mr. FAIRCLOTH for himself and Mr. KYL) proposed an amendment to the bill, H.R. 2099, supra; as follows:

On page 128, add a new section to the bill:

''SEC. . None of the funds provided in this Act may be used to take any enforcement action with respect to a complaint of discrimination under the Fair Housing Act (42 U.S.C. 3601, et seq.) on the basis of familial status and which involves an occupancy standard established by the housing provider except to the extent that it is found that there has been discrimination in contravention of the standards provided in the March 20, 1991, Memorandum from the General Counsel of the Department of Housing and Urban Development of all Regional Counsels or until such time that HUD issues a final rule in accordance with 5 U.S.C. 553.''.

FEINSTEIN AMENDMENT NO. 2804

Mr. BOND (for Mrs. FEINSTEIN) proposed an amendment to the bill, H.R. 2099, supra; as follows:

At the appropriate place in title II, insert the following new section:

SEC.—. CDBG ELIGIBLE ACTIVITIES.

Section 105(a) of the Housing and Community Development Act of 1974 (42 U.S.C. 5305(a)) is amended—

(1) in paragraph (4)—

(A) by inserting ''reconstruction,'' after ''removal,''; and

(B) by striking ''acquisition for rehabilitation, and rehabilition'' and inserting ''acquisition for reconstruction or rehabilitation, and reconstruction or rehabilitation'';

(2) in paragraph (13), by striking ''and'' at the end;

(3) by striking paragraph (19);

(4) in paragraph (24), by striking ''and'' at the end;

(5) in paragraph (25), by striking the period at the end and inserting ''; and'';

(6) by redesignating paragraphs (20) through (25) as paragraphs (19) through (24), respectively; and

(7) by redesignating paragraph (21) (as added by section 1012(f)(3) of the Housing and Community Development Act of 1992) as paragraph (25).

WARNER (AND NICKLES) AMENDMENT NO. 2805

Mr. BOND (for Mr. WARNER, for himself and Mr. NICKLES) proposed an amendment to the bill H.R. 2099, supra; as follows:

At the appropriate place in title III, insert the following:

SEC. 3. EPA RESEARCH AND DEVELOPMENT ACTIVITIES AND STAFFING.

(a) STAR PROGRAM.—The Administrator of the Environmental Protection Agency may not use any funds made available under this Act to implement the Science to Achieve Results [STAR] Program unless—

(1) the use of the funds would not reduce any funding available to the laboratories of the Agency for staffing, cooperative agreements, grants, or support contracts; or

(2) the Appropriations Committees of the Senate and House of Representatives grant prior approval. Transfers of funds to support STAR activities shall be considered a reprogramming of funds. Further, said approval shall be contingent upon submission of a report to the Committees as specified in section (c)(2) below.

(b) CONTRACTOR CONVERSION.—The Administrator of the Environmental Protection Agency may not use any funds to—

(1) hire employees and create any new staff positions under the contractor conversion program in the Office of Research and Development.

(c) REPORT.—Not later than January 1, 1996, the Administrator shall submit to the Appropriations Committees of the Senate and House of Representatives a report which—

(1) provides a staffing plan for the Office of Research and Development indicating the use of Federal and contract employees;

(2) identifies the amount of funds to be reprogrammed to STAR activities; and

(3) provides a listing of any resource reductions below fiscal year 1995 funding levels, by specific laboratory, from Federal staffing, cooperative agreements, grants, or support contracts as a result of funding for the STAR Program.

MOYNIHAN (AND D'AMATO) AMENDMENT NO. 2806

Mr. BOND (for Mr. MOYNIHAN, for himself, and Mr. D'AMATO) proposed an amendment to the bill H.R. 2099, supra; as follows:

On page 43, between lines 13 and 14, insert the following:

''The amount made available for fiscal year 1995 for a special purpose grant for the renovation of the central terminal in Buffalo, New York, shall be made available for the central terminal and for other public facilities in Buffalo, New York.''.

BOND AMENDMENT NO. 2807

Mr. BOND proposed an amendment to the bill H.R. 2099, supra; as follows:

On page 130, strike out the matter beginning with line 19 through line 2 on page 131, and insert in lieu thereof the following: ''For necessary expenses for the Corporation for National and Community Service in carrying out the orderly terminations of programs, activities, and initiatives under the National and Community Service Act of 1990, as amended (Public Law 103–82), $6,000,000: *Provided*, That such amount shall be utilized to resolve all responsibilities and obligations in connection with said Corporation and the Corporation's Office of Inspector General.''

FEINGOLD AMENDMENT NO. 2808

Mr. BOND (for Mr. FEINGOLD) proposed an amendment to the bill H.R. 2099, supra; as follows:

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

SEC. . REPORT ON IMPACT OF COMMUNITY DEVELOPMENT FUNDS ON PLAN RELOCATIONS AND JOB DISLOCATION.

Not later than October 1, 1996, the Secretary of the Department of Housing and Urban Development shall submit to the appropriate Committees of the Congress a report on—

(1) the extent to which funds provided under section 106 (Community Development Block Grants), section 107 (Special Purpose Grants), and Section 108(q) (Economic Development Grants) of the Housing and Community Development Act of 1974, have been used to facilitate the closing of an industrial or commercial plant or the substantial reduction of operations of a plant and result in the relocation or expansion of a plant from one state to another;

(2) substantial the extent to which the availability of such funds has been a factor in the decision to relocate a plant from one state to another;

(3) an analysis of the extent to which provisions in other laws prohibiting the use of federal funds to facilitate the closing of an industrial or commercial plant or the substantial reduction in the operations of such plant and the relocation or expansion of a plant have been effective; and

(4) recommendations as to how federal programs can be designed to prevent the use of federal funds to facilitate the transfer of jobs from one state to another.

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1996

CRAIG AMENDMENT NO. 2809

(Ordered to lie on table.)

Mr. CRAIG submitted an amendment intended to be proposed by him to the bill (H.R. 2127) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies, for the fiscal year ending September 30, 1996, and for other purposes; as follows:

At the appropriate place in title I, insert the following new section:

SEC. . None of the funds appropriated in this Act may be obligated or expended by the Department of Labor for the purposes of enforcement and the issuance of fines under Hazardous Occupation Order Number 12 (HO 12) with respect to the placement or loading of materials by a person under 18 years of age into a cardboard baler that is in compliance with the American National Standards Institute safety standard ANSI Z245.5 1990, and a compactor that is in compliance with the American National Standards Institute safety standard ANSI Z245.2 1992.

ABRAHAM AMENDMENT NO. 2810

(Ordered to lie on the table.)

Mr. ABRAHAM submitted an amendment intended to be proposed by him to the bill H.R. 2127, supra; as follows:

On page 48, lines 15 and 16, strike ''titles III and IV of the Goals 2000: Educate America Act'' and insert ''the Educational Choice and Equity Act of 1995''.

On page 48, strike lines 18 through 20, and insert the following:

$432,500,000, of which $280,000,000 shall be available to carry out the Educational Choice and Equity Act of 1995, $30,000,000 shall be available to the Secretary of Education for grants to States to enable such States to support charter school programs, and $122,500,000 shall be available to carry out the School-to-Work Opportunities Act of 1994, shall become available on July 1,

On page 48, line 21, strike the colon and insert a period.

On page 48, beginning with line 22, strike all through page 49, line 2.

On page 58, line 4, insert ''and'' after ''of title X,''.

On page 58, lines 6 and 7, strike ''and title VI of the Goals 2000: Educate America Act,''.

On page 68, strike lines 19 through 22.

On page 108, between lines 15 and 16, insert the following:

TITLE ____—EDUCATIONAL CHOICE AND EQUITY

SEC. ____01. SHORT TITLE.

This title may be cited as the ''Educational Choice and Equity Act of 1995''.

SEC. ____02. PURPOSE.

The purpose of this title is to determine the effects on students and schools of providing financial assistance to low-income parents to enable such parents to select the public or private schools their children will attend.

SEC. ___03. DEFINITIONS.

As used in this title—

(1) the term ''choice school'' means any public or private school, including a private sectarian school or a public charter school, that is involved in a demonstration project assisted under this title;

(2) the term ''eligible child'' means a child in grades 1 through 12 who is eligible for free or reduced price lunches under the National School Lunch Act (42 U.S.C. 1751 et seq.);

(3) the term ''eligible entity'' means a public agency, institution, or organization, such as a State, a State or local educational agency, a consortium of public agencies, or a consortium of public and private nonprofit organizations, that can demonstrate, to the satisfaction of the Secretary, its ability to—

(A) receive, disburse, and account for Federal funds; and

(B) carry out the activities described in its application under this title;

(4) the term ''evaluating agency'' means any academic institution, consortium of professionals, or private or nonprofit organization, with demonstrated experience in conducting evaluations, that is not an agency or instrumentality of the Federal Government;

(5) the term ''local educational agency'' has the meaning given that term in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801);

(6) the term ''parent'' includes a legal guardian or other individual acting in loco parentis;

(7) the term ''school'' means a school that provides elementary education or secondary education (through grade 12), as determined under State law; and

(8) the term ''Secretary'' means the Secretary of Education.

SEC. ___04. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated $600,000,000 for fiscal year 1996 and such sums as may be necessary for each of the fiscal years 1997, 1998, 1999, and 2000 to carry out this title.

SEC. ___05. PROGRAM AUTHORIZED.

(a) RESERVATION.—From the amount appropriated pursuant to the authority of section ___04 in any fiscal year, the Secretary shall reserve and make available to the Comptroller General of the United States 2 percent for evaluation of the demonstration projects assisted under this title in accordance with section ___11.

(b) GRANTS.—

(1) IN GENERAL.—From the amount appropriated pursuant to the authority of section ___04 and not reserved under subsection (a) for any fiscal year, the Secretary shall award grants to eligible entities to enable such entities to carry out at least 100 demonstration projects under which low-income parents receive education certificates for the costs of enrolling their eligible children in a choice school.

(2) AMOUNT.—The Secretary shall award grants under paragraph (1) for fiscal year 1996 in amounts of $5,000,000 or less.

(3) CONTINUING ELIGIBILITY.—The Secretary shall continue a demonstration project under this title by awarding a grant under paragraph (1) to an eligible entity that received such a grant for a fiscal year preceding the fiscal year for which the determination is made, if the Secretary determines that such eligible entity was in compliance with this title for such preceding fiscal year.

(c) USE OF GRANTS.—Grants awarded under subsection (b) shall be used to pay the costs of—

(1) providing education certificates to low-income parents to enable such parents to pay the tuition, the fees, the allowable costs of transportation, if any, and the costs of complying with section ___09(a)(1), if any, for their eligible children to attend a choice school; and

(2) administration of the demonstration project, which shall not exceed 15 percent of the amount received under the grant for the first fiscal year for which the eligible entity provides education certificates under this title or 10 percent of such amount for any subsequent year, including—

(A) seeking the involvement of choice schools in the demonstration project;

(B) providing information about the demonstration project, and the schools involved in the demonstration project, to parents of eligible children;

(C) making determinations of eligibility for participation in the demonstration project for eligible children;

(D) selecting students to participate in the demonstration project;

(E) determining the amount of, and issuing, education certificates;

(F) compiling and maintaining such financial and programmatic records as the Secretary may prescribe; and

(G) collecting such information about the effects of the demonstration project as the evaluating agency may need to conduct the evaluation described in section ___11.

(d) SPECIAL RULE.—Each school participating in a demonstration project under this title shall comply with title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.) which prohibits discrimination on the basis of race, color, or national origin.

SEC. ___06. AUTHORIZED PROJECTS; PRIORITY.

(a) AUTHORIZED PROJECTS.—The Secretary may award a grant under this title only for a demonstration project that—

(1) involves at least one local educational agency that—

(A) receives funds under section 1124A of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6334); and

(B) is among the 20 percent of local educational agencies receiving funds under section 1124A of such Act (20 U.S.C. 6334) in the State that have the highest number of children described in section 1124(c) of such Act (20 U.S.C. 6333(c)); and

(2) includes the involvement of a sufficient number of public and private choice schools, in the judgment of the Secretary, to allow for a valid demonstration project.

(b) PRIORITY.—In awarding grants under this title, the Secretary shall give priority to demonstration projects—

(1) in which choice schools offer an enrollment opportunity to the broadest range of eligible children;

(2) that involve diverse types of choice schools; and

(3) that will contribute to the geographic diversity of demonstration projects assisted under this title, including awarding grants for demonstration projects in States that are primarily rural and awarding grants for demonstration projects in States that are primarily urban.

SEC. ___07. APPLICATIONS.

(a) IN GENERAL.—Any eligible entity that wishes to receive a grant under this title shall submit an application to the Secretary at such time and in such manner as the Secretary may prescribe.

(b) CONTENTS.—Each application described in subsection (a) shall contain—

(1) information demonstrating the eligibility of the eligible entity for participation in the demonstration project;

(2) with respect to choice schools—

(A) a description of the standards used by the eligible entity to determine which public and private schools are within a reasonable commuting distance of eligible children and present a reasonable commuting cost for such eligible children;

(B) a description of the types of potential choice schools that will be involved in the demonstration project;

(C)(i) a description of the procedures used to encourage public and private schools to be involved in the demonstration project; and

(ii) a description of how the eligible entity will annually determine the number of spaces available for eligible children in each choice school;

(D) an assurance that each choice school will not impose higher standards for admission or participation in its programs and activities for eligible children provided education certificates under this title than the choice school does for other children;

(E) an assurance that each choice school operated, for at least 1 year prior to accepting education certificates under this title, an educational program similar to the educational program for which such choice school will accept such education certificates;

(F) an assurance that the eligible entity will terminate the involvement of any choice school that fails to comply with the conditions of its involvement in the demonstration project; and

(G) a description of the extent to which choice schools will accept education certificates under this title as full or partial payment for tuition and fees;

(3) with respect to the participation in the demonstration project of eligible children—

(A) a description of the procedures to be used to make a determination of the eligibility of an eligible child for participation in the demonstration project, which shall include—

(i) the procedures used to determine eligibility for free or reduced price lunches under the National School Lunch Act (42 U.S.C. 1751 et seq.); or

(ii) any other procedure, subject to the Secretary's approval, that accurately establishes the eligibility of an eligible child for such participation;

(B) a description of the procedures to be used to ensure that, in selecting eligible children to participate in the demonstration project, the eligible entity will—

(i) apply the same criteria to both public and private school eligible children; and

(ii) give priority to eligible children from the lowest income families;

(C) a description of the procedures to be used to ensure maximum choice of schools for participating eligible children, including procedures to be used when—

(i) the number of parents provided education certificates under this title who desire to enroll their eligible children in a particular choice school exceeds the number of eligible children that the choice school will accept; and

(ii) grant funds and funds from local sources are insufficient to support the total cost of choices made by parents with education certificates under this title; and

(D) a description of the procedures to be used to ensure compliance with section ___09(a)(1), which may include—

(i) the direct provision of services by a local educational agency; and

(ii) arrangements made by a local educational agency with other service providers;

(4) with respect to the operation of the demonstration project—

(A) a description of the geographic area to be served;

(B) a timetable for carrying out the demonstration project;

(C) a description of the procedures to be used for the issuance and redemption of education certificates under this title;

(D) a description of the procedures by which a choice school will make a pro rata refund of the education certificate under this

title for any participating eligible child who withdraws from the school for any reason, before completing 75 percent of the school attendance period for which the education certificate was issued;

(E) a description of the procedures to be used to provide the parental notification described in section ___10;

(F) an assurance that the eligible entity will place all funds received under this title into a separate account, and that no other funds will be placed in such account;

(G) an assurance that the eligible entity will provide the Secretary periodic reports on the status of such funds;

(H) an assurance that the eligible entity will cooperate with the Comptroller General of the United States and the evaluating agency in carrying out the evaluations described in section ___11; and

(I) an assurance that the eligible entity will—

(i) maintain such records as the Secretary may require; and

(ii) comply with reasonable requests from the Secretary for information; and

(5) such other assurances and information as the Secretary may require.

SEC. ___08. EDUCATION CERTIFICATES.

(a) EDUCATION CERTIFICATES.—

(1) AMOUNT.—The amount of an eligible child's education certificate under this title shall be determined by the eligible entity, but shall be an amount that provides to the recipient of the education certificate the maximum degree of choice in selecting the choice school the eligible child will attend.

(2) CONSIDERATIONS.—

(A) IN GENERAL.—Subject to such regulations as the Secretary shall prescribe, in determining the amount of an education certificate under this title an eligible entity shall consider—

(i) the additional reasonable costs of transportation directly attributable to the eligible child's participation in the demonstration project; and

(ii) the cost of complying with section ___09(a)(1).

(B) SCHOOLS CHARGING TUITION.—If an eligible child participating in a demonstration project under this title was attending a public or private school that charged tuition for the year preceding the first year of such participation, then in determining the amount of an education certificate for such eligible child under this title the eligible entity shall consider—

(i) the tuition charged by such school for such eligible child in such preceding year; and

(ii) the amount of the education certificates under this title that are provided to other eligible children.

(3) SPECIAL RULE.—An eligible entity may provide an education certificate under this title to the parent of an eligible child who chooses to attend a school that does not charge tuition or fees, to pay the additional reasonable costs of transportation directly attributable to the eligible child's participation in the demonstration project or the cost of complying with section ___09(a)(1).

(b) ADJUSTMENT.—The amount of the education certificate for a fiscal year may be adjusted in the second and third years of an eligible child's participation in a demonstration project under this title to reflect any increase or decrease in the tuition, fees, or transportation costs directly attributable to that eligible child's continued attendance at a choice school, but shall not be increased for this purpose by more than 10 percent of the amount of the education certificate for the fiscal year preceding the fiscal year for which the determination is made. The amount of the education certificate may also be adjusted in any fiscal year to comply with section ___09(a)(1).

(c) MAXIMUM AMOUNT.—Notwithstanding any other provision of this section, the amount of an eligible child's education certificate shall not exceed the per pupil expenditure for elementary or secondary education, as appropriate, by the local educational agency in which the public school to which the eligible child would normally be assigned is located for the fiscal year preceding the fiscal year for which the determination is made.

(d) INCOME.—An education certificate under this title, and funds provided under the education certificate, shall not be treated as income of the parents for purposes of Federal tax laws or for determining eligibility for any other Federal program.

SEC. ___09. EFFECT ON OTHER PROGRAMS; USE OF SCHOOL LUNCH DATA; CONSTRUCTION PROVISIONS.

(a) EFFECT ON OTHER PROGRAMS.—

(1) IN GENERAL.—An eligible child participating in a demonstration project under this title, who, in the absence of such a demonstration project, would have received services under part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.) shall be provided such services.

(2) PART B OF THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT.—Nothing in this title shall be construed to affect the requirements of part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.).

(3) COUNTING OF ELIGIBLE CHILDREN.—Notwithstanding any other provision of law, any local educational agency participating in a demonstration project under this title may count eligible children who, in the absence of such a demonstration project, would attend the schools of such agency, for purposes of receiving funds under any program administered by the Secretary.

(b) USE OF SCHOOL LUNCH DATA.—Notwithstanding section 9 of the National School Lunch Act (42 U.S.C. 1751 et seq.), an eligible entity receiving a grant under this title may use information collected for the purpose of determining eligibility for free or reduced price lunches to determine an eligible child's eligibility to participate in a demonstration project under this title and, if needed, to rank families by income, in accordance with section ___07(b)(3)(B)(ii). All such information shall otherwise remain confidential, and information pertaining to income may be disclosed only to persons who need that information for the purposes of a demonstration project under this title.

