United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 105th CONGRESS, FIRST SESSION

Vol. 143 WASHINGTON, WEDNESDAY, FEBRUARY 12, 1997 No. 18

House of Representatives

The House met at 10 a.m.

The prayer was offered by the guest chaplain, Rev. Richard Anderson, First Presbyterian Church, Aurora, IL:

Let us pray. O mighty God, the source of all goodness, please bless those who are in positions of power and authority in this country. Bless the President and his family, all members of his Cabinet and all legislators in Congress. Enrich them with Your grace and fill them with Your spirit, that they may be governed with wisdom and godliness by these Your servants.

And watch over those who help form public opinion, the press and the broadcasting services; that we may be enabled to exercise our rights as citizens in a manner which is responsible and in accordance with Your will.

As the Ruler of all nations, may we represent You well as Your instruments of peace and justice to the world.

In the words of Abraham Lincoln, ''In helping our neighbor to wholeness and freedom, we assure wholeness and freedom for ourselves. So shall we nobly save or meanly lose the last best hope of Earth.'' So help us God. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Ohio (Mr. TRAFICANT) come forward and lead the House in the Pledge of Allegiance.

Mr. TRAFICANT 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.

WELCOMING REV. RICHARD ANDERSON

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

Mr. HASTERT. Mr. Speaker, I rise to welcome to this House and to introduce our guest chaplain for today, Pastor Dick Anderson of the First Presbyterian Church in Aurora, IL. He is a spiritual leader of one of the largest congregations in my 14th District of Illinois. I thank him for his message as we open this session.

First Presbyterian has taken an active role in the life of the community, and it is home for outreach ministries which include programs for at-risk teenagers and other young people.

It is also fitting that Pastor Anderson is here today on the 12th of February as we mark the birthday of one of our greatest Presidents, Abraham Lincoln. A noted student of Lincoln's speeches and writings, Pastor Anderson has masterfully portrayed our 16th President on literally hundreds of occasions throughout the State of Illinois and this Nation, including the reenactment last year of the great Lincoln-Douglas debates in Illinois.

As recently as yesterday he represented and portrayed Lincoln here in Washington, DC, on the celebration today of Lincoln's birthday.

Mr. Speaker, I would ask you and my colleagues to join me in welcoming my friend, Pastor Dick Anderson, to our House of Representatives.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LAHOOD). The Chair will entertain 10 one-minutes on each side.

MEXICAN REPAYMENT OF LOANS

(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, headlines said: Bailout a success, Mexico repays Uncle Sam.

Yellow brick road time. Do not bet your pesos on it. Reports now say that all of the money used to repay the loan was borrowed at interest rates so high they would make John Gotti blush.

Folks, I say there is a big con game going on here. Mexico is in a shambles, and what is worse, the cancer from Mexico is spreading to Uncle Sam. Eighty percent of all narcotics are now coming across the border, and there are two giant sucking sounds here, folks: No. 1, American jobs going to Mexico; and, No. 2, Mexican cocaine going up American noses.

Beam me up. If this is a success, then General Custer at Little Big Horn's victory must have been called a victory.

Let us stop the propaganda. Let us get a trade policy with Mexico. Because the truth is, it simply sucks.

TAX RELIEF

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

Mr. CHABOT. Mr. Speaker, it has become popular to say that there are no significant philosophical differences in this town anymore. I do not buy it. Take, for one small example, an exchange that took place here in Washington just yesterday. One of our distinguished colleagues, the gentleman from Arizona [Mr. HAYWORTH], asked President Clinton's Treasury Secretary a very good question yesterday: Why does the President propose to cut off the $500 per child tax credit for any parent whose child reaches the age of 13? Why is it somehow less expensive for a working mom to care for a 12-year-old than it is to care for a 13-year-old? Well, said the Treasury Secretary,

the Government has to be careful how it, quote, spends its scarce resources.

Now, that is where I have a major difference with the administration. When a parent is able to keep some of the money that he or she works very hard to earn, that is not an example of the Government spending money. It is not our money, to begin with, here in Washington. It belongs to the people who earn it. We ought to cut taxes, and let us begin to do it now.

