

PRIVILEGES OF THE HOUSE RESOLUTION RELATING TO FORGED DOCUMENT

HON. CARDISS COLLINS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 16, 1995

Mrs. COLLINS of Illinois. Mr. Speaker, on Wednesday, November 1, 1995, three of my Republican colleagues went to the floor during time set aside for special orders. All three speakers spoke about an event that occurred in the subcommittee, in which a document under the purported letterhead of the Alliance for Justice actually had been prepared by the subcommittee chairman's staff.

The titles of those three speeches were, and I quote: "Hearing 'Prop' Incident Does Not Merit Ethics Investigation," "Alliance for Justice," and "Innocent Mistake Transformed Into an Ethics Complaint."

Mr. Speaker, all three speeches dealt with the ethics investigation that is currently pending before the Committee on Standards of Official Conduct.

Under a ruling of the Speaker pro tempore on May 25, 1995, those speeches were inappropriate and should not have been permitted. In that ruling, a Member who had made a reference to a matter relating to Speaker GINGRICH pending before the Committee on Standards of Official Conduct was warned:

Members should not engage in debate concerning matters that may be pending in the Committee on Standards of Official Conduct.

I would also note that the speeches also attempted to ascribe motivations to the Member who transmitted the ethics complaint. For example, one speaker stated that the motivation was "partisan politics" and another blamed it on a "political culture."

I would note that the precedents of the House rule XIV clearly establish, and I quote from section 749 of the annotations to the House rules, that:

(6) Members should refrain from references in debate to the motivations of Members who file complaints before the Committee on Standards of Official Conduct.

Although the Speaker has recently been vigorous in enforcing these restrictions during special orders, even on his own initiative, when Members are less likely to be present on the floor to make a point of order, he did not do so on Wednesday night.

Those speakers alluded to remarks made by my Democratic colleagues and by me, which were prior to the receipt by the Committee on Standards of Conduct of a complaint, but I will not directly respond to them, because I respect the Rules of the House which prohibit statements with respect to conduct that is subject to a pending ethics investigation.

On October 25, the House voted to table a resolution offered by the gentlewoman from New York, Mrs. SLAUGHTER, to request that the Speaker investigate this matter and take appropriate action. Instead, the matter is now pending before the Ethics Committee. The appropriate forum for discussing matters such as whether Chairman MCINTOSH was responsible for ethical violations relating to forged documents can no longer be debated on the House floor. We must await the decision by the Ethics Committee. Therefore, I will not address

remarks by the Republican Members concerning whether the document in question was a "criminal forgery," or whether the apology of Chairman MCINTOSH was timely.

I will address one final matter, which relates to actions taken by the House and is not the subject of the ethics investigation nor relates to the personalities or conduct of the individuals involved. In his remarks on Wednesday, one of my Republican colleagues made the following statement:

I would like to expose some of the inaccuracies expressed last week in speeches given by my Democrat colleagues with regards to this incident. I will give them the benefit of the doubt, and assume that they too were errors . . . it was stated that the motion to table Mrs. SLAUGHTER's resolution was voted down twice—when in fact it was only voted down once by the House.

Actually, it is my Republican colleague who is speaking inaccurately. The motion to table Mrs. SLAUGHTER's resolution was not voted down once, nor was it voted down twice. The motion to table Mrs. SLAUGHTER's resolution was adopted. I had made reference to the fact that the House voted twice to table the resolution. I was referring to both the voice vote, and the recorded vote. At no time did I state, as my Republican colleague erroneously stated, that the House voted down the motion to table.

I would like to return the kind words of my Republican colleague, and I too will give him the benefit of the doubt, and assume that his statement was just an error.

TRIBUTE TO CHIEF ANTHONY L. PADUANO

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 16, 1995

Mr. PALLONE. Mr. Speaker, I rise to speak about the end of an era on the Jersey Shore as our community pays tribute to Chief Anthony L. Paduano of the Neptune Township, NJ, policy department on the occasion of his retirement. Chief Paduano will be honored in a tribute at the Squire's Pub in West Long Branch, NJ, on Friday, November 17, 1995.