(c) CONSTRUCTION PROVISIONS.—

(1) OTHER INSTITUTIONS.—Nothing in this title shall be construed to supersede or modify any provision of a State constitution or State law that prohibits the expenditure of public funds in or by religious or other private institutions, except that no provision of a State constitution or State law shall be construed or applied to prohibit—

(A) any eligible entity receiving funds under this title from using such funds to pay the administrative costs of a demonstration project under this title; or

(B) the expenditure in or by religious or other private institutions of any Federal funds provided under this title.

(2) DESEGREGATION PLANS.—Nothing in this title shall be construed to interfere with any desegregation plans that involve school attendance areas affected by this title.

(3) PROHIBITION OF FEDERAL DIRECTOR, SUPERVISION OR CONTROL.—Nothing in this title shall be construed to authorize the Secretary or any employee, officer, or agency of the Department of Education to exercise any direction, supervision, or control over the curriculum, program of instruction, or personnel decisions of any educational institution or school participating in a demonstration project assisted under this title.

SEC. ___10. PARENTAL NOTIFICATION.

Each eligible entity receiving a grant under this title shall provide timely notice of the demonstration project to parents of eligible children residing in the area to be served by the demonstration project. At a minimum, such notice shall—

(1) describe the demonstration project;

(2) describe the eligibility requirements for participation in the demonstration project;

(3) describe the information needed to make a determination of eligibility for participation in the demonstration project for an eligible child;

(4) describe the selection procedures to be used if the number of eligible children seeking to participate in the demonstration project exceeds the number that can be accommodated in the demonstration project;

(5) provide information about each choice school participating in the demonstration project, including information about any admission requirements or criteria for each choice school participating in the demonstration project; and

(6) include the schedule for parents to apply for their eligible children to participate in the demonstration project.

SEC. ___11. EVALUATION.

(a) ANNUAL EVALUATION.—

(1) CONTRACT.—The Comptroller General of the United States shall enter into a contract, with an evaluating agency that has demonstrated experience in conducting evaluations, for the conduct of an ongoing rigorous evaluation of the demonstration projects under this title.

(2) ANNUAL EVALUATION REQUIREMENT.—The contract described in paragraph (1) shall require the evaluating agency entering into such contract to annually evaluate each demonstration project under this title in accordance with the evaluation criteria described in subsection (b).

(3) TRANSMISSION.—The contract described in paragraph (1) shall require the evaluating agency entering into such contract to transmit to the Comptroller General of the United States—

(A) the findings of each annual evaluation under paragraph (1); and

(B) a copy of each report received pursuant to section ___12(a) for the applicable year.

(b) EVALUATION CRITERIA.—The Comptroller General of the United States, in consultation with the Secretary, shall establish minimum criteria for evaluating the demonstration projects under this title. Such criteria shall provide for—

(1) a description of the implementation of each demonstration project under this title and the demonstration project's effects on all participants, schools, and communities in the demonstration project area, with particular attention given to the effect of parent participation in the life of the school and the level of parental satisfaction with the demonstration project; and

(2) a comparison of the educational achievement of all students in the demonstration project area, including a comparison of—

(A) students receiving education certificates under this title; and

(B) students not receiving education certificates under this title.

SEC. ___12. REPORTS.

(a) REPORT BY GRANT RECIPIENT.—Each eligible entity receiving a grant under this title shall submit to the evaluating agency entering into the contract under section ___11(a)(1) an annual report regarding the demonstration project under this title. Each

such report shall be submitted at such time, in such manner, and accompanied by such information, as such evaluating agency may require.

(b) REPORTS BY COMPTROLLER GENERAL.—

(1) ANNUAL REPORTS.—The Comptroller General of the United States shall report annually to the Congress on the findings of the annual evaluation under section ___11(a)(2) of each demonstration project under this title. Each such report shall contain a copy of—

(A) the annual evaluation under section ___11(a)(2) of each demonstration project under this title; and

(B) each report received under subsection (a) for the applicable year.

(2) FINAL REPORT.—The Comptroller General shall submit a final report to the Congress within 9 months after the conclusion of the demonstration projects under this title that summarizes the findings of the annual evaluations conducted pursuant to section ___11(a)(2).

SEC. ___13. REPEAL.

(a) AMENDMENT.—The Goals 2000: Educate America Act (20 U.S.C. 5801 et seq.) is repealed.

(b) RECOMMENDED LEGISLATION.—

(1) IN GENERAL.—The Secretary of Education, in consultation with the appropriate committees of the Congress, shall prepare and submit to the Congress recommended legislation containing technical and conforming amendments to reflect the amendment made by subsection (a).

(2) SUBMISSION DATE.—Not later than 6 months after the date of enactment of this Act, the Secretary of Education shall submit the recommended legislation referred to under paragraph (1).

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. DOLE. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be allowed to meet during the session of the Senate on Wednesday, September 27, 1995, at 9 a.m., in SR–332, to mark up the committee's budget reconciliation instructions.

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

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. DOLE. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Wednesday, September 27, 1995, to conduct a markup of S. 650, the Economic Growth and Regulatory Paperwork Reduction Act of 1995.

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. DOLE. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be allowed to meet during the Wednesday, September 27, 1995, session of the Senate for the purpose of conducting a hearing on S. 1239, the Air Traffic Management System Performance Improvement Act of 1995.

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

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. DOLE. Mr. President, I ask unanimous consent that the full Committee on Environment and Public Works be granted permission to conduct a nomination hearing to receive testimony from Kathleen A. McGinty to be a member of the Council on Environmental Quality, Wednesday, September 27, at 9:30 a.m., Hearing Room (SD–406).

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

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. DOLE. 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, September 27, 1995, at 9:30 a.m.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. DOLE. Mr. President, I ask unanimous consent that the Senate Select Committee on Intelligence be authorized to meet during the session of the Senate on September 27, 1995, at 2 p.m. to hold a hearing on intelligence matters.

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

ADDITIONAL STATEMENTS

PRISON, PROBATION ROLLS SOARING

• Mr. SIMON. Mr. President, as we move toward consideration of the Senate Commerce, Justice, State appropriations bill, which increases funding for State prison construction by $250 million and allocates not one penny for crime prevention programs, it is important to take time to examine our current policies and consider our direction.

The Justice Department recently released a survey of our Nation's prisons, jails, parole, and probation services. According to the report, a record 5.1 million Americans—2.7 percent of all adults—were behind bars, on probation or on parole in 1994. Last year the Justice Department reported that we passed the mark of having 1 million people in prison. That puts the United States in the dubious position of having the second highest incarceration rate in the industrialized world. As our prison population has soared, our crime rate has been unaffected. Before we allocate scarce resources on more prisons, it makes sense to consider our alternatives and consult with experts.

Last December, I sponsored a survey of wardens and inmates in eight States in an effort to inform this debate. Rather than an all-or-nothing distribution of funds, when asked how they would spend an extra $10 million to fight crime in their communities, wardens split the money evenly: 43 percent on prevention and 57 percent on punishment. Even the 1994 crime bill fell far short of this equation, spending 75 percent of its funding on punishment and a mere 25 percent for prevention programs. This appropriations bill would further the imbalance by denying any funds for the crime bill's prevention programs.

Mr. President, I ask that a Chicago Sun-Times article on the Justice Department survey be included in the RECORD at this point.

The article follows:

[From the Chicago Sun-Times, Aug. 28, 1995]

PRISON, PROBATION ROLLS SOARING: TOTAL HITS 5.1 MILLION, 2.7 PERCENT OF ALL ADULTS

(By Alan C. Miller)

WASHINGTON.—A record 5.1 million Americans—2.7 percent of the nation's adult population—were behind bars, on probation or on parole last year, the Justice Department reported Sunday.

Since 1980, state and federal prison populations have increased by 213 percent, and probation rolls have jumped by 165 percent. The average annual rate of growth has been 7.6 percent; the figure for 1994 was 3.9 percent.

Nearly 3 million people were on probation as of last Dec. 31, a Bureau of Justice Statistics study found.

Half of those on probation were found guilty of committing a felony; one in seven had been convicted of driving under the influence of alcohol.

Another 690,000 people were on parole, or conditionally released under supervision, after serving a prison term. Parolees can be returned to prison for violating a set of rules or committing another offense. All but 5 percent had served time for felonies.

The Justice Department survey found that 82 percent of those on probation and parole had maintained regular contact with a supervising agency as required. Another 9 percent had failed to report or could not be located. The rest were not required to maintain regular contact.

Texas had the most people on probation and parole, 503,000—more than 3.8 percent of the state's adults. California followed with 370,000.

Illinois had about 103,000 people on probation and parole.

Twelve states and the federal probation system showed a decrease in the number of people on probation. The biggest decrease was in South Dakota, down 6.2 percent, followed by California, down 5.8 percent.

The figures show that a higher percentage of men and white people are on probation than are in the prison system. Women make up 21 percent of all probationers and only 6 percent of all prisoners. Blacks make up 32 percent of those on probation and 50 percent of the prison population.

Half of those in prison have committed a violent crime; 80 percent have previous convictions.

Prisons are running at 20 percent over capacity, and thus more than 4 percent of those sentenced to prison terms are being held in local jails despite considerable prison construction, forcing the early release of some inmates, said Lawrence A. Greenfeld, a deputy director of the Bureau of Justice Statistics.

Criminal justice experts said the sharp increases reflect tougher sentencing on a range of crimes as well as a greater proportion of drug arrests involving longer prison terms.

At the same time, they said the consequent pressure to ease congestion in packed prisons and jails has led to expanded use of alternatives to incarceration or early release.

Alfred A. Blumstein, a criminologist at the Heinz School of Public Policy and Management at Carnegie Mellon University in Pittsburgh, Pa., said he believes the criminal justice system ''may be overextending itself'' and that increased emphasis on such programs as drug treatment and prevention may be more effective in the long run than meting out harsher sentences.

''Just by locking away more people, we do avert crimes, but at a cost,'' Blumstein said. ''We have no good estimates of how much benefit we get for . . . the cost of $25,000 per person per year in prison or jail.''●

GREEN LIGHTS, MONTREAL PROTOCOL

● Mr. JEFFORDS. Mr. President, the amendment I offered yesterday will restore the EPA Administrator's ability to fulfill our obligations under the Montreal Protocol. In addition, it will authorize the EPA Administrator to fund the successful Green programs, including the Green Lights Program and Energy Star Buildings Programs.

I need not go into detail on the importance of the Montreal Protocol. Last year, the Congress appropriated $119 million for these important programs—$101 million for the Green programs and roughly $17 million for the Montreal Protocol multilateral fund. This amendment will allow the Administrator to spend up to $100 million on these programs, a 13-percent cut from last years levels.

Negotiated and signed by President Reagan and expanded and implemented by President Bush, the Montreal Protocol is working to reduce the production and use of ozone-depleting substances. President Reagan believed it was vital that we fulfill our commitments under this important treaty. President Bush took a leadership position and urged the rest of the world to agree to a complete phase out of a number of ozone depleting substances. President Bush also concluded the negotiations, begun by President Reagan, to establish the multilateral fund.

Now, let me explain the fund, because this is what we are debating today. The multilateral fund was created in 1990 in order to assist developing countries in their efforts to phaseout ozone depleters. Since the development of the fund, 100 developing countries have ratified the protocol and agreed to the protocol's strict reduction requirements. They did this with the understanding that the fund would assist these developing countries in transferring the technology necessary to end this use of ozone-depleting substances. Most of this technology comes from the United States.

Failure to pay our share of the fund would force developing countries to end their protocol obligations. This would lead to increased use of ozone-depleting substances in developing countries and offset the tens of billions of dollars spent by the developed countries to phase them out.

Let me summarize.

No money to the fund.

Violation of our commitment to the treaty.

Greater use of CFC's by developing countries.

Faster depletion rates of the ozone.

More negative health effects, such as skin cancer and cataracts.

We must maintain our commitment to protect the ozone layer.

My colleagues may argue that funds for the Montreal protocol belong in the State Department budget, not the EPA budget. As a member of the Foreign Operations Appropriations Subcommittee, I am continuing to work to ensure that the protocol has adequately funded the State Department budget. However, I believe that funding for international programs is so limited, that offsetting the loss in this bill would be impossible.

Since 1991, almost one-third of the money for the fund has come from EPA. We made the decision, in 1990, to require EPA to assist the State Department. Let me read from section 617b of the Clean Air Act Amendments of 1990, which many of us here today voted for. Quote:

> The Administrator, in consultation with the Secretary of State, shall support global participation in the Montreal protocol by providing technical and financial assistance to developing countries.

And at that time we authorized $30 million to be spent for the fund.

The phaseout of CFC's is not just an international political issue, it is a technical, industrial, and environmental issue, on which EPA is respected globally. Further, through its experience in the United States of ridding the country of ozone-depleting substances, EPA has a good understanding of the benefits of U.S. technologies, and has been able to promote those technologies in other countries.

This is no time to end this progress.

Let me spend a minute on the Green Lights Program. I remember President Bush searching for alternatives to the overregulation, command and control policies of the 1970's and 1980's. He longed to find a way to control pollution in a nonregulatory, free-market manner. His legacy to the environment is his success in developing just such a program.

The Green Lights Program, and Energy Star Programs, are a testament to the type of innovative programs we must implement if we wish to reduce the regulatory burden faced by industry today. The programs are voluntary, reduce energy use, decrease our dependence on foreign energy, save business money, and stimulate markets for clean, alternative energy technologies and services.

Green Lights is simple. EPA provides technical assistance to help a company survey its facilities and upgrade its lighting. That's it. Since its inception, Green Lights has saved companies hundreds of millions of dollars and dramatically reduced air pollution emissions. All this without one regulation.

This is the most successful public-private partnership running. Just ask companies in my own State, such as IBM, our largest utility—Green Mountain Power, Jay Peak Ski area, and others.

Ask the Mobile Corp., who points out in this article in Time magazine that with the help of EPA Green Lights they have reduced their lighting energy costs by 49 percent.

Eliminating this program now would be unwise. This program reduces the need for regulation. Without Green Lights we might need more regulation to accomplish what is now being done with a voluntary partnership.

I believe one of the reasons this program is slated for elimination is that it is considered corporate welfare. Let me tell you why it is not.

EPA does not give any grants or financial assistance to Green Lights partners.

All funds are spent for information dissemination and communication.

The resulting investment by participants is more than 50 times the Federal investment.

Green Lights participants represent a wide range of entities, including 360 schools, 193 hospitals, numerous churches, local governments, small businesses, and nonprofit groups.

Overcoming market barriers is valuable to many, but beyond the reach of individual organizations. Many businesses cannot afford to keep on hand the technical expertise that EPA has assembled to help business succeed in reducing their energy costs in this manner.

Green Lights is a successful public-private partnership. It creates jobs and opportunities for sound energy use and savings, while at the same time preventing pollution. This is a model, non-regulatory program.

Mr. President, I urge my colleagues to seriously consider the consequences of ending these two vital programs. My amendment does not increase spending, nor does it cut from other areas of the bill. The amendment simply requests that the EPA Administrator be allowed to spend, within available funds, enough funds to keep these important programs up and running.●

TRIBUTE TO ABRAHAM SACKS

● Mr. LEVIN. Mr. President, I rise today to pay tribute to a great citizen of the State of Michigan, Abraham Sacks. On October 7, 1995, 50 years to the month when 1st Lt. Abraham Sacks returned to the United States from Europe, civilian Abraham ''Abe'' Sacks will receive his World War II medals. Fifty years—for some people that is a lifetime; in many families that is two generations. For Abe Sacks, it has not even been something to think about.

Abe served five years in the U.S. Army from 1941 until his discharge in January 1946. And since then, he has not had the time to think about the medals he never received. Abe and his wife Bea have been too busy living their lives. They settled into their new

home in Huntington Woods, MI. They were blessed with two children, and have since watched their children grow and start families of their own. They have become involved in their community by volunteering at their local synagogue and for political campaigns. Although they have now retired, they have continued to volunteer at the synagogue and with SCORE. Has Abe had time to think about medals he earned but never received? That was not Abe's style and still is not.

Several months ago when Bea discovered some papers in Abe's Army chest showing that he never received his medals, she took it upon herself to correct this oversight. She contacted the powers that be, and on October 7, 1995, at a gathering of family, friends, and other veterans, 1st Lt. Abraham Sacks will receive the medals he earned fighting for his country in World War II. Abe will be the recipient of the European-African-Middle Eastern Medal with Silver Star, the African Campaign Medal, the American Defense Service Medal, the World War II Victory Medal, the Army of Occupation Medal with Germany, and the Good Conduct Medal. On behalf of a country that is grateful to the men and women of our military forces, I want to congratulate 1st Lt. and dear friend Abe Sacks. It is never too late to honor someone of his caliber, goodness, and integrity. I know Abe will display these medals with the same pride he exhibited when he served his country.●

TRIBUTE TO THOMAS L. AYRES ON HIS RETIREMENT FROM THE DEPARTMENT OF VETERANS AFFAIRS

● Mr. NUNN. Mr. President, I would like for the Senate to recognize the retirement of Thomas L. Ayres from the Department of Veterans Affairs after more than 41 years of exemplary service in providing health care to the armed service members and veterans of our nation. On September 30, 1995, Mr. Ayres will retire from his position as the Director of the Department of Veterans Affairs Medical Center in Augusta, GA.

Tom Ayres began providing health care during his service with the United States Army from 1955 until 1959 at the 279th Station Hospital in Berlin. After his service in the Army, he started his career with the Veterans Administration by becoming a nursing assistant at the Veterans Administration Hospital in Marion, Indiana. From 1962 until 1969, Tom Ayres worked as a supervisory recreation specialist at the Veterans Hospital in Brecksville, OH. From 1969 until 1972, he served as a voluntary services officer at Veterans Administration Hospitals in both Madison, WI and Gainesville, FL. In 1972, Tom Ayres became a medical administration assistant at the Veterans Hospital in Madison, WI.

Since 1972, Tom Ayres has earned appointments to positions of increased responsibility within the Department of Veterans Affairs. In 1976, he became a hospital administration specialist and soon thereafter was transferred to the Veterans Affairs central office and served as the executive assistant to the Associate Chief Medical Director for Operations.

Tom Ayres received an appointment to the position of Medical Center Director of the Veterans Administration Hospital in Salisbury, NC in 1981. Nine years later, he became the Director of the two-division Veterans Administration Medical Center in Augusta, GA. He also serves as the Associate Administrator for Veterans Affairs at the Medical College of Georgia and as a member of the Medical College of Georgia's Clinical Enterprise Executive Committee.

Throughout his long and distinguished career in providing health services for U.S. veterans throughout our great Nation, Tom Ayres has received numerous awards based on the exemplary performance of his duties. His awards include the National Daughters of American Veterans Commander Award, the Award for Valor from the Secretary of Veterans Affairs, three Superior Performance Awards, and five consecutive Executive Performance awards. In 1990, he received the Presidential Rank Award from the President of the United States.

It is important to note that his compassion and sense of civic responsibility does not start and end with his job. Tom Ayres is an active participant with the local United Way, Kiwanis Club, American Legion, Senior Executive Association, and the American College of Hospital Administrators. In addition, he serves on the administrative board of Trinity on the Hill Church and is a life member of the Disabled American Veterans and the Veterans of Foreign Wars.

Mr. President, I ask my colleagues to join me in thanking Thomas L. Ayres for his outstanding career spent in service to our Nation's veterans. He is a model citizen in every sense of the term. We wish him, his wife Christa, and their children and grandchildren Godspeed and every success for the future.●

OUT OF PRINT

● Mr. SIMON. Mr. President, recently, Bob Samuelson had a column in the Washington Post on the scarcity of various Government statistics in printed form.