CREATION OF BIPARTISAN TASK FORCE TO REVIEW ETHICS PROCESS

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

Mr. ARMEY. Mr. Speaker, before I begin, I would like to thank my colleagues that are waiting for their 1-minutes for their willingness to let me intercede at this time. I appreciate their grace and patience.

Mr. Speaker, over the past few months the gentleman from Missouri [Mr. GEPHARDT], the minority leader, and I have been talking about the need for a comprehensive review of the ethics process. We have had several good discussions culminating in our joint appearance before the House today to announce the creation of a bipartisan task force to conduct a review of the ethics process and to report to the bipartisan leadership on how the process might be improved.

For this review to be successful, I think we need three key elements:

First, the process must be truly bipartisan. Like the Ethics Committee, it should be composed of an equal number of Republicans and Democrats. Furthermore, and as the majority leader you will not find me saying this too often, I think this task force should be cochaired by a Member from each side of the aisle.

Second, we must have dedicated Members who will do what is right for all Members and, more importantly, for the institution of the House of Representatives.

Third, after the past few tumultuous months, I think we must have a brief cooling-off period where Members can sit back and examine where the ethics process works, where it does not and how it might be improved, and in a climate temporarily free from potential ethics charges.

After a great deal of discussion, I am pleased to announce that the distinguished minority leader and I come to the floor today to announce the creation of a 12-member bipartisan task force cochaired by a Republican and a Democrat.

Ethical review of our peers, and the process by which we conduct that review, is a constitutional responsibility. It is an important job that few Members are excited about performing. I have given a great deal of thought to whom the Republican side of the aisle should ask to do this. I want Members who are well respected and who are committed to doing what is right and what is in the best interests of the institution.

While we have many Members who meet this criteria, I believe I have found six who will work well with Members, to be appointed by Mr. GEPHARDT.

Members are the gentleman from Louisiana [Mr. LIVINGSTON], who I have asked to be one of the cochairs, the gentleman from Florida [Mr. GOSS], the gentleman from Delaware [Mr. CASTLE], the gentleman from California [Mr. THOMAS], the gentleman from New York [Mr. SOLOMON] and the gentleman from Utah [Mr. HANSEN], who as chairman of the Ethics Committee will serve as an ex officio member of the task force.

Minority Leader GEPHARDT and I have also agreed on a moratorium on the filing of new ethics complaints until April 11. This 2-month cooling-off period will give the task force members an opportunity to meet, review and discuss how the ethics process can be improved and in a climate free from specific questions of ethical propriety.

The task force is free to look into any and all aspects of the ethics process. Some of the questions I think the task force will want to address include: Who can file a complaint and upon what basis of information, what should be the standards for initiating an investigation, what evidentiary standard should apply throughout the process, how has the bifurcation process worked, does it take too long to conduct a review, should non-House Members play a part in a reformed ethics process, should we enlarge the pool of Members who might participate in different phases of the process?

Mr. Speaker, I want to thank the gentleman from Missouri for working with me to create this important task force.

I yield to the gentleman from Missouri [Mr. GEPHARDT].

Mr. GEPHARDT. Mr. Speaker, I thank the gentleman for yielding to me.

I would agree that we believe on the Democratic side, I think, with our friends on the Republican side that there needs to be a complete review of the ethics process with a view toward recommending changes to the whole body, that the body might considerate at some point in the future.

We also agree that there should be six Members, one ex officio and five other Members. In that connection, I today am appointing the gentleman from Maryland [Mr. CARDIN] to be our cochair, the gentleman from Texas [Mr. FROST], the gentleman from Massachusetts [Mr. MOAKLEY], the gentlewoman from California [Ms. PELOSI] and the gentleman from Ohio [Mr. STOKES] to be part of this bipartisan task force.

We are also asking the gentleman from California [Mr. BERMAN] to be exofficio, as he will be our recommended ranking member on the permanent Ethics Committee.