Chief Paduano is a life-long resident of Neptune. He was born in the township and attended the local public schools. After serving as a paratrooper in the 11th Airborne Division, he joined the Neptune Police Department in 1961. Throughout his distinguished career, Chief Paduano has moved up the rank from sergeant to captain to deputy chief. He was appointed chief in 1983, commanding the 65-member police department.

The list of Chief Paduano's accomplishments and associations is a long one: He has been involved with the Monmouth County Police Chief's Association, the board of directors of the Monmouth County Police Academy, the New Jersey Traffic Officers Association, the Monmouth County DWI Strike Force, the Monmouth County Prosecutors Advisory Committee, the Neptune Township PBA, Local 74, and the Fraternal Order of Police, Neptune Township, Lodge 19. In all of these endeavors, Chief Paduano has done far more than to just lend his name; he has been a leader, motivating others through his hard work and his solid example—just as he did every day on

the job at the Neptune Police Department. Chief Paduano is also a devoted family man, and it is my pleasure to extend my best wishes to his wife Nancy, their three children and two grandchildren.

It is an honor for me to pay tribute to Chief Paduano on the occasion of his retirement, as well as his having been named the 1995 Man of the Year by the Kiwanis Club of Neptune-Ocean Township. I hope the chief enjoys his retirement, but continues to lend his talents and energy to the betterment of our community.

THE "TOP TEN" REASONS TO SUPPORT THE CLINGER AMENDMENT WHICH WOULD END THE EXPLOITATION OF CIVIL SERVANTS FOR PARTISAN ENDS

HON. STEPHEN HORN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 16, 1995

Mr. HORN. Mr. Speaker, earlier this evening I urged the adoption of the Clinger Amendment to the Lobbying Disclosure Act of 1995—H.R. 2564. That proposal would prohibit the use of taxpayer dollars to develop materials which are "intended to promote public support or opposition to any legislative proposal—including the confirmation of the nomination of a public official or the ratification of a treaty—on which Congressional action is not complete."

We are not trying to stop the appropriate officials from communicating with Congress. We are trying to stop what both Democratic and Republican administrations have done over the last three decades and that is having neutral civil servants ordered to prepare kits, pamphlets, booklets, news releases, and various types of film, radio, and television presentations which are designed for use by various special interest groups. These private groups have a vested interest in preserving in perpetuity a tax-supported federal program.

I have no objection to any group lobbying for a particular program that it finds of some value. I do have an objection when what should be a private effort is supported with public funds. It is just plain wrong.

Mr. Speaker, I ask that the following exhibits follow my remarks in order to illustrate this growing problem: First, "Top Ten Reasons To Support Clinger Amendment," second, "VA chief uses computers, pay stubs to bash GOP," third, "VA chief terms 'outrageous' GOP 'cheap politics' charge," and fourth, "Secretary of Veterans Affairs Jesse Brown's Taxpayer Paid Messages."

TOP TEN REASONS TO SUPPORT CLINGER AMENDMENT

1. Department of Veterans Affairs—Employee check stub with message from Secretary Jesse Brown urging opposition to House budget plan.

2. Department of Commerce—Secretary Ron Brown's invitation to associations for an "informational" briefing discussing opposition to Congressman Mica's Commerce legislation.

3. Department of Labor—Newsletter sent to hundreds of organizations leading off with a quote that "GOP lawmakers should stop preaching tax breaks for the rich . . ."

4. National Spa and Pool Institute—Letter to EPA Administrator Carol Browner complaining about receipt of lobbying materials warning of the dire consequences of enacting

“Contract with America” provisions on Risk Assessment and Regulatory Reform.

5. EPA—E-mail discussing EPA’s and environmental groups lobbying strategy for unfunded mandates.

6. Council on Environmental Quality—Widely distributed fact sheet entitled “The Lawbreakers’ Bill of Rights” on the Contract with America.