Mr. Samuelson wrote that some of the reports published by the Census Bureau are going out of print. He cited the fact that the Census Bureau issued only 635 printed reports in 1994 as opposed to over 1,000 the Bureau printed in 1992.

His concern over the scarcity of printed statistics led him to contact the Census Bureau. Mr. Samuelson learned that the Census Bureau is still researching and compiling all of the same data and information it has in the past. Only now, rather than publishing its reports in printed form, the Census is circulating statistics on the Internet.

Lately there has been a great deal of attention surrounding the Internet and the information superhighway.

I have to confess that my knowledge of the Internet is limited. Although, I do understand that a large and varied amount of information may be accessed by using the system.

I join Mr. Samuelson in his concern that those who do not have access to the Internet, or choose not to use the information superhighway, will not have the same access to the vital statistics published by the Census Bureau that they have had in the past.

While I do not dispute the benefits that accompany the Internet and other similar technological advances—especially in the field of education—I am concerned that we might overlook the usefulness and practicality of printed materials in the name of progress.

Having access to a wide range of information at our fingertips is definitely an advantage of the Internet. We must be mindful, however, that there is no substitute for the printed word.

Mr. President, I ask that Robert Samuelson's column entitled ''Out of Print'' be printed in the RECORD at this point.

The column follows:

[From the Washington Post]

OUT OF PRINT

(By Robert J. Samuelson)

My name is Robert, and I am a numbers junkie. I compulsively scour the Statistical Abstract for intriguing indicators of our national condition—the fact, for example, that state lotteries collect $25 billion annually. Naturally, I am also a big fan of the Census Bureau, which publishes the abstract and conducts surveys on everything from our incomes to our housing patterns. So it pains me to report that Census is now committing a colossal blunder. It is slowly going out of print. Literally.

The Statistical Abstract momentarily seems safe, but scores of other printed reports are simply being eliminated. In 1992 Census issued 1,035 reports; last year the number was 635, and the retreat from print has only begun. Gone are, among others: ''Earnings by Occupation and Education,'' ''Poverty Areas in the United States'' and ''Language Use in the United States.'' This is absurd. We go to great trouble to collect this information, and now Census is suppressing it.

The losers are not just statistics addicts. Our public conversations depend heavily on these dry numbers. The shape our concept of who we are, of how society is performing and of what government should or shouldn't do. Political speeches routinely spit out statistics that can be made to tell stories: some true, some not so true. Keeping the conversations honest requires that the basic data be easily accessible to anyone who wants them.

When I say Census is ''suppressing,'' I don't mean that it's deliberately hiding its surveys. As a reporter, I've asked Census for information hundreds of times; I can't recall an instance when answers, when available, weren't provided quickly. The culture of the place is to release information. By its lights,

Census isn't abandoning print so much as it's shifting its data to the Information Superhighway. Statistics are being distributed by CD-ROMs and the Internet. Already, Census brags that its World Wide Web site is receiving 50,000 hits a day. Sounds amazing.

It isn't. Those 50,000 daily hits are a lot less breathtaking than they seem, even if the figure is accurate (and I have my doubts). In May, Interactive Age, a trade publication, surveyed Internet sites. It reported that Pathfinder (the site for Time Warner publications, such as Time and People) had about 686,000 daily hits, Playboy had about 675,000, and HotWired (the site for Wired magazine) had about 429,000. I mention these popular sites because they belong to magazines. As yet, none is forsaking the printed page for the glories of the Internet.

There are good reasons for this. One is that the number of daily hits on a Web site exaggerates how many people use it; the same person may hit the same site repeatedly. Another reason is that the Internet hasn't yet evolved into an effective platform for advertising. But the main reason is that, for many purposes, the printed page is still superior to the computer screen. You can flip pages faster than you can search computer files. You can read a magazine standing in a subway or lying in a hammock.

Census's shift from print clearly discriminates against people (including me) who don't surf the Internet or use CD-ROMs. We remain the vast majority. American Demographics magazine recently reported a number of surveys that tried to measure U.S. Internet use in 1994. The surveys put usage of the World Wide Web between 2 million and 13.5 million people, which is at most about 5 percent. The average income of Internet households was $67,000, which is the richest fifth of Americans. But it's not just computer clods or the unaffluent who will suffer.

Carl Haub is a demographer at the Population Reference Bureau in Washington. He's a big user of Census statistics and is comfortable cruising in cyberspace. ''It's going to be a disaster for the average analyst,'' he says. Downloading and printing data from the Internet can take hours. Getting a number from a CD-ROM is often a lot harder than getting it from a book. To Haub, Census is transferring a lot of the cost—in time and money—of making statistical information useful to people like him.

Martha Farnsworth Riche, director of the Census Bureau, admits as much. ''If someone else can do it, let's shift it to the outside,'' she says. ''We've had a hiring freeze since at least 1992, and those [printed] reports take an enormous amount of time from professionals.'' They need to concentrate on doing surveys of ''an economy and population that are changing dramatically. Our statistics have fallen behind.'' Only Census can collect much of this data, she says. Let academics and analysts prepare reports.

Up to a point, Riche has my sympathies. The Constitution created the census (Article 1, Section 2), and social and economic surveys are a basic function of modern government. Some congressional proposals to cut the agency's budget sharply are stupid beyond words. But that said, the new approach is misguided. The danger of over-relying on outsiders to organize and analyze basic data is that statistics may fall hostage to special pleaders or incompetents. Printed Census reports provide an easy way to check self-interested or faulty claims.

Print's other great virtue is that it guarantees a historic record. Computer technology is changing so rapidly that data committed to one technology may no longer be easily accessible if that technology vanishes. ''The CD–ROMs that we're so excited about today—20 years from now, no one will use them,'' says Richard Rockwell, director of the Inter-University Consortium for Political and Social Research. ''The book is a highly advanced technology for preserving some kinds of information.'' Exactly.

Let's not become too infatuated too soon with the Information Superhighway. Census should be issuing its data in computer-friendly ways, but not as a substitute for printed reports. A jaunt on the Internet—piloted by my friend Steve—only affirmed my skepticism. Steve typed the Census Web address (http://www.census.gov), and up popped the ''home page'' designating me as the 567,352nd visitor. Unless the count began 10 days earlier (and it didn't), that was a lot fewer than 50,000 daily hits. I informed a Census official. He was mystified. After checking, he said there were other ways of accessing the Web site that didn't raise the count. Hmm. Could be. But it also shows how, on the Information Superhighway, we're still navigating in the dark.●

SPARKY ANDERSON

● Mr. LEVIN. Mr. President, ''It was the best of times. It was the worst of times.'' It was 1984, and the Detroit Tigers won it all, from opening day in April until the final game of the World Series in October, a perfect season, never out of first place, with Sparky at the helm. It is 1995, a not so perfect season; in fact, a bummer of a season, with Sparky at the helm, getting a look at the new, young players, and most likely closing out the 1984 era.

On Sunday, October 1, in Baltimore, the Orioles play the Tigers in the last regular game of the season. But to me, what is most poignant is that I believe we will be seeing Sparky Anderson in a Detroit Tigers uniform for the last time. And when he leaves the field that day, along with Alan Trammell and Lou Whitaker, the last of the 1984 Tigers' team will be gone.

Sparky Anderson is baseball. As a kid, his dream was to be a player, but from all early indications—he played only 1 year in the majors—he was meant to be a manager. He studied the game constantly from boyhood to this day. When he sits in the dugout, you can see those eyes darting around the field, taking in every movement of everyone on the field and at the plate, incessantly studying and instructing his players, both veterans and rookies.

Sparky Anderson has a remarkable record as a manger. He is the third winningest manager in big league history—only Connie Mack and John McGraw won more games. But he is the only manager to win a World Series in each league, with the Cincinnati Reds and the Tigers, and he is the first to win 100 games in each league. He is, without question, headed for the Baseball Hall of Fame.

Every indication is that Sparky will be leaving the Detroit Tigers and will announce this shortly after the season ends on October 1. But, I do not think Sparky will leave baseball. He will be in some baseball uniform next year. I am sure that we will turn on the television some day and see Sparky going to home plate to hand the umpire the starting lineup, we will see him sitting in the dugout, chewing his bubblegum or his sunflower seeds, and his eyes will be darting around the field, and we will see him walk to the pitcher's mound in the late innings, with that familiar skip to avoid stepping on the third base foul line.

Maybe we will get to see one of those nose-to-nose arguments with the umpire, and we will certainly look forward to hearing a post-game analysis, and in spite of that fractured English of his, we will get a first rate lesson in the way this great game of baseball works, for more than anything else, Sparky is a baseball purist, a lover of the game and totally loyal to the institution we call baseball.

Detroit will miss Sparky Anderson, but we hope he will hang around the game long enough to break John McGraw's record, and maybe even, someday, overtake the record of the great Connie Mack.●

ORDERS FOR THURSDAY, SEPTEMBER 28, 1995

Mr. DOLE. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until the hour of 9 a.m. on Thursday, September 28, 1995; that following the prayer, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and then the majority leader be recognized as under the previous order.

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

PROGRAM

Mr. DOLE. Mr. President, I will just say for the information of all Senators, under the agreement that has just been obtained, I will make a motion to proceed to the Labor-HHS appropriations bill tomorrow morning. A rollcall vote will occur on the motion to proceed at 10 a.m., and, in accordance with the unanimous consent agreement, a second vote will occur at 11 a.m. on the motion if 60 votes are not obtained on the first vote.

If 60 votes are not obtained on the motion to proceed on the second vote, it is expected I will recess the Senate until later in the afternoon on Thursday to enable the Finance Committee to meet to complete reconciliation instructions.

The Senate is then expected to reconvene later to begin consideration of Commerce, State, Justice appropriations. Therefore, the Senate could be asked to be in session late into the evening on Thursday in order to complete the appropriations process prior to the end of the fiscal year.

I also will indicate that I think the House will take up the continuing resolution tomorrow. I talked with Speaker Gingrich this morning. He indicated earlier, at least I was informed, he had signed off on the continuing resolution,

and they will take that up tomorrow, as I understand it, in the House. Then it will come to the Senate.

It is my hope we can dispose of that without amendment and perhaps by voice vote.

RECESS UNTIL 9 A.M. TOMORROW

Mr. DOLE. Mr. President, if there is no further business to come before the Senate, I ask that the Senate stand in recess under the previous order.

There being no objection, the Senate, at 6:20 p.m., recessed until Thursday, September 28, 1995, at 9 a.m.

NOMINATIONS

Executive nominations received by the Senate September 27, 1995:

DEPARTMENT OF AGRICULTURE

MICHAEL V. DUNN, OF IOWA, TO BE AN ASSISTANT SECRETARY OF AGRICULTURE, VICE EUGENE BRANSTOOL, RESIGNED.

COMMODITY CREDIT CORPORATION

MICHAEL V. DUNN, OF IOWA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE COMMODITY CREDIT CORPORATION, VICE EUGENE BRANSTOOL, RESIGNED.

IN THE ARMY

THE FOLLOWING-NAMED OFFICERS FOR PROMOTION IN THE REGULAR ARMY OF THE UNITED STATES TO THE GRADE INDICATED, UNDER TITLE 10, UNITED STATES CODE, SECTIONS 611(A) AND 624:

To be brigadier general

COL. JOHN P. ABIZAID, 000–00–0000, U.S. ARMY.
COL. JOSEPH W. ARBUCKLE, 000–00–0000, U.S. ARMY.
COL. BARRY D. BATES, 000–00–0000, U.S. ARMY.
COL. WILLIAM G. BOYKIN, 000–00–0000, U.S. ARMY.
COL. CHARLES M. BURKE, 000–00–0000, U.S. ARMY.
COL. CHARLES C. CAMPBELL, 000–00–0000, U.S. ARMY.
COL. JAMES L. CAMPBELL, 000–00–0000, U.S. ARMY.
COL. JOSEPH R. CAPKA, 000–00–0000, U.S. ARMY.
COL. GEORGE W. CASEY, JR., 000–00–0000, U.S. ARMY.
COL. JOHN T. CASEY, 000–00–0000, U.S. ARMY.
COL. DEAN W. CASH, 000–00–0000, U.S. ARMY.
COL. DENNIS D. CAVIN, 000–00–0000, U.S. ARMY.
COL. ROBERT F. DEES, 000–00–0000, U.S. ARMY.
COL. LARRY J. DODGEN, 000–00–0000, U.S. ARMY.
COL. JOHN C. DOESBURG, 000–00–0000, U.S. ARMY.
COL. JAMES E. DONALD, 000–00–0000, U.S. ARMY.
COL. DAVID W. FOLEY, 000–00–0000, U.S. ARMY.
COL. HARRY D. GATANAS, 000–00–0000, U.S. ARMY.
COL. ROBERT A. HARDING, 000–00–0000, U.S. ARMY.
COL. RODERICK J. ISLER, 000–00–0000, U.S. ARMY.
COL. DENNIS K. JACKSON, 000–00–0000, U.S. ARMY.
COL. ALAN D. JOHNSON, 000–00–0000, U.S. ARMY.
COL. ANTHONY R. JONES, 000–00–0000, U.S. ARMY.
COL. DANEIL L. LABIN, 000–00–0000, U.S. ARMY.
COL. WILLIAM J. LENNOX, JR., 000–00–0000, U.S. ARMY.
COL. JAMES J. LOVELACE, JR., 000–00–0000, U.S. ARMY.
COL. JERRY W. MCELWEE, 000–00–0000, U.S. ARMY.
COL. DAVID D. MCKIERNAN, 000–00–0000, U.S. ARMY.
COL. CLAYTON E. MELTON, 000–00–0000, U.S. ARMY.
COL. DANIEL L. MONTGOMERY, 000–00–0000, U.S. ARMY.
COL. WILLIE B. NANCE, JR., 000–00–0000, U.S. ARMY.
COL. ROBERT W. NOONAN, JR., 000–00–0000, U.S. ARMY.
COL. KENNETH L. PRIVRATSKY, 000–00–0000, U.S. ARMY.
COL. HAWTHORNE L. PROCTOR, 000–00–0000, U.S. ARMY.
COL. RALPH R. RIPLEY, 000–00–0000, U.S. ARMY.
COL. JOSEPH J. SIMMONS IV, 000–00–0000, U.S. ARMY.
COL. EARL M. SIMMS, 000–00–0000, U.S. ARMY.
COL. ZANNIE O. SMITH, 000–00–0000, U.S. ARMY.
COL. ROBERT L. VANANTWERP, JR., 000–00–0000, U.S. ARMY.
COL. HANS A. VANWINKLE, 000–00–0000, U.S. ARMY.
COL. ROBERT W. WAGNER, 000–00–0000, U.S. ARMY.
COL. DANIEL R. ZANINI, 000–00–0000, U.S. ARMY.

EXTENSIONS OF REMARKS

IN HONOR OF THE MARY T. NORTON CONGRESSIONAL AWARD RECIPIENTS

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 27, 1995

Mr. MENENDEZ. Mr. Speaker, today I rise before the House of Representatives to pay tribute to Joanne L. Smith, Elnora Watson, and Carol Ann Wilson, this year's recipients of the Mary T. Norton Congressional Award. This prestigious award, sponsored by the United Way Partners in Caring, will be presented at its 60th Annual Campaign Kick-Off Luncheon on September 26, 1995.

The United Way of Hudson County, founded in 1935, works to meet human service needs with the help of a staff of volunteers, including approximately 1,100 corporate, labor, government, and civil leaders. The United Way initiated this award in 1990 in recognition of Congresswoman NORTON's commitment to human services. This award recognizes women who make an outstanding effort in furthering the success of United Way Programs in our community and statewide.

Joanne L. Smith, born, raised, and educated in Jersey City, holds a bachelor's degree in urban studies from St. Peter's College. As executive director of Let's Celebrate, a local United Way organization feeding the hungry, she serves the community by moving people from hunger to wholeness. She has developed a 19-week job training program called Job Power. Ms. Smith serves as a volunteer for many organizations, including homeless shelters and a 24-hour helpline.

Elnora Watson is a native of Jersey City who serves as the president and chief executive officer of the Urban League of Hudson County. Ms. Watson, a St. Peter's College graduate, has been employed at the Urban League for the past 19 years. The Urban League promotes racial harmony by working to stamp out prejudice and intolerance in communities throughout the Nation. As leader of the Urban League of Hudson County, she has developed numerous outreach programs in an effort to help bring the promise of America to those less fortunate.

Carol Ann Wilson, a graduate of Seton Hill College in Pennsylvania, was elected to Who's Who in American Colleges and Universities. She holds a master's degree in educational psychology from Fordham University. As an educator and director of special services in the Secaucus Public School District, she developed special education programs which assist children with special needs. In the past, she was named ''New Jersey's Outstanding Young Woman'' and ''New Jersey Woman of the Year.'' Ms. Wilson was involved in generating funds for community mental health programs. As director of the Hudson County Department of Human Services, she developed the AIDS Network of Care which attempts to work with AIDS patients who also suffer from substance abuse.

These three individuals, the United Way and all of the volunteers of America should be commended for their compassion for and dedication to the needs of their fellow Americans. I salute them today.

MILWAUKEE'S SOUTH SIDE BUSINESS CLUB NAMES LEONARD W. ZIOLKOWSKI MAN OF THE YEAR

HON. GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 27, 1995

Mr. KLECZKA. Mr. Speaker, I rise today to congratulate Mr. Leonard Ziolkowski on being named 1995 Man of the Year by Milwaukee's South Side Business Club.

In naming Mr. Ziolkowski as Man of the Year, the South Side Business Club honors a man who has dedicated his career to community service. Mr. Ziolkowski's 45 years of service to the people of Milwaukee began in 1950 when he joined the Milwaukee Police Department. Mr. Ziolkowski's outstanding abilities and sense of dedication served him well as he rose through department ranks from patrolman to inspector of police at the Police Academy.

After retiring from the police department, he went on to share his considerable knowledge and experience by assuming the position of supervisor of the Milwaukee Area Technical College's Police Science Program. Len continues to guide the direction of law enforcement in our community through his current service as chairman of Milwaukee's Police and Fire Commission.

In addition to his outstanding achievements in the field of law enforcement, Leonard Ziolkowski has been active in numerous charitable and civic organizations, and is also a proud and active member of Milwaukee's Polish-American community. Through his involvement in groups such as the St. Joseph's Foundation, St. Jude's League, the Polish National Alliance, and the South Side Business Club, Mr. Ziolkowski has done much to improve the lives of others in our community.

Mr. Speaker, I commend Leonard Ziolkowski on his years of service to our community and I congratulate him on being named 1995 Man of the Year.

A TRIBUTE TO A WEEK WITHOUT VIOLENCE

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 27, 1995

Mr. LEWIS of California. Mr. Speaker, I would like to bring to your attention the fine work and outstanding public service of a group of committed organizations in California's Inland Empire dedicated to the common goal of a world without violence. In October, these civic organizations will launch the Week Without Violence, a community based effort designed to promote a better and safer world.

The short term goal of the Week Without Violence campaign is to engage the press and public for 7 days in simple, thought provoking activities and dialogue that demonstrate practical, sustainable alternatives to violence. Over the long term, sponsors of the program are hopeful that this will be the beginning of a new way of thinking and acting in our community and across the Nation.

The Week Without Violence begins on October 15 with a day of remembrance dedicated to the memory of those touched by violence and including church services for people of all faiths. Monday and Tuesday are dedicated to protecting our children and keeping our schools safe. Area school teachers and administrators will work with students of all ages in promoting safety and nonviolence. The balance of the week is dedicated to confronting violence against women, facing violence among men, eliminating racism and hate crime, and replacing violence with sports and fitness.