So we will be joining with the majority leader in the unanimous consent request for their appointment and for the understanding that there will not be a filing of ethics complaints for this, I believe to be, 65-day period in which this group should be doing its work.

I thank the gentleman and Members on his side for working with us on this process. I think it is an important step forward in working together to improve the ethics process for the body. I look forward to receiving recommendations from this group.

Mr. ARMEY. Mr. Speaker, I thank the gentleman.

I should also advise Members of the body that, during this interim period, the regular work of the Ethics Committee under the leadership of the gentleman from Utah [Mr. HANSEN] and the gentleman from California [Mr. BERMAN] will continue to advise Members with respect to requests they might make about the appropriateness of courses of action they may take. That advisory function, I know, is being carried out well because I just got some advice back from the committee myself yesterday on a trip that I am looking at. So let me just say that I believe this accommodation enables every Member to feel they have a place to make their inquiries. They can get a quick, accurate, reliable response and at the same time this committee can work. Again, I want to thank the minority leader for his congenial efforts to work this out with me.

ESTABLISHING BIPARTISAN TASK FORCE ON REFORM OF ETHICS PROCESS

Mr. ARMEY. Mr. Speaker, in furtherance of this understanding concerning the establishment of a bipartisan task force on reform of the ethics process, I ask unanimous consent that during the period beginning immediately and ending on April 11, 1997:

First, the Committee on Standards of Official Conduct may not receive, renew, initiate or investigate a complaint against the official conduct of a Member, officer or employee of the House;

Second, the Committee on Standards of Official Conduct may issue advisory opinions and perform other noninvestigative functions; and

Third, a resolution addressing the official conduct of a Member, officer or employee of the House that is proposed to be offered from the floor by a Member other than the majority leader or the minority leader as a question of the privileges of the House shall, once noticed pursuant to clause 2(a)(1) of rule IX, have precedence of all other questions except motions to adjourn only at a time or place designated by the Chair and the legislative schedule within 2 legislative days after April 11, 1997.

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

There was no objection.

PELL GRANTS

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

Mr. MCGOVERN. Mr. Speaker, in his State of the Union address last week, the President of the United States discussed his plan to make college more affordable and more accessible to working families by increasing funding for Pell grants.

Pell grants serve as the very foundation of student aid for low- and middle-income families. The President's proposal would raise the maximum Pell grant award to $3,000 and would raise the total number of Pell grant recipients to over 4 million.

Mr. Speaker, I promised the people of Massachusetts that the first bill that I introduced in this House would make college more affordable for working families. This month I intend to keep that promise.

□ 1015

I will be introducing a bill that expands the President's proposal and expands the maximum Pell grant award to $5,000, bringing the award to the level at which it was created, adjusted for inflation. More students will be eligible for larger awards, giving more families the chance to send their kids to college and to realize the American dream.

I thank the President of the United States for his leadership on this issue, and I ask my colleagues to join me in making education more affordable and in making our children's future even more bright.

MYTH: WASHINGTON BUREAUCRATS KNOW BEST HOW TO SPEND AMERICA'S MONEY

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

Mr. HOEKSTRA. Mr. Speaker, I was amazed again yesterday when I read Secretary Rubin's statement in Congress Daily, implying that tax cuts would unduly harm our economy.

Think about it: What Secretary Rubin really thinks is that Washington bureaucrats know better how to spend the American people's money than the American people themselves. It takes a lot of nerve to suggest to the American people, who have to balance their own budgets, pay their own bills on time, that the Federal Government, which does not do these things, will make better decisions about managing money than they will.

It takes a lot of nerve, especially since this President is proposing an additional $1 billion in spending for a bureaucracy whose financial books are unauditable. What responsible American would put a billion dollars into a company whose books were unauditable?

This is not about tax cuts. It is about arrogance, the arrogance of the President and his advisors suggesting that a dollar spent by Washington bureaucrats is better spent than a dollar spent by parents, families, across America.