7. Commodity Futures Trading Commission—Letter from Commissioner Dial to Washington Representatives urging them to contact specific members of Congress to oppose bill merging CFTC and SEC.

8. U.S. Department of Interior—Letter to public land constituents indicating opposition to “Livestock Grazing Act.”

9. U.S. Corps of Engineers and U.S. Fish and Wildlife Service—“Taking It Too Far” slide show and panel discussion to oppose takings legislation.

10. Corporation For National Service (Americorp)—Published first annual report containing “selected” press clips praising Americorp and criticizing Congressional action.

[From the Washington Times, Nov. 7, 1995]

VA CHIEF USES COMPUTERS, PAY STUBS TO BASH GOP

(By Ruth Larson)

Veterans Affairs Secretary Jesse Brown is using department computers to send anti-Congress notes to his employees and has had messages critical of GOP budget plans printed on their pay stubs.

The messages paint Republican budget proposals as draconian cuts that would devastate the nation’s veterans and require massive layoffs at the department.

Congressional Republicans accuse Mr. Brown of using government resources to send blatantly political messages to civil service employees. In any event, they counter, the administration’s own budget proposal would mean deeper cuts.

Sen. Alan K. Simpson, Wyoming Republican and chairman of the Senate Veterans Affairs Committee, charged, “The secretary of veterans affairs is playing plenty fast and loose with the facts.”

Citing a General Accounting Office budget analysis, he said: “Veterans should not be misled. Veterans are better off under the budget that Secretary Brown is attacking than they are under the president’s budget he is defending.”

He went on to denounce the secretary’s messages as “cheap politics” that “demeans his office.”

“What is absolutely unacceptable is his use of taxpayer-funded VA resources to place his purely political message in the hands of every VA employee and on the screen of every single VA computer when it is cranked up every morning,” he said Friday on the Senate floor.

“Stump speeches are for out on the road. Mr. Secretary, not for the taxpayers’ computers,” he said.

VA spokesman Jim Holley issued a statement defending Mr. Brown’s actions: “This political attack on the secretary criticizes him for being an advocate for veterans and for sharing with employees information they have every right to know regarding VA programs.” He called Mr. Simpson’s attack “ironic, when you consider that’s what he’s supposed to do.”

Mr. Brown’s messages came to light after VA field office employees complained to their senator. One employee “objects strongly to this [message], feels it is political propaganda,” said an internal congressional memo obtained by The Washington Times.

“As federal employees they’re not even allowed to express an opinion as to a political

party. How can the secretary be allowed [to make] this type of propaganda?” the memo said. Another employee “feels this type of activity is inappropriate, at least, and possibly illegal,” the memo said.

Mr. Simpson said that during his 17 years in Congress, “I have never seen a VA administrator or secretary—Democrat or Republican—misuse VA’s internal communications methods in this blatant fashion.”

“It is wrong,” he said. “It should stop.”

For months, Mr. Brown has warned veteran groups of the dangers lurking in Republican budgets.

Last week, the VA announced that “hundreds of thousands of veterans could lose access to health care under proposed changes in the Medicare and Medicaid programs now advancing through the Congress, according to a government study.”

Republicans complained when they learned that the “government report” on which the study was based was, in fact, a July 1995 report by the Urban Institute, a private, non-profit policy research group.

In September, the General Accounting Office disputed the Urban Institute’s methods and assumptions used in its report—the same techniques used to prepare the VA predictions.

Congressional Republicans argue that veterans actually suffer larger cuts under the administration’s proposed budget.

For example, on a CNN broadcast last week, Rep. Tim Hutchinson of Arkansas contended that while his party would save \$64. billion in veterans’ benefits over seven years, the Clinton administration plans to slow the growth of veterans’ benefits by \$17.1 billion over 10 years.

Mr. Brown responded: “I don’t know where you got that number from. . . . It sounds like someone just made it up.” In fact, as Mr. Hutchinson pointed out later in a letter to White House Chief of Staff Leon Panetta, the figure comes from the administration’s own fiscal 1996 budget.