The Week Without Violence is the result of a unique partnership among a great many area agencies. They include Arrowhead United Way; Children's Network; City of Highland Police; Community Against Drugs; Housing Authority of San Bernardino; Inland Congregations United for Change; Option House; San Bernardino Unified School District; San Bernardino County Health Department; San Bernardino County Probation Department; San Bernardino County Schools; San Bernardino County Sheriff's Department; San Bernardino County Sexual Assault Services; San Bernardino Parks, Recreation, and Community Service; San Bernardino Police Department; San Bernardino Public Library; San Manuel Indian Reservation; West Side Action; and the YWCA. Specifically worthy of mention for this tremendous effort is Ann Ivey, the chief of Community Health Services for the San Bernardino County Health Department and the chair of the Week Without Violence planning committee.

Mr. Speaker, I ask that you join me and our colleagues in recognizing this unique and valuable community-based endeavor to promote safety and nonviolence. Not only am I deeply impressed by the fantastic cooperation among area agencies, I am grateful to see concerned citizens coming together at the local level to make a difference in our community and our country. The Week Without Violence is likely to become a model for the Nation and I believe it is only fitting that the House of Representatives recognize this outstanding effort today.

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

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

CONGRATULATIONS BASEBALL STANDOUT STEVE RUGGERI

HON. GLENN POSHARD

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 27, 1995

Mr. POSHARD. Mr. Speaker, I rise today to pay special tribute to Mr. Steve Ruggeri who was recently invited to play in the U.S. Olympic Festival baseball competition held in Colorado Springs, CO. Now a senior at Johnston City High, Steve is considered one of the top baseball players in southern Illinois. He is known throughout the State for his commanding presence at shortstop, and played last season for the Herrin Thunderbirds American Legion team and the Herrin High School Tigers.

I trust that Steve's experience at the U.S. Olympic Festival was as memorable for him as it was for his family. Becoming an award winning baseball player takes more than simply raw talent. It takes a strong commitment to working hard, always doing your best, and most importantly it takes family support. Steve has been blessed with these precious gifts, and I wish him the best of luck in all he does.

Mr. Speaker, I applaud Steve Ruggeri's determination to make his baseball dreams come true. Being selected to play in the U.S. Olympic Festival is a marvelous accomplishment, and I am proud to represent this outstanding athlete and his family in Congress.

HELPING SMALL BUSINESS EXPORT

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 27, 1995

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, September 27, 1995, into the CONGRESSIONAL RECORD.

HELPING SMALL BUSINESS EXPORT

I recently held some meetings with 9th District businesses on ways to help them export, and I was impressed by the extent to which several are already involved in exporting. Local companies are exporting products ranging from chairs and machines to popcorn and sewer pipe. Hossiers are sending their products not just to Canada and Mexico but also to Japan, South Korea, and Australia. For some companies, exports represent as much as half of their business. There is an increasing recognition among local businesses that much of their future growth lies in exports. Yet smaller businesses in particular need more information and assistance with how to pursue export opportunities.

IMPORTANCE OF EXPORTS

Exports are an increasingly important factor in our economy—both in Indiana and nationwide. Since 1988, exports have accounted for more than one-third of our nation's economic growth, and export-related jobs have grown eight times faster than total employment. Strong export growth is good news for our economy. Exports tend to support jobs that are higher-skilled and higher-paying—some 15% higher—than average U.S. jobs.

In Indiana, exports have nearly doubled since 1988, reaching a record $9.2 billion last year. The leading export industries in Indiana are transportation equipment, industrial machinery and computer equipment, chemicals, and electronic equipment. Nearly 80% of Hoosier exports are from the manufacturing sector, with the rest coming from mining (17%) and agriculture (4%). Indiana exports support roughly 180,000 Hoosier jobs. In the 9th District, more than 700 manufacturers are pursuing export opportunities. Despite these successes, I find that most Hoosiers are not fully aware of the extent to which current and future jobs in their communities are linked to exports. It is no exaggeration to say that much of our area's economic future—including our ability to create good-paying jobs—is linked to our ability to export and be competitive in the world market.

NEW OPPORTUNITIES

U.S. export prospects look good for the remainder of this decade. World economic growth is expected to be strong over the next several years, generating increased demand for U.S. products and services. Recent international trade agreements are lowering trade barriers and opening promising new markets to U.S. companies. Continued low U.S. inflation will boost the price competitiveness of our products. Overall, U.S. exports are expected to grow between 8.5% and 10% annually for the rest of this decade. Increased exports mean business growth, greater profits, and more and better jobs for U.S. workers.

CHALLENGE FOR SMALL BUSINESS

I find that large corporations in the District are generally well-informed about the importance of exports. They often have employees who specialized in identifying and exploiting export opportunities. But many small businesses—those with 50 or fewer employees—still find the prospect of exporting daunting. Small businesses account for 24% of the manufacturing sector's total sales, but only 12% of its exports. Even when they have a product or service they believe will be attractive overseas, many small businesses do not know how to get started or how to explore potential markets.

Certainly companies can get help from the local business community and from business organizations such as the Chamber of Commerce. And they can hire export management companies to help them establish overseas markets for their products. But government can also play a supportive role.

STATE EFFORTS

The Indiana state government has fourteen Small Business Development Centers located throughout the state to assist companies that are relatively new to exporting. These Centers help companies prepare international marketing plans and target certain foreign markets for their products. The International Trade Division of the Indiana Department of Commerce offers financial and technical assistance to small and medium-sized firms, and maintains seven foreign trade offices in Canada, Mexico, Europe and Asia to help Hoosier companies enter new markets.

FEDERAL EFFORTS

At the most general level, the federal government gets involved by negotiating the reduction or removal of foreign trade barriers to our products and by working to maintain a stable international economy. By working to promote stability and prosperity in the world economy, U.S. policy creates new opportunities for U.S. firms abroad.

But the federal government also assists Hoosier companies more directly. U.S. officials act as advocates overseas for companies bidding on foreign contracts, especially on government contracts. Federal agencies such as the Export-Import Bank and the Small Business Administration help finance projects in countries where private banks will not tread. The U.S. Department of Commerce—the lead agency for trade policy and export promotion—provides export counseling, country and regional market information, and overseas promotion services. It provides information to local businesses on the latest export opportunities and resources through newsletters, faxes, and on-line computer services. Export Assistance Centers have been set up to provide a single point of contact for all federal export promotion and finance programs.

BUDGET PRESSURES

The effort to balance the federal budget is forcing a reevaluation of many U.S. government programs that support business. The congressional budget plan passed earlier this year recommends eliminating the Commerce Department, terminating federal assistance for Small Business Development Centers, and reducing funding for the Export-Import Bank. Certainly some cutbacks can be made, and various programs could be streamlined or combined with others to make them run better at less cost. But we should not gut worthwhile programs that help create profits and jobs for American enterprises. It would be short-sighted to end export programs that are producing significant results and are helping to improve our country's long-term economic outlook.

CONCLUSION

Exports are critical to our nation's economic future and to the job prospects of many of our young people today. U.S. businesses both large and small need to think globally and try to tap into the vast and rapidly growing markets overseas.

TRIBUTE TO VINCENT M. PICCIANO

HON. THOMAS M. DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 27, 1995

Mr. DAVIS. Mr. Speaker, I rise today to pay tribute to Mr. Vincent M. Picciano who is retiring as the director of court services for the Juvenile and Domestic Relations Court in Fairfax County, VA.

For the past 34 years Vince has served the court, first as a probation counselor, then as probation supervisor. In 1965, he became its director where he was responsible for a wide range of intake, probation, detention, and other residential services. At the court he has been instrumental in implementing an extensive management information system and has overseen the design and construction of a major juvenile courthouse renovation project plus four youth residential programs with several new ones planned.

In addition to his duties as director of the court, Mr. Picciano has served as chair of the Virginia Court Directors Association, the Virginia Juvenile Officers Association as well as other local and regional groups addressing the needs of youth and families in trouble. He is currently president of CASA, Fairfax County's Court Appointed Special Advocate program for abused and neglected children.

Mr. Speaker, I know my colleagues join me in honoring Vincent M. Picciano for his many years of service to the Juvenile and Domestic Relations Court and his community of Fairfax, VA and wish him well in his retirement.

IN HONOR OF THE BAYWAY CHEMICAL PLANT ON ITS 75TH YEAR ANNIVERSARY

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 27, 1995

Mr. MENENDEZ. Mr. Speaker, I rise today before the House of Representatives to pay tribute to the Exxon Chemical Company's Bayway chemical plant as it celebrates 75 years of doing business in Union County. It will commemorate its platinum anniversary on September 27, in Linden, NJ.

The Bayway chemical plant has been a good corporate neighbor and has contributed a great deal to our community and our Nation. For 75 years, Bayway has done an excellent job in creating a good relationship between the plant and the community. The Bayway chemical plant is a vital and a responsible part of the community, creating well-paying jobs and providing benefits to the residents of Union County.

At the Bayway chemical plant, the petrochemical age began 75 years ago. By producing a chemical widely used in rubbing alcohol, the plant heralded the dawn of a new era. In the decades that followed, Bayway helped to meet the ever-increasing demand for petrochemicals. From the earliest efforts of marketing isopropyl alcohol to today's commitment to safe and environmentally-sound operations, Bayway has managed to answer the needs of a changing marketplace and to maintain leadership in the chemical manufacturing business.

The Bayway chemical plant should also be applauded for its safety procedures and utmost respect for the environment. In 1994, the employees earned safety through accountability certification, the top level of achievement in the U.S. Occupational and Health Administration Voluntary Protection Program. Responsible care, the Chemical Manufacturers Association program, is committed to improving the industry's responsible management of chemicals. Since 1989, the Bayway chemical plant has reduced its emissions 66 percent. This has been accomplished through the careful updating and refitting of equipment.

The Exxon Chemical Company's Bayway chemical plant should be commended for its 75 years of invention and innovation in chemical manufacturing. I salute the employees for their outstanding service and dedication to fulfilling the needs of fellow Americans. I wish them the best of luck for the next 75 years.

TRIBUTE TO RETIRING MILWAUKEE COUNTY SHERIFF RICHARD E. ARTISON

HON. GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 27, 1995

Mr. KLECZKA. Mr. Speaker, I rise today to congratulate my friend Sheriff Richard E. Artison on his retirement.

At the time he was appointed Milwaukee County sheriff in 1983, Richard Artison had already shown himself to be a multitalented law enforcement professional. Prior to his appointment, he had served as a special agent for the U.S. Army Counter Intelligence Corps, a patrolman and detective for the Omaha Police Department, a criminal investigator for the U.S. Treasury, a special agent for the Secret Service, and a community relations specialist for the Milwaukee Fire and Police Commission.

As the chief law enforcement officer for Milwaukee County, Sheriff Artison faced a difficult and challenging job. He has consistently and effectively risen to the demands of his office and has done so with grace and style. Following his appointment, Sheriff Artison quickly earned the respect of his coworkers and the general public. The esteem in which Sheriff Artison was held is evidenced by the fact that the voters of Milwaukee County reelected him to five terms as sheriff.

Mr. Speaker, I commend Sheriff Artison on his years of outstanding service and dedication to the people of Milwaukee County. I wish him happiness and health in his retirement.

A TRIBUTE TO THE SAN BERNARDINO COUNTY COMMUNITY SERVICES DEPARTMENT

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 27, 1995

Mr. LEWIS of California. Mr. Speaker, I would like to bring to your attention the fine work and outstanding public service of the San Bernardino County Community Services Department. In early November, an anniversary dinner will be held honoring the community services department as it celebrates 30 years of service to the low-income community.

In his first State of the Union Address in 1964, President Lyndon Johnson declared an unconditional war on poverty in the United States. Later that year, the Economic Opportunity Act was signed into law with the goal of eliminating the paradox of poverty in the midst of plenty. Out of this effort emerged the dependency prevention commission in San Bernardino County. Committed to the elimination of poverty, the dependency prevention commission pioneered many original antipoverty programs at the local level including Head Start, Job Corps, VISTA, Neighborhood Service Centers, and Neighborhood Youth Corps. The dependency prevention commission was renamed the community services department in 1975.

Over the years, the community services department has achieved national recognition for implementing creative, cost-effective programs to serve the poor and homeless. Impressive steps have been taken to provide these services through the San Bernardino County Food Bank, Nutrition for Seniors, Energy Conservation Program, Sure Steps Family Sufficiency Program, and Children's Learning Excursions and Summer Camp Program.

Mr. Speaker, I ask that you join me and our colleagues in recognizing the San Bernardino County Community Services Department for three decades of concern, service, and dedication on behalf of those in need. Having achieved an outstanding record of success, it is only fitting that the House of Representatives recognize them today.

IN MEMORY OF MRS. BONNIE WOLF

HON. GLENN POSHARD

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 27, 1995

Mr. POSHARD. Mr. Speaker, I rise today to pay special tribute to Mrs. Bonnie Wolf of Pana, IL. Bonnie passed away September 12, and it is with sorrow that I speak here today of this fine woman.

Known throughout Christian County as ''Mrs. Democrat,'' Bonnie faithfully served the people of her community. She was a member of the Christian County Zoning Board, was the first woman alderman in Pana, a member of the Democrat Women's Auxiliary, a former Christian County Democrat chairwoman, and a Democratic precinct committeewoman for 32 years. Her lifetime of service to the people of Christian County, and the Democratic Party, strengthened the belief that one person can make a positive difference in the lives of many.

Bonnie's passing is a great loss to all who knew her, and the community she worked hard to improve. Bonnie Wolf dedicated her life to helping the people of Christian County, and her never ending determination to help her neighbors will not be forgotten. Mr. Speaker, Bonnie was a wonderful woman who will always have a special place in the hearts of those who knew her, and it is with great sadness that I offer my condolences to her family.

IN HONOR OF BARBARA ERICKSON LONDON

HON. NORMAN Y. MINETA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 27, 1995

Mr. MINETA. Mr. Speaker, 3 weeks ago, a remarkable woman stood on the deck of the U.S.S. *Missouri* in Bremerton, WA. Our colleagues will recall that it was on the deck of that ship in 1945 that the Empire of Japan formally surrendered to the United States and our allies, thereby ending the Second World War.

Fifty years later, on September 2, 1995, that ship and that occasion was marked and honored with the presence of Barbara Erickson London, the only Women's Army Service pilot to receive the prestigious Air Medal during the Second World War.

Born in the Pacific Northwest and now a resident of Long Beach, CA, Barbara Erickson London entered the Civilian Pilot Training Program while a student at the University of Washington. She was 1 of 4 women in a class of 40, and quickly proved herself to be a natural aviator. So it was no surprise that by 1942, with the Nation at war, she would join the Women's Auxiliary Ferry Squadron at Wilmington, DE.

Barbara Erickson London's technical skills and leadership talents were soon recognized, and she was named squadron commander of the 6th Ferry Group. At age 23, she organized and trained a cohesive group of 80 women to fly P–51 Mustangs, P–38 Lightnings, C–54 Skymasters, B–25 Mitchells, and B–17 Flying Fortresses from their Long Beach Airport base

to their delivery destinations. ''We were badly needed and sometimes flew two and three planes in a day,'' she recently remembered to the Long Beach Press Telegram.

By 1943, Major London and the other ferry pilots were pushed to their limits in response to Allied demands for more planes in Europe. She made four 2,000-mile trips delivering P–47, P–51 and C–47 aircraft in less than a week. This particular effort, combined with her distinguished service, was cited when she was awarded the Air Medal by General ''Hap'' Arnold, commanding general of the U.S. Army Air Force.

Married to Jack London, Jr. after the war, she raised two daughters, Terry and Kristy, each becoming pilots in their own right, and all three women continuing to make contributions to American aviation.

Mr. Speaker, the story of Barbara Erickson London is one of many stories of American heroism during the Second World War. But her story is especially notable for her achievement and for her groundbreaking role as a woman in our armed services.

On July 28 of this year, 60 of the women fliers, including Barbara Erickson London, were reunited in Long Beach as part of the Freedom Flight America celebration of the war's end. That cross-country armada of vintage military aircraft was designed as an event never to be repeated so to honor the courage and sacrifices made 50 and more years ago.

Mr. Speaker, Barbara Erickson London was one of those Americans who helped us to win that global conflict 50 years ago. I ask you and our colleagues to join with me in saluting her on this anniversary of war's end, and to wish her and her family the continued appreciation of a grateful Nation.

MORE DISTURBING SIGNS OF RESTRICTIONS ON FREEDOM OF THE PRESS IN RUSSIA

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 27, 1995

Mr. LANTOS. Mr. Speaker, I rise to call to the attention of my colleagues the silencing of another powerful Russian voice: that of Aleksandr Solzhenitsyn, viewed by many as the national conscience of Russia. My colleagues may have heard the report by Anne Garrells yesterday morning on National Public Radio.

The Nobel Laureate and world-renowned author was given a hero's welcome last year after his return to Russia from long years of exile in the United States. Since then he has shared with Russian television audiences his strong views on the course of Russia's post-cold war development, often voicing sharp criticism of government actions. ORT, the largest Russian television network and the only channel to reach the entire area of Russia and the former Soviet Union, recently announced that it had dropped Solzhenitsyn from its fall lineup.

ORT claims it canceled Solzhenitsyn's show due to low ratings, but Solzhenitsyn's supporters believe it is actually a case of censorship. They assert that with the approach of parliamentary elections in December, the Russian Government wanted an end to the weekly drubbing it has been receiving from Solzhenitsyn.

The reasons for the show's cancellation may be debatable, but there is a pattern of recurring government interference with independent media and government efforts to intimidate the media in general that make the cancellation worrisome. In House Concurrent Resolution 95, legislation introduced by Representative GILMAN and myself, we draw attention to several incidents that raise serious questions about freedom of the press in Russia, including: The Russian Prosecutor General's filing of criminal charges against a satirical show that pokes fun at public figures, the Russian Government's failure to solve the murders of television journalist Vladimir Listeyev and reporter Dmitri Kholodov, and the possible involvement of Presidential security forces in the assault on the offices of the MOST Group, which owns independent television station NTV.

The development of a democratic Russia is very much in our national interest, and nothing is more crucial to the maintenance of a pluralistic society than a free and unfettered press. I am deeply concerned that the Russian Government may be trying to restrict, through tactics of censorship and intimidation, including bodily harm, the right of individual journalists to report objectively on domestic and foreign news and the right of private entrepreneurs to establish, operate, and maintain independent media outlets.

Therefore, Mr. Speaker, I urge my colleagues in the legislative branch and officials in the executive branch to raise the United States commitment to freedom of the press with Russian Government leaders at every opportunity.

TRIBUTE TO THE SISTERS, SERVANTS OF THE IMMACULATE HEART OF MARY

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 27, 1995

Mr. DINGELL. Mr. Speaker, I rise today to call the attention of my colleagues to a most significant event taking place in Monroe, MI. The year 1995 marks the 150th anniversary of the founding of a congregation of extraordinary women devoted to the service of God, their community, their nation, and the world.

The Sisters, Servants of the Immaculate Heart of Mary congregation was established in Monroe in 1845 to meet a pressing need for Christian instruction in a parish that was maturing quickly, but was not far removed from its frontier past.

The zeal and enthusiasm of Rev. Louis Florent Gillett, a Redemptorist missionary, drew the first three members of the community, Marie Theresa Maxis, Charlotte Shaff, and Theresa Renaud. Their first convent was a log cabin on the banks of the River Raisin. The early days were difficult, as poverty and disease sapped the congregation. The community grew in numbers nonetheless, and expanded its educational works.