NO TIME TO WASTE

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

Mr. PALLONE. Mr. Speaker, while Democrats and the President have developed sweeping plans to strengthen our education system and provide health care for the 10 million children in this country who currently have no coverage, the Republicans have offered no specifics in return. Instead of immediately turning Congress' focus to programs that make a real difference in people's lives, like tax breaks to help pay for college, the repair of decaying elementary schools and insurance for uninsured infants, today instead the GOP has scheduled a vote on term limits.

If history is any indication, Mr. Speaker, time will show the GOP's interest in term limits today is nothing more than a delay tactic. Term limits will do nothing for schools badly in need of repair. Term limits will not teach a child to read or ensure our children receive medical attention when they fall sick.

I think we have a lot more important things to consider and we do not have time to waste. The sooner the Republican leadership learns this, the sooner we can provide quality education and health care to our children instead of spending the time today on term limits.

FEDERAL ESTATE TAX SHOULD BE REPEALED

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

Mr. PITTS. Mr. Speaker, I stand before you today to speak about my first bill and to implore my colleagues to repeal the Federal estate tax. This tax hits millions of families and small farm and business owners.

This unfair tax for too long has been burdening people of this country at one of the most difficult times in their lives, at the time of the death of a loved one. It forces them to sell assets just inherited by them so they can pay unreasonable sums to the Federal coffers.

Mr. Speaker, numerous people across the country stand to lose family farms and businesses that they have worked their entire lives to build. Faye Givler, owner of Steckel Printing and employer of 94 people in Lancaster, PA, stands to lose her life's work with this tax. Her children, just because of this tax, stand to lose it all.

Mr. Speaker, this is outrageous. With 65 cents of this tax going to enforcement and compliance, what sense is there in inflicting such stress on Americans who work hard to build their children's future? This tax threatens that simple dream. I urge my colleagues to repeal this unfair tax.

WHERE IS THE APPLE FOR OUR TEACHERS?

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

Ms. JACKSON-LEE of Texas. Mr. Speaker, today I am meeting with representatives from the education community from the State of Texas. I want to give them hope and, most importantly, I want to answer the question, where is the apple for our teachers?

Interestingly enough, as the bipartisan team met with the President last evening, education was high on the priority, but yet today we will spend 9 hours or so talking about term limits, when the American people can elect or unelect their elected officials every 2 years.

Two years ago the Republicans were talking about slashing title I programs by $4.9 billion. If education is so important, let us get about the business of doing what we are supposed to do. Let us ensure that we have the right number of Pell grants for our college students, and our college student direct loan program. Let us really talk about education so that something happens.

Let us not just fool around with political gimmickry and term limits when we all know the American people will elect us or unelect us every 2 years. I am ready to roll up my sleeves and make education my priority and make this Nation the very best it can be for the rest of this 21st century.

SUPPORT A BALANCED BUDGET AMENDMENT

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

Mr. TIAHRT. Mr. Speaker, it happens in every household, in every business, both large and small, in every school system, in every city council, in every county government, in every checking account across the Nation, everywhere but here in the Federal Government. This Government has not balanced its budget since Neil Armstrong walked on the moon. It should be easier to balance the Federal budget than to get someone to the moon.

When we borrow money for all these lofty enterprises for the Federal Government, for each dollar that we borrow it takes at least $3 just to cover the interest to pay it back. So let us

vote for a balanced budget amendment. I urge my colleagues to vote for it, to put in place the necessary discipline so that we can secure an economic future for our children, not one at their expense.

HIGH SCHOOL IS TOO EASY

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

Ms. DELAURO. Mr. Speaker, a headline in yesterday's Washington Post provided a sad commentary on the state of our educational system. The headline read: ''Teens Tell Researchers High School Is Too Easy.''

The article revealed the findings of a recent study by the nonprofit group Public Agenda, and it was entitled, and I quote, ''Getting By.'' The survey of 1,300 high school students found that most students think their classes are not challenging enough, often lack exemplary teachers, and are filled with too many disruptive students.

We all know there are no easy answers to the ills that plague our Nation's schools, but here are some obvious first steps that we can take to address the feelings expressed by students in the survey: getting back to basics, setting rigorous standards for students and teachers, and returning discipline to the classroom.