Mr. Brown later explained in a letter to Mr. Hutchinson that the \$17.1 billion figure represents savings in mandatory VA spending and is “totally irrelevant to veterans’ access to health care.”

“Since the figure had nothing whatever to do with the subject at hand, I had not been briefed on it, and it sounded, as I said, unfamiliar and, in the context of VA health care, ‘made up.’” he said.

BROWN’S COMMENTS

Some comments from Veterans Affairs Secretary Jesse Brown, transmitted to his department’s 240,000 employees via electronic mail or printed on their pay stubs.

Secretary’s daily message on Aug. 21: “This is what our veterans budget future boils down to: the president has proposed a 10-year plan to eliminate the deficit, while protecting critical programs. He has proposed no new cuts in veterans’ entitlements. Congress has adopted a budget resolution outlining a seven-year plan to eliminate the deficit which would be devastating to veterans’ programs. * * * The congressional budget resolution effectively freezes VA funding for veterans’ health care at 1995 dollar levels for the next seven years.

“This means eliminating 61,000 health care positions by 2002 and denying care to more than a million veterans. This House budget would also cancel plans for two badly needed VA replacement hospitals in central Florida and northern California. When it comes to meeting veterans’ needs, gratitude and penny-pinching don’t mix.”

Excerpt from the secretary’s Oct. 6 daily message: “It is important that employees be made fully aware that tens of thousands VA jobs may be eliminated over the next seven

years as a result of current budget proposals. I am not calling on you to act, but I think you have the right to know the facts. Stay tuned!”

Excerpt from the secretary’s message on a VA pay stub: “The administration and the Congress have outlined dramatically different budget approaches designed to balance the budget, reduce taxes, and create a leaner government. As I have been telling the nation’s veterans organizations this summer, the administration’s plan is much better for veterans and their families. * * * [House and Senate budget proposals are] nothing but a means test that will push some service-connected veterans into poverty. We hear a lot these days about making sacrifices. We need to point out that veterans and their families have already paid their dues.”

Source: CONGRESSIONAL RECORD, Nov. 3.

[From the Washington Times, Nov. 8, 1995]

VA CHIEF TERMS “OUTRAGEOUS” GOP “CHEAP POLITICS” CHARGE

(By Ruth Larson)

Veterans Affairs Secretary Jesse Brown said he will continue telling his employees about the effect of congressional budget proposals, despite congressional Republicans’ objections that he was engaging in “cheap politics.”

“It’s outrageous to suggest that the VA shouldn’t tell its 240,000 employees that as many as 61,000 jobs are at risk, or that 41 veterans hospitals may close,” Mr. Brown said in a telephone interview yesterday.

Sen. Alan K. Simpson, Wyoming Republican and chairman of the Senate Veterans Affairs Committee, on Friday blasted Mr. Brown’s use of VA computers and employee pay stubs to criticize congressional budget proposals and warn of massive layoffs at the department. He accused Mr. Brown of using government resources to send out partisan misinformation.

Mr. Brown countered: “I hope someone tells me that it’s not going to happen—that they’re not going to lock in our funding at 1995 levels for the next seven years. If somebody would tell me that, I’d apologize—sure, I would,” Mr. Brown said.

Asked about Mr. Simpson’s assertions that veterans would suffer more under the Clinton administration’s proposed budget than under congressional plans, Mr. Brown said, “He’s absolutely right.”

But he was quick to explain that statement. He said that during the budget process, he’d gone to Mr. Clinton three times to tell him that the administration’s governmentwide cutbacks “would have the same effect as what the Republicans are proposing.”

Mr. Clinton assured him that he would be able to negotiate the budget every year. “I’ll be sure the veterans are treated fairly,” he quoted Mr. Clinton as saying.

“We aren’t getting the same commitment from Congress. There is no flexibility,” Mr. Brown said.