For this first century the congregation served Catholic communities in and near the dioceses of southern Michigan, especially the Archdiocese of Detroit, by providing Catholic education at all levels in local parochial schools and in their own private schools and college.

The people of Monroe benefited greatly over the years by the presence of outstanding schools operated by the IHM sisters. St. Mary's School, the first opened by the sisters, provided the young women of Monroe and the surrounding area the chance to get a first-rate education. The Hall of Divine Child, a school for boys, instilled discipline and curiosity in generations of boys. I can vouch for the skill and efficiency of the sisters myself, because I attended this school.

Other schools founded and built by the IHM sisters include Immaculata High School in Detroit, Marian High School in Birmingham, MI, and IHM High School in Westchester, IL,

In 1910 they established Marygrove College, which was moved from Monroe to Detroit in 1927. IHM sisters have also served in other colleges and universities in the United States, Canada, and throughout the world.

Over the past 50 years the IHM congregation has extended its reach, staffing schools in Puerto Rico, and several Western and Southern States in the United States. While the majority of the sisters have devoted themselves to education, some have committed themselves to religious education, parish ministry, health care, social actions, and other forms of service. A small group of sisters began serving among the poor in Latin America, the Caribbean, Africa, and Asia. The sisters also are vocal when it comes to local, national, and international affairs. I can tell you that a week seldom passes that I do not receive an articulate and thoughtful letter from one or another of the sisters, effectively arguing a position on legislation or national policy.

Mr. Speaker, I have great admiration for the spirit, the determination, the devotion and the faith displayed by the Sisters, Servants of the Immaculate Heart of Mary. It is without reservation that I commend this congregation to my colleagues on the occasion of its 150th anniversary.

CUTS IN FUNDING FOR THE INTERNATIONAL AFFAIRS ACCOUNT DAMAGE OUR NATIONAL SECURITY

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 27, 1995

Mr. HAMILTON. Mr. Speaker, I would like to call my colleagues attention to a recent letter I received from the American Academy of Diplomacy. The letter points out the importance to U.S. national security of maintaining adequate funding for the international affairs (150) budget function.

Foreign aid is always a prime target in tight budget times. I believe this is shortsighted. Adequate levels of funding for sustainable development, population, democracy, security, rule of law, and other assistance should be viewed as a valuable payment toward the national security of the United States. Stable democracies with thriving economies are less likely to become destabilizing forces. They are also more likely to become valuable trading partners of the United States, which increases jobs here at home.

We also need a strong diplomatic presence abroad to advance the goals and objectives of American policy. I would like to call my colleagues attention to the massive cuts in the

appropriation for the Department of State and other cuts in vital foreign policy programs being proposed in the Senate. These cuts could damage our standing in the world and hurt our national security for years to come.

Readiness is not just an issue for our military. Readiness is something we need to maintain in our diplomatic corps as well. Diplomacy is the first line of defense for the United States. If it fails because of inadequate funding, we will most likely be forced to increase defense spending even more. That is being penny-wise and pound-foolish. I urge my colleagues to support adequate funding for the international affairs account and commend the letter of the American Academy of Diplomacy to your attention.

THE AMERICAN ACADEMY OF DIPLOMACY,
Washington, DC, September 19, 1995.

Hon. LEE HAMILTON,
House of Representatives,
Washington, DC.

DEAR LEE: Earlier this year, during Congressional debate on authorization legislation for the FY 96 Function 150 Account, the Academy wrote to express its concern over funding then contemplated. We expressed our belief that the cuts then being considered risked endangering America's capacity, through diplomacy, to shape the world in which our national interests will be at play at a critical time of global change.

Today even larger cuts are being proposed in appropriations bills for both the 150 Account and funding for the Department of State and other foreign affairs agencies. We believe it important to state once again our concern that America's capacity for leadership and influence is being placed at risk at a time when our national interests face unique challenges as well as opportunities on the global scene. I believe all members of this Academy would concur in saying that these cuts are excessive. They come very near to undermining America's diplomatic readiness at a time when effective diplomacy is a vital tool in pursuit of our national interests in many regions of the world.

The membership of the American Academy of Diplomacy includes more that a hundred Americans who, while in government service, either as career diplomats or as private citizens, played leading roles in the formulation and implementation of American foreign policy. The membership includes all living former Secretaries of State. It represents both sides of the political aisle. Our members may disagree on the specifics of policies, but they speak with one voiced in believing that in today's world a strong diplomatic arm, well funded, well staffed and strategically placed throughout the world as well as in Washington, is critical to a prosperous American state.

At a time of stringent budget limitations, Academy members appreciate full well that overall spending on behalf of our global interests and the means to secure them must be weighed against compelling needs elsewhere. However, if the United States, which today is engaged nationally in a manner that touches on the smallest and most remote of our communities, must have a sustainable, flexible, long-term strategy to defend that engagement. Such a defense takes people. It takes funding. It requires understanding the 150 Account and the funding for State and other foreign affairs agencies have a legitimate and, indeed in today's circumstances, urgent claim on an appropriate portion of our national resources. The cuts in appropriations now being proposed, in our belief, directly contradict our national interest.

I ask that you share these views with your colleagues.

Sincerely,

L. BRUCE LAINGEN,
President.

HONORING JOANN HUFF

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 27, 1995

Mr. RICHARDSON. Mr. Speaker, as we in Washington tackle the difficult policy decisions associated with reforming our Nation's health care system, we must not forget the people who are most affected by our decisions, our constituents who are in need of medical care.

One such person is JoAnn Huff of Albuquerque who is an 18-year cancer survivor who has worked at the local, State, and Federal level to help educate others about breast cancer. She was part of a team that worked for passage of mandated mammogram legislation. Ms. Huff has also been an active member of the University of New Mexico Cancer Research and Treatment Center and has raised thousands of dollars when she served as the center's Walk-A-Thon chairperson.

We would all be a lot better off if there were more JoAnn Huffs among us determined to make a difference and willing to fight to overcome whatever obstacles are thrown their way. To better understand Ms. Huff and how she succeeds, I urge my colleagues to read the following commentary which appeared in this month's Club News, a publication of New Mexico Sports & Wellness.

MEMBER SPOTLIGHT—JOANN HUFF

In no better way can one describe JoAnn Huff, but as a trail blazer. This accomplished and respected member of Highpoint Sports & Wellness is nothing less than active. You can always tell when she's around by her warm and hearty laugh.

Huff (who just turned 66) is a retired Albuquerque teacher with a plethora of achievements. Her greatest feat is surviving breast cancer. That traumatic victory has changed and enlightened her life forever. ''After something like that,'' she says, ''you know what is important and what is not. I am happier than ever.''

Swimming, a positive attitude, and a healthy lifestyle have contributed to Joann's well being. ''Swimming is what restored my physical health after cancer,'' she recalls. ''We have never thought of physical activity for cancer like we have for heart disease, but I have always believed the principle is the same.''

Joann is frequently seen swimming in one of the pools at Highpoint. In addition to swimming, she has added weight machines, cardio, and other forms of exercise into her fitness routine. ''It is the positive and healthy atmosphere that the club and its people project that I like,'' says Joann.

Joann's commitment to fitness of both mind and body has improved her life. When she is not out vacationing to places like Alaska, the Arctic Circle, or Australia, she is active in her community by participating in events held by the KIWANIS Club, the Albuquerque Convention & Visitors Board, and the Mayor's Open Space Advisory Board. She also competes in the Senior Olympics on both a state and national level.

Joann's main passion still lies in being an outspoken advocate for breast cancer research. She says her goal is to see cancer eradicated by the year 2000. She has been doing everything possible to reach her goal. She has been noted as a top fund raiser for research. Joann is on the Board of Advisors for the UNM Cancer Research Center, and she is also an active participant in the National Breast Cancer Coalition's Project L.E.A.D. (Leadership, Education, Advocacy, Development). Joann is more than an accomplished and respect individual, she is an inspiration to all. She says she feels there is nothing she cannot do, and she's right!

HONORING THE WARNER BAPTIST CHURCH

HON. THOMAS M. DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 27, 1995

Mr. DAVIS. Mr. Speaker, I rise today to pay tribute to the Warner Baptist Church at Bailey's Crossroads, VA, which will be celebrating its 75th anniversary from October 8, 1995, through October 14, 1995.

The Warner Baptist Church, which is located in northern Virginia, has a long, proud, and colorful history. After being emancipated in the 1800's a group of families who had suffered through many years of slavery traveled on foot through swamps and wilderness carrying their few belongings, and settled at Bailey's Crossroads, VA. One of the dreams and major goals of this group was to erect a building dedicated to God where they could commune together as a body and worship and serve God.

In 1861, 1 acre of land was donated to the citizens of Bailey's Crossroads by Mr. B.H. Warner, a white citizen of Washington, DC, for the express purpose of erecting a school or church. From 1881 to 1920, church services were held under a small group of trees on the land and in inclimate weather, services were held in a store located on Columbia Pike. In 1919 ground was broken for the erection of a church building and lumber was shipped by freight train from a sawmill in Herndon, VA, to Barcroft, VA, and was transported by horse and wagon to the building site. After much hard labor, the Warner Baptist Church, which served the community as a place of worship and an educational facility, was completed and the cornerstone was laid on August 20, 1920.

In 1962 ground was broken, and the construction of a new edifice adjacent to the 1920 building was begun. With most of the labor, including masonry, being performed by members of the church and volunteers from the community, the present church building was dedicated in November 1964. Since that time, the church has prospered and presently provides services on the local, State, and international levels through it's many ministries and outreach programs.

Its current pastor, Matthew Pearson, has been a civic leader in Fairfax County who was instrumental in building the first shelter for the homeless in the county.

Mr. Speaker, I know my colleagues join me in honoring the Warner Baptist Church for its many contributions to its parishioners and its surrounding community as it celebrates its 75th anniversary.

IN HONOR OF HUDSON COUNTY COMMUNITY COLLEGE

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 27, 1995

Mr. MENENDEZ. Mr. Speaker, I rise today to congratulate Hudson County Community College, as its staff and students begin a new era in education at the college's newest building. The college will be unveiling its new flagship building, at 25 Pathside in Jersey City, on September 27, 1995. The college will hold a ribbon cutting ceremony and will sponsor a parade through the Journal Square area.

Hudson County Community College is a comprehensive community college. Its top goal is to offer quality programs and services which are accessible, affordable, and community centered. These services are designed to meet the educational needs of an ethnically and racially diverse community. For more than 20 years the college has been offering its students quality teaching and programs that have helped them earn associates degrees in various fields.

Through the years, the college has expanded and grown. It has become one of the fastest growing colleges in New Jersey. Seeing the need to expand its facilities, the college acquired the Pathside Building in December 1993. The building, built in 1912, was originally used as a commercial office building for the Public Service Corporation of New Jersey.

Hudson County Community College acquired the building to provide its students with better facilities. It has renovated the building and now offers many new facilities, such as a 30,000 volume library, instructional support center, classrooms, laboratories, executive offices, meeting rooms, and student activities facilities.

Please join me in congratulating Hudson County Community College for successfully entering a new stage in its development as a community college. The college has a long tradition of providing its staff and students with quality services and facilities, a tradition that will no doubt be enhanced by this new facility. I am proud to have Hudson County Community College in my congressional district. The college provides the public an excellent education and a chance for a better future.

A TRIBUTE TO THE AMERICAN SOCIETY FOR TRAINING AND DEVELOPMENT

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 27, 1995

Mr. LEWIS of California. Mr. Speaker, I would like to bring to your attention the fine work and outstanding public service of the Inland Empire chapter of the American Society for Training and Development. In early October, seven individuals will be honored for excellence in training and developing people in the local business community.

The American Society for Training and Development is a nationwide non-profit association of professionals and individuals interested in the field of training and development for employees in business, government, and nonprofit organizations. Local membership of this fine organization, under the capable leadership of David Cates, is made up largely of business consultants, human resources, experts, educators, business managers and owners, and others.

Specifically, I would like to recognize the seven individuals who are being honored for their diverse contributions. They included Jay Murvine (education); Marie Stadelman (small business); Marcia Weaver (consultancy); Lynda Cook (government); Chef E. Robert Baldwin (hospitality); and Wanda Montgomery and Darlene Jerome (manufacturing).

Mr. Speaker, I ask that you join me and our colleagues in recognizing these fine individuals for their many achievements. As dedicated professionals who have demonstrated skill and dedication in the marketplace, it is only fitting that the House of Representatives recognize them today.

IN RECOGNITION OF 150 YEARS OF THE ORSON STARR HOUSE

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 27, 1995

Mr. LEVIN. Mr. Speaker, 1995 marks the 150th anniversary of what is believed to be the oldest standing home in Royal Oak, MI. On Sunday, October 8, the Women's Historical Guild will celebrate this impressive anniversary.

Orson Starr first moved to Royal Oak, MI, with his wife Rhoda Gibbs Starr, and their son, John Almon Starr, in 1831. As Mr. Starr's manufacturing business prospered, the family moved from the original log home to a house which Mr. Starr built with such extraordinary craftsmanship, it is still standing today. The house was originally built in Greek revival architectural style. The style is still apparent to the home today and is more commonly known as Michigan Farmhouse style.

Despite major changes in the 1900's, interested citizens have been successful in maintaining the home and preserving its history. The Woman's Historical Guild of Royal Oak is presently responsible for preservation of the interior of the home. Through the contributions of the historical guild, the City of Royal Oak, and individuals, this historic site is now open for all to see and learn from.

My thanks to all those involved in the preservation of this historic sight, and my congratulations and best wishes on this 150th year of the Orson Starr house.

FANNY HOLLIDAY HONORED AS CHAMPION OF HUMAN RIGHTS

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 27, 1995

Mrs. MALONEY. Mr. Speaker, I rise today to bring to the attention of my colleagues the achievements of Fanny Holliday, a very special constituent and friend of mine who has given so much back to her community, her country, and the worldwide cause of human rights.

Fanny Alexander was born Fanny Christopher in Kerenia, Cyprus. She emigrated to the United States at the age of 11. Her success in this country has truly been a great example of fulfilling the American Dream.

After completing her education, Fanny joined Audio Vox in 1970 and advanced to the position of vice president. However, in 1977, she began a new career as the publisher of Proini, a Greek language paper dedicated to truth and human rights.

By 1980, she had left Audio Vox to devote all her time to the increasing demands of a growing newspaper. In 1985, she built on Proini's success by publishing the Greek American. The Greek American is an English language newspaper which keeps the non-Greek speaking population in the United States well informed. Among its subscribers, I know Proini and the Greek American can boast many of my colleagues here in Congress.

As a champion of human rights, Fanny has provided an avenue for all issues which face Greece and Greek-Americans to be discussed. She is also a leader in the fight to liberate Cyprus. As we know, her childhood home is presently occupied by Turkish invaders. Sadly, she, and other Cypriot-Americans, cannot freely visit their place of birth. Fanny cannot share her heritage fully with her daughter Nicole Petallides and her husband Morton Holliday.

But she fights on for justice and peace to return to Cyprus. And, although she is now leaving the newspaper, I know she will always be a leader for human rights.

So I ask my colleagues to join me in congratulating Fanny on her extraordinary achievements and in wishing her well in her new endeavors.

TRIBUTE TO ''BILLY JIM'' VAUGHN

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 27, 1995

Mr. GORDON. Mr. Speaker, I rise today to recognize the 60 year career and accomplishments of a great man, William J. Vaughn, affectionately known as ''Billy Jim''.

Billy Jim is a native Tennessean from Nashville. He joined Troop One Boy Scouts of America in 1926 under the leadership of original scoutmaster, Curtis B. Haley, who chartered the troop in 1910. He became the scoutmaster in 1935 when Mr. Haley became ill and remains the scoutmaster today. Troop One is the oldest Scout troop in continuous operation in the United States.

While Troop One has consistently received awards for outstanding accomplishments, Billy Jim quietly earned personal awards for Scouting, such as: participating in a 28-member team of Scout leaders to redesign the Scouting program (1969), receiving the Red, White, and Blue Award for Outstanding Service to Boys (1973), receiving the God and Service Award #510 (1987), and having a campership endowment established in his honor, to name a few. He also received personal recognition from Presidents Bush and Clinton. He actively participated in World Jamborees in California,

England, and Japan, surviving both an epidemic of flu on a cruise ship and a typhoon while hiking over Mount Fujiyama.

Not only is Billy Jim an outstanding scoutmaster, he is also active in community service and his church, and has been consistently recognized for his tireless efforts. He also served his country in World War II as a surgical technician for the Navy Medical Corps, earning the highest grade ever awarded in surgery at that time. His friend Chad Drumright says, ''Billy Jim is still a frustrated doctor—he has the boys engage in rough sports at the Scout meetings so he can run in with the first aid bag when they get hurt.''

Billy Jim is both a dedicated father and husband. He and his late wife Evelyn, have two children, Jim and Katherine. He married Joy Langley Vaughn in 1985 and they have led an active and happy life ever since. Working in the yard, canoeing for the purpose of collecting driftwood, and enjoying homemade ice cream are a few things that keep them busy. Billy Jim has contributed immeasureably to his community, the Boy Scouts of America, his church, and his family. He has given of his time and resources, asking little in return. I ask that we recognize him today for his countless accomplishments and contributions.

CELEBRATING THE 75TH ANNIVERSARY OF THE CITY OF MONTEBELLO, CA

HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 27, 1995

Mr. TORRES. Mr. Speaker, I rise today in recognition of the city of Montebello, CA, which is celebrating its 75th anniversary on October 16, 1995.

Montebello, a city rich in history, dates back as early as 1771 when Franciscan missionaries founded the first European settlement in the Los Angeles Basin. The men from Los Angeles saw the potential of the hills and established a tract and a townsite for them. They named the tract Montebello, Italian for ''beautiful hills.'' In the early years, from the turn of the century until the 1920's, the hills yielded flowers, vegetables, berries, and fruit. In 1913, the chamber of commerce advertised, ''Come to Montebello—come where the flowers grow.'' As late as 1930, more than 30 nurseries were located in Montebello, including the Fred Howard Nursery. Howard developed over 150 varieties of roses in the soil of the hills, including the ''Heart's Desire,'' the official city flower.

On October 16, 1920, Montebello was incorporated as the 35th city within Los Angeles County. Then, Montebello was producing one-eighth of California's crude oil. The oil industry dramatically affected Montebello's population, increasing it from 2,580 in 1920 to 7,060 in 1960. During the 1950's and 1960's, Montebello grew dramatically in population, industry, commerce, and public services. In 1962, the current city hall, with more than 36,000 square feet of usable space was completed. In 1976, Montebello's orderly development and harmonious community life received recognition from the National League of Cities, when it was designated a ''Bicentennial All-American City.''

The 1980's brought the development of significant projects, as Montebello entered a period of vital growth. This growth included the Whittier Boulevard commercial revitalization project, an effort to restore the historic downtown area, and the Montebello Town Center, which opened in 1985. The balanced development between residential, commercial, and industrial properties is reflected in the city's slogan, ''Montebello, the Balanced Community.''

Because of Montebello's tranquil way of life, it attracts many people who want to start their family or raise children in a happy and healthy environment. Its 61,000 residents and hundreds of businesses take great pride in their city and strive to make Montebello a city that all can enjoy.

Mr. Speaker, I proudly join the residents of Montebello and Mayor Art Payan, Mayor Pro Tempore Jess Ramirez and councilmen Arnold Alvarez-Glassman, Bill Molinari, and Ed Pizzorno, in celebrating its 75th anniversary of incorporation and I ask my colleagues in the House of Representatives to join me in extending our best wishes and congratulations.

TRIBUTE TO PEGGY BEACH

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 27, 1995

Mr. BONIOR. Mr. Speaker, the March of Dimes is an organization with a noble mission: to fight birth defects and childhood diseases. We all share the March of Dimes dream which is that every child should have the opportunity to live a healthy life.

For the past 12 years, the southeast Michigan chapter of the March of Dimes Birth Defects Foundation has honored several Macomb County residents who are outstanding members of our community and have helped in the campaign for healthier babies. This evening, the chapter will be hosting the 12th annual Alexander Macomb Citizen of the Year award dinner. The award, instituted in 1984, is named after my home county's namesake, Gen. Alexander Macomb, a hero of the War of 1812.

This year, the March of Dimes has chosen Peggy Beach as a recipient of the award. Ms. Beach has been the executive director of the Girl Scouts of Macomb County-Otsikita Council for 18 years. She also is the chief executive officer of this council and was a volunteer there for 10 years before being hired full time. Under her tutelage, the council has grown to over 10,000 girls and 4,000 adult volunteers in Macomb County. Countless girls have acquired leadership skills and been involved in activities that foster positive self-esteem. Ms Beach also volunteers at the United Community Services and Children's Hospital of Michigan.

Dr. Jonas Salk's polio vaccine is just one of the more famous breakthroughs that would not have been possible without March of Dimes research funding. And, without people like Peggy Beach the job of protecting babies would be that much more difficult.

I applaud the southeast Michigan chapter of the March of Dimes and Peggy Beach for their leadership, advocacy, and community service. I am sure that Ms. Beach is honored by the recognition and I urge my colleagues to join me in saluting her as a 1995 recipient of the Alexander Macomb Citizen of the Year Award.

MAKING AMERICA'S SCHOOLS COMPETITIVE

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 27, 1995

Mr. LAFALCE. Mr. Speaker, America's schools are lagging behind those in most other industrialized countries in student performance. This is due in considerable part to problems with student discipline, lack of national standards, ineffective testing and lack of student accountability. Albert Shanker, president of the American Federation of Teachers, has outlined what our Nation should be learning from other nations who are dealing with these problems. I would like to share an article prepared by Mr. Shanker, which was published in the Wall Street Journal on Friday, September 15, 1995.

EDUCATION CONTRACT WITH AMERICA

(By Albert Shanker)

Successful school systems in other industrialized countries are effective because they have four essential elements: student discipline, rigorous national or state academic standards, external assessments and strong incentives for students to work hard. There is solid evidence to believe that out school system could be just as effective if we did the same. What are the chances? Not good, given that both liberal and conservative politicians are caught up in faddish and radical schemes for reforming schools. Very good if we look at where the American public is on these issues.

The first essential element is the refusal to tolerate disruptive student behavior that regularly interferes with education. In other industrialized countries, a student who constantly disrupts a class is suspended or placed in a separate class or school. That such disruptive behavior goes unchecked here can be seen in the fact that Americans constantly cite discipline as the top school problem in the Phi Delta Kappa/Gallup polls. The public holds parents responsible but also wants schools to act: 77% want chronically disruptive students transferred to a separate facility.

POLITICALLY INCORRECT

Yet this solution remains politically incorrect in the U.S. We are told that we must allow on child to destroy the education of 30 others because a major mission of schools is social adjustment. Or that separating these students would persecute them for having a disability beyond their control. Or that enforcing standards of conduct would have a disparate impact on minorities. (Actually it would: They would benefit disproportionately.)

So efforts to remove chronically disruptive students are few. When they occur, advocacy groups mount lengthy, expensive legal challenges. And courts are apt to side with the ''repentant'' offender rather than the unseen victims—the other students. Few cases even get that far, since there are powerful incentives for schools not to report problems that would give them a bad reputation or tie up principals and school boards in court. Failure to act only encourages more students to misbehave.

The second essential element in effective school systems is the existence of academic standards at the national or state level. These specify what is taught in each subject at each grade level and the quality of student performance required. Students are taught to the same standards in the early grades, but at some point (between grades

five and nine, depending on the country), students are put in different tracks, each demanding, on the basis of their achievement.

There are no such standards here. Efforts to establish national standards have been particularly controversial, but if other democratic countries with a range of political ideologies have been able to work them out, couldn't we? The public seems to want us to. The Phi Delta Kappa/Gallup Poll has included different questions about national standards, and support has ranged from 69% to 83%.

State standards have made more headway, but almost none of them gives real guidance to teachers. Many are vague: e.g., learn to appreciate literature. Some are so encyclopedic that each teacher has to decide what to do.

The public demands more. According to the 1994 Public Agenda survey, 82% of Americans favor ''setting up very clear guidelines on what kids should learn and teachers should teach in every major subject.'' And the 1995 Phi Delta Kappa/Gallup Poll shows that 87% of Americans think students ought to meet ''higher standards than are now required in math, English, history, and science in order to graduate from high school.''

The disconnect between the public and public officials is also large on the issue of tracking. American schools, like school systems in other countries, track students, but we do it poorly and unfairly. One way to turn that around is to do what other nations do: Have common high standards in the early grades and ensure that students in different tracks in the later grades all have challenging standards to meet and second chances to move to higher tracks. Instead, public officials are jumping on the de-tracking bandwagon, the idea that a 10th-grader who is at, say, a fifth-grade reading level should be taught in the same class as students at the 10th-grade level. Why? To avoid the harmful effects of labeling some students as ''slow,'' or to see if lower achieving students will rise to the level of high achievers.

This is clearly unworkable. What's a teacher supposed to do—teach the same lesson to all? Divide the class into groups, and give each group only a small amount of attention? Ah, we're told, with lots of time, training and other expensive changes, teachers may learn new methods that work.

The public is not buying. According to a 1994 survey by the Public Agenda Foundation, ''only 34% of Americans think that mixing students of different achievement levels together in classes . . . will help increase student learning. People remain skeptical about this strategy even when presented with arguments in favor of it . . . [because it] seems to fly in the face of their real-world experiences.''

The third essential element of successful school systems is external testing that is administered by state or national governments. Secondary school students abroad know that being admitted into a university or technical institute or getting a good job depends on passing rigorous external exams. Most nations' college-entrance exams cover four to seven subjects, each taking about six to eight hours of essay writing and problem solving. About 30% of all students pass them. There are also rigorous exams to enter technical schools.

In the U.S., we have no comparable curriculum-based exams, though the old New York State Regents exams can the closest. The Advanced Placement exams are somewhat comparable but are not required; only 7% of students take them. Standardized reading and math tests given in all schools measure only those skills and don't measure students' performance against objective standards. Minimum competency tests for 12th-grade graduation typically measure seventh- or eighth-grade skills. None of this satisfies the public's demand for high standards.

The fourth element of successful education systems is high stakes for student achievement—the glue that holds the other elements together. Students in other countries study hard because they know that unless they pass their exams, they will not get into a college, technical institute or apprenticeship program. They may not even get a job because employers hire on the basis of school records.

In the U.S., almost nothing counts for students—not grades, not behavior, not even attendance. There is a college willing to take all hopefuls in America, no matter what courses they took or what grades and SAT or ACT scores they received. Eighty-nine percent of four-year colleges offer remediation. Those not headed for college needn't worry either. Employers do care whether the applicant is a graduate or dropout, but they don't ask for the student's academic and behavioral record.

NOT ON THE AGENDA

Without high stakes, students won't work hard and, therefore, won't learn much. But this is not on the American political agenda. Liberal politicians say it is unfair to hold children accountable until we equalize the resources spent on them. Conservatives seem no more eager than liberals. They spend their time placing blame for low student achievement on teachers' unions, tenure and government monopoly of education—each of which is present in successful school systems.

The liberals' solution for low academic achievement is to push social engineering first, which has little public support. The conservatives' solution is to push vouchers, which haven't improved achievement and which according to the 1995 Phi Delta Kappa/Gallup poll, are opposed by 65% of Americans. And both sides, for different reasons, are embracing an even greater degree of the local control that brought us to this state of low achievement in the first place.

The American public and parents want high standards of conduct and achievement in our public schools. Surveys of teachers show the same. They're right: Discipline and academic standards work and are workable. Smart politicians should propose this as an Educational Contract with America and deliver.

IN HONOR OF THE LINDEN INDUSTRIAL ASSOCIATION ON ITS 60TH YEAR ANNIVERSARY

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 27, 1995

Mr. MENENDEZ. Mr. Speaker, I rise today to honor the Linden Industrial Association, an association that has represented the city of Linden's manufacturing industry with diligence and professionalism, on its 60th anniversary. The association will celebrate its anniversary on September 27 at a special event entitled ''Linden—2000 and Beyond.''

The organization was formed in 1935 to assist the city in formulating its budget each year. As time passed the organization evolved—now its main purpose is to create a strong business climate for its members. The association also works to inform its members about environmental and safety regulations. The association promotes sound business practices and corporate responsibility.

Sixty-five corporations are members of the association, such giants ranging in size from Merck & Co., General Motors and Exxon Chemical and including smaller companies as well. New and old businesses receive excellent guidance from the association that leads to long and prosperous business relationships. The association aims to keep communication open between industry, business, and government. The association has often been compared to a chamber of commerce. Their purpose is to help the businesses and to provide as much support and information as possible.

I ask that my colleagues join me in honoring the Linden Industrial Association on its 60th year anniversary. The association is truly a remarkable organization that strives to provide better service to its members.

HONORING DAVID L. PHILLIPS

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 27, 1995

Mr. RICHARDSON. Mr. Speaker, 7 years ago Congress appointed David L. Phillips to serve as the first president of the Congressional Human Rights Foundation. David was an outstanding leader who served Congress and the Foundation with distinction.

Unfortunately, David's 7-year term is now ending, but he can leave the Foundation knowing he played a critical role in establishing the Foundation as a promoter for human rights and democracy around the world.

Under David's leadership, the Foundation established the Interparliamentary Human Rights Network which includes members from 120 countries devoted to human rights and democracy.

The Foundation's Board of Directors recently honored David by approving a resolution commending David's 7-year term. The resolution is printed below.

As David leaves to pursue new opportunities, I urge my colleagues to join me in extending a warm appreciation to David for his efforts and contributions during the past 7 years and a sincere wish for continued success.

RESOLUTION

Whereas, David L. Phillips was appointed by Members of the U.S. Congress to serve as the first President of the Congressional Human Rights Foundation in 1988.

Whereas, David L. Phillips ably established the Foundation as a leading voice on behalf of human rights and democracy and helped to define the purpose and future of the organization during his seven year term as President of the Foundation.

Whereas, David L. Phillips worked assiduously on behalf of the victims of human rights abuse bringing to bear a deep humanitarian commitment to the well-being of human-kind as the redress of human suffering.

Whereas, David L. Phillips leadership the Foundation's Interparliamentary Human Rights Network was established and today includes 1,000 Members of Parliament from 120 countries committed to human rights and democracy.

Whereas, David L. Phillips helped establish the Foundation's Global Democracy Network, an electronic communications program which utilizes the information highway

for innovative information sharing, advocacy, and institution building.

Whereas, David L. Phillips has enjoyed the respect and admiration among his peers in the human rights community and the appreciation of the board of the directors of the Foundation.

Now, therefore, be it resolved that the board of directors of the Parliamentary Human Rights Foundation commends David L. Phillips for his seven years of exceptional service as President of the Foundation and wishes him continued success in all future endeavors.

NORTHERN INDIANA BUILDING WITH STEEL ALLIANCE

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 27, 1995

Mr. VISCLOSKY. Mr. Speaker, as an officer of the Congressional Steel Caucus, I am pleased to call your and my other colleagues' attention to a dynamic force in steel-framed housing: the Northern Indiana Building with Steel Alliance. This innovative collaboration is the result of an alliance between northwest Indiana's five major steel companies—U.S. Steel, Bethlehem Steel, LTV Steel, Inland Steel, and National/Midwest Steel—the Northern Indiana Public Service Co., Ivy Tech State College, Dietrich Industries Inc., Unimast, Inc., and Dale/Incor Industries. This alliance is the first public/private partnership in the Nation with a concentration on steel-framed housing. The Northwest Indiana Forum is the glue that holds the alliance together.

The alliance will promote steel-framed housing to builders this evening, September 27, 1995, at the Builders Dinner, which will be held at the Radisson Star Plaza in Merrillville, IN.

Northwest Indiana should be a national showcase for steel housing. This region represents the largest concentration of steel production in North America, and Indiana's First Congressional District leads the Nation in steel production. Since we're No. 1 in steel production, it makes perfect sense that northwest Indiana should be No. 1 in steel-framed housing. In fact, to promote the use of steel for housing, I've cosponsored a resolution that would authorize a demonstration of steel housing on the Capitol grounds.

The use of steel for housing is not only good for our domestic industry, it's smart. First, steel provides affordable and high quality construction materials. Second, steel is resistant to termites, vermin, and fire, and resilient in natural disasters. Finally, since steel is America's most recycled material, steel-framed houses help to conserve natural resources.

Steel-framed housing is one of the fastest growing markets in the industry. The demand for light gauge, galvanized steel for residential applications saw an enormous growth in 1994. There was a total of 40,000 steel-framed houses constructed in 1994, compared to only 13,000 in 1993. According to the American Iron and Steel Institute, about 525,000 tons of steel will be used in steel framing for homes in 1995. Another 275,000 tons will be used in roofing. As a result, these steel-framed houses will allow our steel mills to produce 1.5 to 2 million additional tons of steel in which $1.3 to $3.6 billion will be generated. Moreover, these special houses will provide 6 million man-hours of work, or 2,900 new jobs.

The goal of the Northern Indiana Building with Steel Alliance is to eventually capture 25 percent of the residential applications market. Their hope is that this will be achieved as builders become more familiar working with steel and its inherent benefits. Key components of the regional initiative include assistance to builders with special seminars and training programs through Ivy Tech; cooperating with the Housing Futures Institute at Ball State University to develop new alternatives in housing technologies; and assisting local Habitat for Humanity sponsors to promote steel framing in homebuilding projects.

Representatives of the steel companies participating in the alliance include: Jon Oram, Bethlehem Steel; Scharlene Hurston, Inland Steel; James Stoyka, LTV Steel; John Walsh, Midwest/National Steel; and Ed Charbonneau, U.S. Steel.

Mr. Speaker, I congratulate these innovators, along with the other participants of the Northern Indiana Building with Steel Alliance, for taking the first step in lighting the fire that will fuel the American homebuilding market, as well as the economy of Indiana's First Congressional District.

TRIBUTE TO ABE SACKS

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 27, 1995

Mr. LEVIN. Mr. Speaker, 50 years ago a young Army lieutenant returned home from World War II. During the preceding 5 years, he served his country with distinction. This young lieutenant is a constituent of mine. He is also one of my dearest friends. His name is Abe Sacks.

On October 7, 1995, 1st Lt. Abraham Sacks will finally receive his World War II medals—half a century after his return home from war. Surrounded by his family and friends, Abe will receive the European African Middle Eastern Medal with Silver Star, the American Campaign Medal, the American Defense Service Medal, the Army of Occupation Medal with Germany, the Good Conduct Medal, and the World War II Victory Medal.

Abraham Sacks served in the U.S. Army from 1941 to 1946. In 1942, he was commissioned second lieutenant and subsequently served overseas in campaigns in Africa, Italy, France, and Germany. I met Abe 30 years ago. During this time, he has been a devoted husband, the father of two beautiful children, Andrew and Laura, and an active volunteer at his synagogue and in the community.

Fifty years is a long time to wait for medals that were awarded but never received. As late as these medals are in being presented, this day might never have come if it had not been for Abe's wife, Bea. Earlier this year, while rummaging through Abe's army chest, Bea came across some old papers that said he was entitled to receive these medals. When Bea asked him where his medals were, Abe replied, ''Who has time for medals? All I wanted to do was stay alive and keep my men alive.''

The time has finally come for medals and recognition for achievement and dedicated service. I join Abe's family, friends, and the entire Nation in expressing congratulations for a job well done.

MALONEY HONORS PULASKI DAY PARADE

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 27, 1995

Mrs. MALONEY. Mr. Speaker, as a Representative from New York's 14th District, which includes the vibrant Polish-American community of Greenpoint, I would like to take this opportunity to pay special tribute to the participants in the Pulaski Day Parade. This year's Pulaski Day Parade honors Gen. Casimir Pulaski and pays special homage to Pope John Paul II on the occasion of his visit to New York next month. The Pulaski Day Parade is a shining example of the active and dedicated Polish-American community in Brooklyn and the New York metropolitan area.

Mr. Speaker, the Pulaski Day Parade commemorates that great son of Poland, Gen. Casimir Pulaski, the ''Father of the American Calvary.'' At the age of 30, General Pulaski came to America on July 23, 1777, to help our struggling Nation in its fight for independence against British tyranny. This heroic son of Poland organized the calvary forces of our infant republic and died of a wound received at the Battle of Savannah on October 11, 1779.

The October 1, 1995, Pulaski Day Parade carriers the sub-theme, ''A Tribute to His Holiness Pope John Paul II.'' The consensus of the members of the General Pulaski Memorial Parade Committee, Inc., chose to give tribute to His Holiness Pope John Paul II, the first Pole to attain the highest ecclesiastic office of the Catholic Church.

The grant marshal of the 1995 Pulaski Day Parade, Alexandria E. Patras deserves special recognition. In 1985, Mrs. Patras, with the help of her husband, Stephen, and many others, organized the Polish Children's Heartline. Mrs. Patras's contributions to New York City and to the New York Polish community are remarkable and deserve the recognition of this Congress.

Mr. Speaker, the Pulaski Day Parade provides well-deserved recognition of General Pulaski, the New York Polish community, Mrs. Patras, and His Holiness Pope John Paul II. Mr. Speaker, I urge my colleagues to join me today in paying tribute to the participants in the 1995 Pulaski Day Parade. By continuing to highlight the contributions of General Pulaski and the entire Polish-American community, events like this one ensure that the strength of our Nation continues to be the diversity of our people.

IN HONOR OF SIGNALMAN FIRST CLASS, DOUGLAS ALBERT MUNRO

HON. KAREN L. THURMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 27, 1995

Mrs. THURMAN. Mr. Speaker, American spirits were recently raised by the celebrated rescue of Air Force Capt. Scott O'Grady from

Serbian controlled territory in Bosnia. Captain O'Grady was literally plucked from hostile territory in a daring and well executed rescue performed by a highly dedicated group of U.S. Marines, men whose devotion to duty is so great that they regularly put the well-being of their comrades ahead of their own safety.

There is another group of professionals who train intensely and put their own lives at risk on a daily basis to help others in their time of need. The men and women of the U.S. Coast Guard saves lives and property every day, most often under extremely hazardous and sometimes warlike conditions. In fact, during actual wartime, the Coast Guard fights side by side with the other armed forces.

Mr. Speaker, during the Second World War, the Coast Guard had more casualties, percentage wise, than any of the other branches of the military. However, throughout the Coast Guard's 200-year history, there has been only one member of the Coast Guard who was a Congressional Medal of Honor winner; he was signalman first class, Douglas Albert Munro.

On September 27, 1942, three companies of approximately 500 marines were trapped on Guadalcanal. They were being overrun by an overwhelming and rapidly advancing Japanese Force. Douglas Munro led a flotilla of 10 landing craft in an effort to evacuate the marines.

As Munro directed the boats toward shore, the Japanese began firing on the vulnerable craft from Point Cruz, some ridges abandoned by the marines, and from positions east of the beach landing area. This intense fire from three strong interlocking positions disrupted the landings and caused a large number of casualties among the virtually defenseless crews in the boats.