Rep. Bob Stump, Arizona Republican and chairman of the House Veterans Affairs Committee, criticized Mr. Brown for “intentionally misrepresenting and needlessly scaring vulnerable veterans” about Republican budget proposals.

He said in a statement: “The real hypocrisy lies with the Clinton 10-year budget plan which takes nearly three times as much from veterans’ programs without balancing the budget.”

The Washington Times reported yesterday that some VA field employees had complained that Mr. Brown’s messages represented “political propaganda.”

Mr. Brown said he had sent out hundreds of daily messages on a variety of subjects to his 240,000 employees. “Out of those hundreds of messages, [Mr. Simpson] chose three.”

Mr. Brown said he routinely runs the messages by his general counsel "to make sure they don't violate any laws or ethics requirements, and they've all passed," he said. "We wouldn't do it if it weren't legal."

Administration officials often defend the legality of their actions by saying they stop short of urging employees to contact members of Congress. For example, in one of his messages, Mr. Brown cautioned, "I am not calling on you to act."

"No, not much," Mr. Simpson chided him on Friday. "It does not take a rocket scientist to figure out that many employees might take that as a pretty good hint to take some action."

SECRETARY OF VETERANS AFFAIRS JESSE BROWN'S TAXPAYER PAID MESSAGES
MESSAGE FROM SECRETARY JESSE BROWN
PRINTED ON A RECENT VA EMPLOYEE PAY VOUCHER

The Administration and the Congress have outlined dramatically different budget approaches designed to balance the budget, reduce taxes, and create a leaner government. As I have been telling the nation's veterans organizations this summer, the Administration's plan is much better for veterans and their families. The President recommended a good FY 1996 VA budget, with a \$1.3 billion increase, including nearly \$1 billion for health care. On the other hand, the House of Representatives has approved a plan to in-

crease veterans health care \$563 million by taking money from our construction account and preventing us from building badly needed hospitals in Florida and California, hospitals which the President proposed be fully funded. And we will lose some of the money we need to renovate older facilities. The House also voted to stop compensation to some incompetent veterans. This is nothing but a means test that will push some service-connected veterans into poverty. We hear a lot these days about making sacrifices. We need to point out that veterans and their families have already paid their dues.

SECRETARY BROWN'S MESSAGE SENT AUGUST 21, 1995

This is what our veterans' budget future boils down to: the President has proposed a 10-year plan to eliminate the deficit, while protecting critical programs. He has proposed no new cuts in veterans entitlements. Congress has adopted a budget resolution outlining a 7-year plan to eliminate the deficit, which would be devastating to veterans' programs. The President has recommended a \$1.3 billion increase in VA's FY96 budget, nearly a billion of which is targeted to veterans' health care. The congressional budget resolution effectively freezes VA funding for veterans' health care at 1995 dollar levels for the next 7 years. This means eliminating 61,000 health care positions by 2002 and denying care to more than a million veterans.

The House budget would also cancel plans for two badly needed VA replacement hospitals in central Florida and northern California. When it comes to meeting veterans' needs, gratitude and penny-pinching don't mix.

SECRETARY BROWN'S DAILY MESSAGE ON
OCTOBER 6, 1995

I am being attacked publicly for telling you through various forums what is going on with our budget. Rest assured I do not intend to stop. I believe VA employees had a right to know about the public and Congressional debate on VA's future and the impact our lawmakers' decisions can have on benefits and services for veterans. Is this a partisan endeavor? Absolutely not! As Secretary of Veterans Affairs, I have a responsibility to keep you informed on issues that affect your careers, livelihood and roles as members of the VA team. And certainly I have the right to let our valued constituency—veterans and their families—know that their programs may be adversely affected. It is important that employees be made fully aware that tens of thousands of VA jobs may be eliminated over the next seven years as a result of current budget proposals. I am not calling on you to act, but I think you have the right to know the facts. Stay tuned!

Source: *Congressional Record*—Senate (November 3, 1995) page S16653.