Despite the relentless fire from all three sides, signalman Munro kept the boats moving toward the shore. Reaching the shore in waves, Munro continued to lead them to the beach, two or three at a time, in order to pick up the marines. While the marines were running for the landing crafts, Munro and his shipmates provided covering fire from an exposed positions on the beach.

As the marines attempted to board the landing craft, the Japanese continued to fire from the ridges about 500 yards from the beach. Munro, realizing the danger, maneuvered his boat between the enemy and the withdrawing marines to protect the remnants of the battalion. Because of his leadership and strategic thinking, all the marines who made it to the beach, including 25 who were wounded, managed to escape.

With the marines finally safely in the boats, Munro led his small fleet off shore to safety. But before they were fully out of harm's way, the Japanese set up a machine gun on the beach and began firing at the boats. One of his crew members shouted a warning to Munro, however the roar of the craft's engine prevented Signalman Munro from hearing the shout. A single bullet struck him in the base of the skull and Douglas Albert Munro was mortally wounded. He lived just long enough to be told by this shipmate and friend that all the marines were safe. According to eye-witness accounts, Douglas Munro died with a grin on his face and love in his heart.

Mr. Speaker, I am proud to report that on September 27, a fitting memorial to the heroism and dedication to duty of Douglas Munro is to be dedicated in Crystal River City Park in Citrus County. Much of the credit for putting together the memorial must go to Ken Harrington, president of the Crystal River Fraternal Order of Eagles Aerie 4272, PO Roger Jones and CPO Timothy Cavanaugh of the Coast Guard Station at Yankeetown.

Mr. Speaker, this is truly a community project, supported by the Crystal River Redevelopment Commission, the Crystal River City Council, and the Florida chapter of the Coast Guard Auxiliary.

In addition to the memorial, 20 historic trees will be planted in public areas of Crystal River for the enjoyment of everyone. A continuing education program will be provided to local school children as well, so that they can appreciate the past sacrifices of Americans like Douglas Munro.

Mr. Speaker, in many parts of our great Nation, the bonds of family and community seem to be fraying. People have at times lost a sense of community and an appreciation for the past. Not so in Crystal River. In Citrus County, the links between the past, present, and future are emphasized and the lessons of history are taught enthusiastically to those who will one day guide this Nation.

Everyone who took part in planning the memorial to Signalman First Class Douglas Albert Munro deserves our sincere thanks for making sure that the lessons of history are not lost and that the values we cherish are preserved for all time.

HEALTHY CHOICE AMERICAN HEALTH WALK

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 27, 1995

Mr. MORAN. Mr. Speaker, I rise today to call attention to a wonderful opportunity for my colleagues and their staff to do something good for both themselves and for America: to participate in the Healthy Choice American Health Walk on September 28, at noon. America's National campaign to fight heart disease will start in the Nation's Capitol with a walk on the National Mall involving thousands of our fellow government and congressional leaders, celebrities, Federal workers and others.

It is fitting to begin this event in our Nation's Capitol, because heart disease is a national problem. It is our Nations No. 1 killer and disabler, and it exacts a devastating emotional and financial toll each year. Of the 10 leading causes of death in our country, heart disease leads the list—and kills more of us each year than the next 9 causes combined. And the financial impact of heart disease and stroke accounts for about one-seventh of our Nation's entire health care bill.

Local American Heart Association chapters have organized more than 800 walks involving thousands of people in cities and towns from coast-to-coast in late September and early October. The steps that will be taken on The Mall today begin a national round of heart walks in which over 400,000 Americans will participate. In the next few weeks, this army of walkers will cover more than 1.2 million miles, and will raise more than $13 million for the American Heart Association.

With the heart walk, we can all—quite literally—take meaningful steps toward conquering this killer. And by participating in the heart walk we can advance our cause in two critical ways. We can help ourselves by taking steps toward a heart-smart lifestyle; and we can help others by raising funds to support the ongoing education and research efforts of the American Heart Association.

I urge my colleagues in the House to fit this into their schedules and to encourage their staff to participate as well.

TRIBUTE TO RAYMOND HU

HON. BILL BAKER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 27, 1995

Mr. BAKER of California. Mr. Speaker, Raymond Hu is a very talented 18-year-old artist who happens to live in my district. Raymond currently is having his paintings displayed at an art gallery in Walnut Creek, CA. It is a one-artist show, an unusual achievement for one so young and is made all the more exceptional by the fact that Raymond has Down's syndrome.

This is not the first time Raymond has been recognized for his unique gift. In 1993 he took first place in ''A Very Special Art Show,'' a contest sponsored by the Sacramento Association for the Retarded in which 1,000 artists from throughout California competed.

According to an article by Contra Costa Times writer Carol Fowler, ''Animal Portraits by Raymond Hu'' features portraits of cats, a lion, a frog, a baboon, and a bald eagle. Raymond has for 5 years been a student of traditional Chinese brush painter Lam-Po Leong, and has also exhibited at Creative Spirit Gallery in San Francisco, which is run by the Richmond, California Institute for Art and Disabilities.

Raymond's one-man exhibit runs through November 5, and it is my hope that many Contra Costans will visit the exhibit to enjoy Raymond's artistry. Raymond Hu is not only a talented artist, but a young man characterized by a love of animal wildlife and of many other good things. He looks forward to graduation from San Ramon Valley High next year, and is also a first-class Scout in the Boy Scouts.

His cheerful spirit, his commitment to his art and his desire to serve his community—he is a devoted volunteer at the special education classes at Rancho Romero school in Alamo, CA—make his a true gift to the whole East Bay region. I urge my colleagues to join me in honoring Raymond and his family and to thank them for reminding us that God-given ability, self-discipline, courage, and the joy of living make a powerful combination we can all emulate.

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, September 28, 1995, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

SEPTEMBER 29

9:30 a.m.
Select on Intelligence
To hold closed hearings on intelligence matters.
SH–219

10:00 a.m.
Armed Services
To hold hearings on the nomination of John Wade Douglass, of Virginia, to be Assistant Secretary of the Navy for Research, Development and Acquisition.
SR–222

Banking, Housing, and Urban Affairs
To hold hearings on the nominations of Dwight P. Robinson, of Michigan, to be Deputy Secretary, John A. Knubel, of Maryland, to be Chief Financial Officer, Hal C. Decell, III, of Mississippi, and Elizabeth K. Julian, of Texas, each to be an Assistant Secretary, Kevin G. Chavers, of Pennsylvania, to be President, Government National Mortgage Association, all of the Department of Housing and Urban Development, Joseph H. Neely, of Mississippi, to be Member of the Board of Directors of the Federal Deposit Insurance Corporation, Alicia Haydock Munnell, of Massachusetts, to be a Member of the Council of Economic Advisers, and Norman S. Johnson, of Utah, and Isaac C. Hunt Jr., of Ohio, each to be a Member of the Securities and Exchange Commission.
SD–538

OCTOBER 11

9:30 a.m.
Labor and Human Resources
Business meeting, to mark up S. 1180, to amend title XIX of the Public Health Service Act to provide for health performance partnerships, and S. 1221, to authorize funds for the Legal Services Corporation Act.
SD–430

OCTOBER 20

10:00 a.m.
Judiciary
To resume hearings to examine the status of religious liberty in the United States.
SD–226

OCTOBER 25

10:00 a.m.
Veterans' Affairs
To hold hearings to examine veterans' employment issues.
SR–418

Daily Digest

HIGHLIGHTS

Senate passed VA/HUD Appropriations, 1996.

House passed teamwork for employees and managers bill.

Senate

Chamber Action

Routine Proceedings, pages S14335–S14431

Measures Introduced: Four bills were introduced, as follows: S. 1276–1279. **Pages S14407–08**

Measures Reported: Reports were made as follows:

S.J. Res. 31, proposing an amendment to the Constitution of the United States to grant Congress and the States the power to prohibit the physical desecration of the flag of the United States. (S. Rept. No. 104–148)

Measures Passed:

VA/HUD Appropriations, 1996: By 55 yeas to 45 nays (Vote No. 470), Senate passed H.R. 2099, making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for fiscal year ending September 30, 1996, after agreeing to excepted committee amendments, and after taking action on amendments proposed thereto, as follows:

Pages S14337–94

Adopted:

(1) Feingold Amendment No. 2789 (to committee amendment beginning on page 51, line 3 through page 128, line 20), to strike the provision relating to spending limitations on Fair Housing Act enforcement. **Pages S14355–64**

(2) Chafee Amendment No. 2790 (to committee amendment beginning on page 143, line 17 through page 151, line 10), relating to the pretreatment requirements for a pharmaceutical plant in Kalamazoo, Michigan. **Pages S14364–65**

(3) Bingaman Amendment No. 2791, relating to housing assistance to residents of colonias. **Pages S14365–66**

(4) Chafee Amendment No. 2792, to make funds available to support continuation of the Superfund Brownfields Redevelopment Initiative. **Page S14367**

(5) Thurmond Amendment No. 2793, to provide funding for the Service Members Occupational Conversion and Training Program. **Pages S14367–68**

(6) Mikulski (for Harkin) Amendment No. 2794, relating to the manufacturing, processing, or the distribution of certain fishing sinkers. **Page S14368**

(7) Bond Amendment No. 2795 (to committee amendment beginning on page 51, line 3 through page 128, line 20), to provide HUD with the authority to renew expiring section 8 project-based contracts through a budget-based analysis. **Pages S14368–69**

(8) Bond (for Simon/Moseley-Braun) Amendment No. 2796, to provide for a delay in the transfer of fair housing enforcement from the Department of Housing and Urban Development to the Department of Justice. **Pages S14381–84, S14387**

(9) Bond (for Johnston) Amendment No. 2797, to provide for a study by the National Academy of Sciences with respect to indoor radon and other naturally occurring radioactive materials (NORM). **Pages S14381, S14384, S14387**

(10) Bond (for Bingaman) Amendment No. 2798, to reduce energy costs of Federal facilities for which funds are made available under this Act. **Pages S14381, S14384–85, S14387**

(11) Bond Amendment No. 2799, to increase amounts provided for FEMA salaries and expenses, Office of the Inspector General, and emergency food and shelter. **Pages S14381, S14385, S14387**

(12) Bond Amendment No. 2800, to make technical corrections and modifications. **Pages S14381, S14385–87**

(13) Bond (for Kempthorne) Amendment No. 2801, to extend the date that funds are reserved for the safe drinking water revolving fund, if authorized, to April 30, 1996. **Pages S14381, S14386–87**

(14) Bond (for Faircloth) Amendment No. 2802, to prevent HUD from investigating any person or persons that exercise their right to free speech, to

block housing or zoning decisions that HUD may view as a violation of the Fair Housing Act.

Pages S14381, S14386–87

(15) Bond (for Faircloth) Amendment No. 2803, to preserve the national occupancy standard of two persons per bedroom. **Pages S14381, S14386–87**

(16) Bond (for Feinstein) Amendment No. 2804, relating to eligible activities under section 105 of the Housing and Community Development Act of 1974. **Pages S14381, S14386–87**

(17) Bond (for Warner) Amendment No. 2805, to impose a moratorium during fiscal year 1996, and to require a report on the conversion of Environmental Protection Agency contracts for research and development. **Pages S14381, S14386–87**

(18) Bond (for Moynihan/D'Amato) Amendment No. 2806, relating to a special purpose grant for the renovation of the central terminal in Buffalo, New York. **Pages S14381, S14386–87**

(19) Bond Amendment No. 2807, to provide funding for the Corporation for National and Community Service to permit the orderly termination of previously initiated activities and programs, including the Corporation's Office of Inspector General.

Pages S14381, S14386–87

(20) Bond (for Feingold) Amendment No. 2808, to provide for a report on the impact of community development grants on plant relocations and job dislocation. **Pages S14381, S14387**

Rejected:

(1) By 39 yeas to 61 nays (Vote No. 467), Baucus Amendment No. 2786, to provide that any provision that limits implementation or enforcement of any environmental law shall not apply if the Administrator of the Environmental Protection Agency determines that application of the prohibition or limitation would diminish the protection of human health or the environment otherwise provided by law.

Pages S14337–38, S14341–43

(2) Sarbanes Amendment No. 2782, to restore homeless assistance funding to fiscal year 1995 levels using excess public housing agency project reserves. (By 52 yeas to 48 nays (Vote No. 468), Senate tabled the amendment.) **Pages S14337, S14343–45**

During consideration of this bill today, the following action also occurred:

By 47 yeas to 53 nays (Vote No. 465), three-fifths of those Senators duly chosen and sworn not having voted in the affirmative, Senate rejected a motion to waive certain provisions of the Congressional Budget Act of 1974 with respect to the consideration of Rockefeller Amendment No. 2784, to strike section 107 which limits compensation for mentally disabled veterans and offset the loss of revenues by ensuring that any tax cut benefits only those families with incomes less than $100,000. Subsequently, a point of order that the amendment was in violation of the Congressional Budget Act was sustained, and the amendment thus fell. **Pages S14337–41**

By 51 yeas to 49 nays (Vote No. 466), three-fifths of those Senators duly chosen and sworn not having voted in the affirmative, Senate rejected a motion to waive certain provisions of the Congressional Budget Act of 1974 with respect to the consideration of Rockefeller Amendment No. 2785 (to committee amendment on page 8, lines 9–10), to increase funding for veterans' medical care and offset the increase in funds by ensuring that any tax cut benefits only those families with incomes less than $100,000. Subsequently, a point of order that the amendment was in violation of the Congressional Budget Act was sustained, and the amendment thus fell.

Pages S14337, S14341

By 45 yeas to 54 nays (Vote No. 469), three-fifths of those Senators duly chosen and sworn not having voted in the affirmative, Senate reject a motion to waive certain provisions of the Congressional Budget Act of 1974 with respect to consideration of Lautenberg Modified Amendment No. 2788, to restore funding for hazardous waste clean up, for sewage treatment grants, and provide funds for the Council of Environmental Quality, and offset the increase in funds by ensuring that any tax cut benefits only those families with incomes less than $150,000.

Pages S14346–55, S14363

Senate insisted on its amendments, requested a conference with the House thereon, and the Chair appointed the following conferees: Senators Bond, Gramm, Burns, Stevens, Shelby, Bennett, Hatfield, Mikulski, Leahy, Johnston, Lautenberg, Kerrey, and Byrd. **Page S14389**

Labor/HHS/Education Appropriations, 1996—Consideration: A unanimous-consent agreement was reached providing for the consideration of a motion(s) to proceed to consideration of H.R. 2127, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies, for the fiscal year ending September 30, 1996, on Thursday, September 28, 1995, with a vote on the motion to occur at 10 a.m. **Page S14407**

Nominations Received: Senate received the following nominations:

Michael V. Dunn, of Iowa, to be an Assistant Secretary of Agriculture.

Michael V. Dunn, of Iowa, to be a Member of the Board of Directors of the Commodity Credit Corporation.

42 Army nominations in the rank of general.

Page S14431

Messages From the House: **Page S14407**

Statements on Introduced Bills: **Pages S14408–19**

Additional Cosponsors: Pages S14419–20

Amendments Submitted: Pages S14420–27

Authority for Committees: Page S14427

Additional Statements: Pages S14427–30

Record Votes: Six record votes were taken today. (Total—470) Pages S14340–41, S14343, S14345, S14363, S14389

Recess: Senate convened at 9 a.m., and recessed at 6:20 p.m., until 9 a.m., on Thursday, September 28, 1995. (For Senate's program, see the remarks of the Majority Leader in today's RECORD on pages S14430–31.)

Committee Meetings

(Committees not listed did not meet)

BUDGET RECONCILIATION

Committee on Agriculture, Nutrition, and Forestry: Committee began its review of certain spending reductions and revenue increases to meet reconciliation expenditures as imposed by H. Con. Res. 67, setting forth the congressional budget for the United States Government for fiscal years 1996, 1997, 1998, 1999, 2000, 2001, and 2002, but did not complete action thereon, and will meet again tomorrow.

ECONOMIC GROWTH AND REGULATORY PAPERWORK REDUCTION ACT

Committee on Banking, Housing, and Urban Affairs: Committee ordered favorably reported, with an amendment in the nature of a substitute, S. 650, to increase the amount of credit available to fuel local, regional, and national economic growth by reducing the regulatory burden imposed upon financial institutions.

AIR TRAFFIC MANAGEMENT REFORM

Committee on Commerce, Science, and Transportation: Subcommittee on Aviation concluded hearings on S. 1239, to reform the Federal Aviation Administration's personnel and procurement operations, and regulatory and rulemaking procedures, and to enable the FAA to convert to a primarily user-funded entity, after receiving testimony from Senator Lautenberg; Federico Peña, Secretary of Transportation; David R. Hinson, Administrator, and Linda H. Daschle, Deputy Administrator, both of the Federal Aviation Administration, Department of Transportation; John J. Fearnsides, MITRE Corporation, McLean, Virginia; Donald Fuqua, Aerospace Industries Association of America, Inc., Barry Krasner, National Air Traffic Controllers Association, and John W. Olcott, National Business Aircraft Association, all of Washington, D.C.; and James Robinson, Allied-Signal Engines, Phoenix, Arizona.

BUDGET RECONCILIATION

Committee on Finance: Committee continued its review of certain spending reductions and revenue increases to meet reconciliation expenditures as imposed by H. Con. Res. 67, setting forth the congressional budget for the United States Government for fiscal years 1996, 1997, 1998, 1999, 2000, 2001, and 2002, but did not complete action thereon, and will meet again tomorrow.

NOMINATION

Committee on Environment and Public Works: Committee concluded hearings on the nomination of Kathleen A. McGinty, of Pennsylvania, to be a Member of the Council on Environmental Quality, after the nominee testified and answered questions in her own behalf.

INTELLIGENCE

Select Committee on Intelligence: Committee held closed hearings on intelligence matters, receiving testimony from officials of the intelligence community.

Committee will meet again on Friday, September 29.

House of Representatives

Chamber Action

Bills Introduced: 15 public bills, H.R. 2398–2412; and 1 resolution, H.J. Res. 108 were introduced. Page H9591

Reports Filed: Reports were filed as follows:

H.R. 436, to require the head of a Federal agency to differentiate between fats, oils, and greases of animal, marine, or vegetable origin, and other oils and greases, in issuing certain regulations, amended (H. Rept. 104–262, Part I);

H. Res. 230, providing for the consideration of H.J. Res. 108, making continuing appropriations for the fiscal year 1996 (H. Rept. 104–263);

H. Res. 231, waiving points of order against the conference report of H.R. 1977, making appropriations for the Department of the Interior and related

agencies for the fiscal year ending September 30, 1996 (H. Rept. 104–264);

H. Res. 232, waiving points of order against the conference report of H.R. 2126, making appropriations for the Department of Defense for the fiscal year ending September 30, 1996 (H. Rept. 104–265);

Report on the "Revised Subdivision of Budget Totals for Fiscal Year 1996" (H. Rept. 104–266); and

H.R. 1833, to amend title 18, United States Code, to ban partial-birth abortions, amended (H. Rept. 104–267). **Page H9590**

Journal: By a recorded vote of 344 ayes to 66 noes, with 1 voting "present", Roll No. 687, the House approved the Journal of Monday, September 25. **Pages H9507, H9522–23**

Resignation: Read and accepted a letter from the Governor of Illinois wherein he transmits Representative Reynolds resignation as a Member of the One Hundred Fourth Congress. **Page H9507**

Committees To Sit: The following committees and their subcommittees received permission to sit today during the proceedings of the House under the 5-minute rule: Committees on Agriculture, Banking and Financial Services, Commerce, Educational and Economic Opportunities, International Relations, the Judiciary, Resources, Science, and Veterans' Affairs. **Page H9512**

Social Security Act amendments: House passed H.R. 2288, to amend part D of title IV of the Social Security Act to extend for 2 years the deadline by which States are required to have in effect an automated data processing and information retrieval system for use in the administration of State plans for child and spousal support. **Pages H9512–13**

Truth in Lending: House passed H.R. 2399, to amend the Truth in Lending Act to clarify the intent of such Act and to reduce burdensome regulatory requirements on creditors. **Pages H9513–16**

Teamwork for Employees and Managers Act: By a recorded vote of 221 ayes to 202 noes, Roll No. 691, the House passed H.R. 743, to amend the National Labor Relations Act to allow labor management cooperative efforts that improve economic competitiveness in the United States to continue to thrive. **Pages H9516–57**

Agreed to the committee amendment in the nature of a substitute. **Page H9556**

Agreed to:

The Traficant amendment, as modified, that provides for equal representation between employees and representatives of management during negotiations. **Pages H9552–53**

Rejected:

The Sawyer amendment in the nature of a substitute that sought to clarify provisions in the bill stating that a workplace team created to improve competitiveness is not a prohibited unfair labor practice under the National Labor Relations Act and protects self-directed teams of employees, specifically focused supervisor-managed work teams and broader "ad hoc" teams of managers (rejected by a recorded vote of 204 ayes to 221 noes, Roll No. 688); **Pages H9536–47**

The Moran amendment that sought to require persons representing employees in involvement groups be elected by a majority of the employees by secret ballot (rejected by a recorded vote of 195 ayes to 228 noes, Roll No. 689); and **Pages H9547–52, H9554–55**

The Doggett amendment that sought to clarify language regarding allowable activities in collective bargaining (rejected by a recorded vote of 187 ayes to 234 noes, Roll No. 690). **Pages H9553–56**

The Clerk was authorized to make technical corrections and conforming changes in the engrossment of the bill. **Page H9557**

H. Res. 226, the rule under which the bill was considered, was agreed to earlier by a yea-and-nay vote of 267 yeas to 149 nays, Roll No. 686. **Pages H9516–22**

Committees To Sit: The following committees and their subcommittees received permission to sit during the proceedings of the House under the 5-minute rule on Thursday, September 28: Committees on Agriculture, Banking and Financial Services, Economic and Educational Opportunities, Government Reform and Oversight, International Relations, the Judiciary, Resources, Science, Small Business, Transportation and Infrastructure, and Veterans' Affairs. **Page H9557**

Committee Elections: House agreed to H. Res. 229, electing the following Members to the following standing committee: Committee on Commerce: Representative Collins of Illinois, to rank above Representative Wyden of Oregon; and Representative Richardson of New Mexico, to rank above Representative Bryant of Texas; and designating Representative Oberstar of Minnesota, to rank above Representative Mineta of California on the Committee on Transportation and Infrastructure. **Page H9557**

International Space Station Authorization: House completed all general debate on H.R. 1601, to authorize appropriations to the National Aeronautics and Space Administration to develop, assemble, and operate the International Space Station; but came to no resolution thereon. Reading for amendments will begin on Thursday, September 28. **Pages H9557–66**

H. Res. 228, the rule under which the bill is being considered, was agreed to earlier by voice vote. **Pages H9557–60**

Referrals: Two Senate-passed measures were referred to the appropriate House committees. **Page H9590**

Amendments Ordered Printed: Amendments ordered printed pursuant to the rule appear on page H9592.

Quorum Calls—Votes: One yea-and-nay vote and five recorded votes developed during the proceedings of the House today and appear on pages H9522–23, H9546, and H9554–56. There were no quorum calls.

Adjournment: Met at noon and adjourned at 11:04 p.m.

Committee Meetings

BUDGET ALLOCATION

Committee on Appropriations: Approved a revised Section 602(b) budget allocation report for fiscal year 1996.

OVERSIGHT—FEDERAL HOME LOAN BANK SYSTEM

Committee on Banking and Financial Services: Subcommittee on Capital Markets, Securities and Government Sponsored Enterprises held an oversight hearing on the Federal Home Loan Bank System. Testimony has heard from Nicholas P. Retsinas, Assistant Secretary, Housing, Department of Housing and Urban Development; Jonathan L. Fiechter, Acting Director, Office of Thrift Supervision, Department of the Treasury; Bruce Morrison, Chairman, Federal Housing Finance Board; and Tom McCool, Associate Director, Financial Institutions and Markets Issues, GAO.

Hearings continue tomorrow.

THRIFT CHARTER CONVERSION ACT

Committee on Banking and Financial Services: Subcommittee on Financial Institutions and Consumer Credit approved for full Committee action amended H.R. 2363, Thrift Charter Conversion Act of 1995.

MISCELLANEOUS MEASURES

Committee on Commerce: Ordered reported amended the following bills: H.R. 436, to require the head of any Federal agency to differentiate between fats, oils, and greases of animal, marine, or vegetable origin, and other oils and greases, in issuing certain regulations; and H.R. 1747, Federally Supported Health Centers Assistance Act of 1995.

NLRB REFORM

Committee on Economic and Educational Opportunities: Subcommittee on Employer-Employee Relations held a hearing on National Labor Relations Board Reform. Testimony was heard from public witnesses.

BUDGET RECONCILIATION

Committee on International Relations: Approved Budget Reconciliation instructions for transmittal to the Committee on the Budget.

IMMIGRATION IN THE NATIONAL INTEREST ACT

Committee on the Judiciary: Continued markup of H.R. 2202, Immigration in the National Interest Act of 1995.

Will continue October 11.

MISCELLANEOUS MEASURES

Committee on Resources: Ordered reported the following bills: H.R. 1253, to rename the San Francisco Bay National Wildlife Refuge as the Don Edwards San Francisco Bay National Wildlife Refuge; H.R. 2005, to direct the Secretary of the Interior to make technical corrections in maps relating to the Coastal Barrier Resources System; and H.R. 1358, amended, 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.

CONFERENCE REPORT—INTERIOR APPROPRIATIONS

Committee on Rules: Granted, by voice vote, a rule waiving all points of order against the conference report to accompany H.R. 1977, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1996, and against its consideration. Testimony was heard from Representative Regula.

CONFERENCE REPORT—DEFENSE APPROPRIATIONS

Committee on Rules: Granted, by voice vote, a rule waiving all points of order against the conference report to accompany H.R. 2126, making appropriations for the Department of Defense for the fiscal year ending September 30, 1996, and against its consideration. Testimony was heard from Representative Young of Florida and Representative Hefner.

CONTINUING APPROPRIATIONS

Committee on Rules: Granted, by voice vote, a rule providing for the consideration of H.J. Res. 108, making continuing appropriations for the fiscal year 1996, in the House, any rule of the House to the contrary notwithstanding. The rule provides 1 hour

of debate. The rule provides one motion to recommit, with or without instructions. The motion to recommit may include instructions only if offered by the Minority Leader or his designee. Testimony was heard from Chairman Livingston and Representatives Gekas, Shays, Smith of Michigan and Obey.

SPACE SHUTTLE IN TRANSITION

Committee on Science: Subcommittee on Space and Aeronautics held a hearing on the Space Shuttle in Transition: Keeping Safety Paramount. Testimony was heard from the following officials of NASA: Paul Johnstone, Director, Aerospace Safety Advisory Panel; and Wayne Littles, Director, Human Spaceflight; and public witnesses.

DEPARTMENT OF VETERANS AFFAIRS MEDICAL FACILITY

Committee on Veterans' Affairs: Subcommittee on Hospitals and Health Care held a hearing on Veterans Affairs Medical Center Brooklyn, New York. Testimony was heard from the following officials of the Department of Veterans Affairs: James J. Farsetta, Director, Medical Center, Brooklyn, New York; John H. Baffa, Deputy Assistant Secretary, Security and Law Enforcement; and Stephen A. Trodden, Inspector General.

Joint Meetings

APPROPRIATIONS—AGRICULTURE

Conferees continued in evening session to resolve the differences between the Senate- and House-passed versions of H.R. 1976, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 1996.

LINE ITEM VETO ACT

Conferees met to resolve the differences between the Senate- and House-passed versions of S. 4, to give the President line item veto authority over appropriation Acts and targeted tax benefits in revenue Acts, but did not complete action thereon, and recessed subject to call.

COMMITTEE MEETINGS FOR THURSDAY, SEPTEMBER 28, 1995

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Agriculture, Nutrition, and Forestry, business meeting, to continue to consider recommendations which it will make to the Committee on the Budget with respect to spending reductions and revenue increases to meet reconciliation expenditures as imposed by H. Con. Res. 67, setting forth the Congressional Budget for the United States Government for fiscal years 1996, 1997, 1998, 1999, 2000, 2001, and 2002, 9 a.m., SR–332.

Full Committee, to hold hearings to examine the use of ethanol's impact on clean air and the farm economy, 10 a.m., SR–332.

Committee on Banking, Housing, and Urban Affairs, to hold hearings on proposed legislation to reform public housing and tenant based section 8 assistance, 10 a.m., SD–538.

Committee on Commerce, Science, and Transportation, business meeting, to consider recommendations which it will make to the Committee on the Budget with respect to spending reductions and revenue increases to meet reconciliation expenditures as imposed by H. Con. Res. 67, setting forth the congressional budget for the United States Government for fiscal years 1996, 1997, 1998, 1999, 2000, 2001, and 2002, 9:30 a.m., SR–253.

Committee on Energy and Natural Resources, to hold hearings on the nominations of Derrick L. Forrister, of Tennessee, to be an Assistant Secretary of Energy (Congressional and Intergovernmental Affairs), Patricia J. Beneke, of Iowa, to be Assistant Secretary for Water and Science, and Eluid Levi Martinez, of New Mexico, to be Commissioner of Reclamation, both of the Department of the Interior, and Charles William Burton, of Texas, to be a Member of the Board of Directors of the United States Enrichment Corporation, 9:30 a.m., SD–366.

Committee on Finance, business meeting, to continue to consider recommendations which it will make to the Committee on the Budget with respect to spending reductions and revenue increases to meet reconciliation expenditures as imposed by H. Con. Res. 67, setting forth the congressional budget for the United States Government for fiscal years 1996, 1997, 1998, 1999, 2000, 2001, and 2002, 9 a.m., SH–216.

Committee on Foreign Relations, to hold hearings on the nominations of Joan M. Plaisted, of California, to be Ambassador to the Republic of the Marshall Islands and to serve concurrently and without additional compensation as Ambassador to the Republic of Kiribati, and Don Lee Gevirtz, of California, to be Ambassador to the Republic of Fiji, and to serve concurrently and without additional compensation as Ambassador to the Republic of Nauru, Ambassador to the Kingdom of Tonga, and Ambassador to Tuvalu, 2:30 p.m., SD–419.

Committee on Governmental Affairs, to hold hearings on the nominations Ned R. McWherter, of Tennessee, to be a Governor of the United States Postal Service, and Donald S. Wasserman, of the District of Columbia, to be a Member of the Federal Labor Relations Authority, 10 a.m., SD–342.

Committee on the Judiciary, to hold hearings to examine non-immigrant immigration issues, 1:30 p.m., SD–106.

Full Committee, to hold hearings on the nominations of R. Guy Cole, Jr., of Ohio, to be United States Circuit Judge for the Sixth Circuit, Susan J. Dlott, to be United States District Judge for the Southern District of Ohio, Stephen M. Orlofsky, to be United States District Judge for the District of New Jersey, Barry Ted Moskowitz, to be United States District Judge for the Southern District

of California, and John R. Tunheim, to be United States District Judge for the District of Minnesota, 2 p.m., SD–226.

Committee on Labor and Human Resources, Subcommittee on Children and Families, to hold hearings to examine the effectiveness of private organizations in providing social services, 10 a.m., SD–430.

NOTICE

For a listing of Senate Committee Meetings scheduled ahead, see page E1849 in today's RECORD.

House

Committee on Banking and Financial Services, Subcommittee on Capital Markets, Securities and Government Sponsored Enterprises, to continue oversight hearings on the Federal Home Loan Bank System, 10 a.m., 2128 Rayburn.

Committee on Economic and Educational Opportunities, to mark up instructions contained in the Concurrent Resolution on the Budget, 10 a.m., 2175 Rayburn.

Committee on Government Reform and Oversight, Subcommittee on Human Resources and Intergovernmental Relations, hearing on the following bills: H.R. 2326, Health Care Fraud and Abuse Prevention Act of 1995; and H.R. 1850, Health Fraud and Abuse Act, 10 a.m., 2203 Rayburn.

Subcommittee on National Economic Growth, Natural Resources, and Regulatory Affairs, hearing on Taxpayer-funded Political Advocacy, 2 p.m., 2154 Rayburn.

Committee on International Relations, hearing on Terrorism in Latin America/AMIA Bombing in Argentina, 10 a.m., 2172 Rayburn.

Subcommittee on International Economic Policy and Trade, oversight hearing on the Effectiveness of U.S. Overseas Programs to Promote International Tourism and Travel to the United States, 1 p.m. 2255 Rayburn.

Subcommittee on International Operations and Human Rights, hearing on Bosnian Refugees, 2 p.m., 334 Cannon.

Committee on the Judiciary, Subcommittee on Crime, hearing on the following bills: H.R. 1241, DNA Identification Grants Improvement Act; H.R. 1533, to amend title 18, United States Code, to increase the penalty for escaping from a Federal prison; H.R. 1552, False Identification Act of 1995; H.R. 2359, to clarify the method of execution of Federal prisoners; and H.R. 2360, to amend title 18, United States Code, to permit Federal prisoners to engage in community service projects, 9:30 a.m., 2237 Rayburn.

Committee on Resources, Subcommittee on Fisheries, Wildlife and Oceans, oversight hearing on the Wild Bird Conservation Act of 1992 (P.L. 102–440), 10 a.m., 1334 Longworth.

Subcommittee on National Parks, Forests and Lands, hearing on the following bills: H.R. 194, to direct the Secretary of the Interior to make matching contributions toward the purchase of the Sterling Forest in the State of New York; H.R. 1256, Sterling Forest Protection Act of 1995; and the Snow Basin Land Exchange Act of 1995, 10 a.m., 1324 Longworth.

Committee on Science, Subcommittee on Technology, hearing on Impact of Government Regulatory, Tax and Legal Policy on Technology Development and Competitiveness, 9:30 a.m., 2318 Rayburn.

Committee on Small Business, hearing on SBA's Venture Capital Program, 10 a.m., 2359 Rayburn.

Committee on Transportation and Infrastructure, to mark up budget reconciliation recommendations, 2 p.m., 2167 Rayburn.

Subcommittee on Aviation, hearing on H.R. 2276, Federal Aviation Administration Revitalization Act of 1995, 9:30 a.m., 2167 Rayburn.

Committee on Veterans' Affairs, to consider the following: reconciliation recommendations to the Committee on the Budget; and H.R. 2394, Veterans' Compensation Cost-of-Living Adjustment Act of 1995, 9:30 a.m., 334 Cannon.

Joint Meetings

Conferees, on H.R. 1530, to authorize appropriations for fiscal year 1996 for military activities of the Department of Defense, and to prescribe military personnel strengths for fiscal year 1996, 2 p.m., 345 Cannon Building.

Next Meeting of the **SENATE**

9 a.m., Thursday, September 28

Senate Chamber

Program for Thursday: Senate will consider a motion to proceed to consideration of H.R. 2127, Labor/HHS/Education Appropriations, 1996, with a vote on the motion to occur at 10 a.m.

Next Meeting of the **HOUSE OF REPRESENTATIVES**

10 a.m., Thursday, September 28

House Chamber

Program for Thursday and the balance of the week: Consideration of H.J. Res. 108, Continuing Resolution for Fiscal Year 1996 (rule providing for 1 hour of consideration in the House);

Complete consideration of H.R. 1601, International Space Station Authorization Act of 1995;

Consideration of H.R. 1170, Three-Judge Review for State-Wide Referenda Act (open rule, 1 hour of general debate);

Conference report to accompany H.R. 1977, Interior Appropriations for Fiscal Year 1996 (rule waiving points of order); and

Conference report to accompany H.R. 2126, Department of Defense Appropriations for Fiscal Year 1996 (rule Waiving points of order).

Extensions of Remarks, as inserted in this issue

HOUSE

Baker, Bill, Calif., E1848
Bonior, David E., Mich., E1845
Davis, Thomas M., Va., E1840, E1843
Dingell, John D., Mich., E1842
Gordon, Bart, Tenn., E1844
Hamilton, Lee H., Ind., E1840, E1842
Kleczka, Gerald D., Wis., E1839, E1841
LaFalce, John J., N.Y., E1845
Lantos, Tom, Calif., E1842
Levin, Sander M., Mich., E1844, E1847
Lewis, Jerry, Calif., E1839, E1841, E1844
Maloney, Carolyn B., N.Y., E1844, E1847
Menendez, Robert, N.J., E1839, E1841, E1844, E1846
Mineta, Norman Y., Calif., E1841
Moran, James P., Va., E1848
Poshard, Glenn, Ill., E1840, E1841
Richardson, Bill, N. Mex., E1843, E1846
Thurman, Karen L., Fla., E1847
Torres, Esteban Edward, Calif., E1845
Visclosky, Peter J., Ind., E1847

Congressional Record The public proceedings of each House of Congress, as reported by the Official Reporters thereof, are printed pursuant to directions of the Joint Committee on Printing as authorized by appropriate provisions of Title 44, United States Code, and published for each day that one or both Houses are in session, excepting very infrequent instances when two or more unusually small consecutive issues are printed at one time. ¶The Congressional Record is available as an online database through *GPO Access*, a service of the U.S. Government Printing Office. The online database is updated each day the Congressional Record is published. The database includes both text and graphics from the beginning of the 103d Congress, 2d Session (January 1994) forward. It is available on a Wide Area Information Server (WAIS) through the Internet and via asynchronous dial-in. The annual subscription fee for a single workstation is $375. Six month subscriptions are available for $200 and one month of access can be purchased for $35. Discounts are available for multiple-workstation subscriptions. To subscribe, Internet users should telnet swais.access.gpo.gov and login as newuser (all lower case); no password is required. Dial in users should use communications software and modem to call (202) 512–1661 and login as swais (all lower case); no password is required; at the second login prompt, login as newuser (all lower case); no password is required. Follow the instructions on the screen to register for a subscription for the Congressional Record Online via *GPO Access*. For assistance, contact the *GPO Access* User Support Team by sending Internet e-mail to help@eids05.eids.gpo.gov, or a fax to (202) 512–1262, or by calling (202) 512–1530 between 7 a.m. and 5 p.m. Eastern time, Monday through Friday, except Federal holidays. ¶The Congressional Record paper and 24x microfiche will be furnished by mail to subscribers, free of postage, at the following prices: paper edition, $112.50 for six months, $225 per year, or purchased for $1.50 per issue, payable in advance; microfiche edition, $118 per year, or purchased for $1.50 per issue payable in advance. The semimonthly Congressional Record Index may be purchased for the same per issue prices. Remit check or money order, made payable to the Superintendent of Documents, directly to the Government Printing Office, Washington, D.C. 20402. ¶Following each session of Congress, the daily Congressional Record is revised, printed, permanently bound and sold by the Superintendent of Documents in individual parts or by sets. ¶With the exception of copyrighted articles, there are no restrictions on the republication of material from the Congressional Record.