These may sound like old-fashioned techniques but, according to this survey, a new generation of students would welcome these old ideas.

What we ought to be doing, instead of spending 9 hours in debating term limits today, is I call on the Republican leadership to please let us get to what the people want to talk about, and that is education, the affordability of it, the standards that exist in our classrooms. Let us put the Nation's business first before politics.

CONGRESS MUST WORK SERIOUSLY ON THE ISSUE OF CHILD ABUSE

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

Mr. FOLEY. Mr. Speaker, I welcome to the Chamber many people from the safety patrols from around our Nation's Capital.

I urge our colleagues to work seriously on the issue of child abuse. Not a day goes by we are not reading another detail of the sad, tragic ending of JonBenet's life, JonBenet Ramsey's life in Colorado, and daily we read in our newspapers about the violence that affects our children: sexual violence, physical violence, a lack of a decent home.

If there is a plague on America, it is our treatment of our children and our lack of response for our children. So I urge my colleagues today, as we build this bipartisan Congress, that we focus on children. On education, yes, but also their safety; that they are not intruded on, that they are not the victims of a nasty crime of sexual abuse, and that we look out for the young people of our communities to make certain that they will grow to be productive leaders in the future.

TERM LIMITS DEPRIVE PEOPLE OF CHOICE BETWEEN CITIZEN LEGISLATORS AND PUBLIC SERVANTS

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

Mrs. MCCARTHY of New York. Mr. Speaker, today the House of Representatives will vote on term limit legislation. I have always believed in citizen legislators who work hard for the people, who accomplish things to make their communities a better place to live and then step aside after a few terms to let others into office to achieve new goals. It is what I have believed in and the kind of representative I am.

At the same time, I also believe in devoted public servants, citizens who dedicate their lives to learning the laws and doing good things for others. I believe Congress needs people like Senator Bob Dole and PATRICK MOYNIHAN, people who spend their lives working to improve our lives.

Term limits will deprive people of their choice between citizen legislators and public servants, and we do not need that. Term limits come from the voters at the election booth and from the legislators themselves, not from the Congress.

TERM LIMITS WILL ASSURE A SYSTEM BASED ON THE CONCEPT OF A CITIZEN LEGISLATURE

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

Mr. METCALF. Mr. Speaker, I launched the struggle for term limits in the Washington State Senate more than a quarter century ago. It was clear then and it is even more clear today that long-term service concentrates power into the hands of a few power brokers and thus reduces effective representation by the citizen legislator as visualized by our founders.

Our system is based on the concept of a citizen legislature. People should serve a limited time in a legislative body and then return to live under the laws that they have passed.

My State has passed term limits and I will abide with our three-term limit whether it is upheld by the court or not.

REPEAL THE 1993 SOCIAL SECURITY TAX ON SENIORS

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

Mrs. JOHNSON of Connecticut. Mr. Speaker, our senior citizens have worked their entire lives to protect the savings that can assure them a safe and secure retirement. Social Security is one of the two pillars of retirement security for our seniors.

We owe it to them to protect the benefits that they planned for and depend upon. That is why I have introduced legislation to repeal the tax increase on Social Security that was adopted in 1993.

Our seniors helped make America the greatest country in the world. The Federal Government should not jeopardize their quality of life by punishing them with high taxes on their Social Security benefits. Repealing this increase is a matter of fairness and will help senior citizens, especially those with moderate incomes keep more of their own money in their own pockets.

I urge my colleagues to join me as cosponsors of this critical legislation for our senior constituents.

CONGRESSIONAL TERM LIMITS AMENDMENT

Mr. SOLOMON. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 47 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 47

Providing for consideration of the joint resolution (H.J. Res. 2) proposing an amendment to the Constitution of the United States with respect to the number of terms of office of Members of the Senate and the House of Representatives.

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 joint resolution (H.J. Res. 2) proposing an amendment to the Constitution of the United States with respect to the number of terms of office of Members of the Senate and the House of Representatives. The first reading of the joint resolution shall be dispensed with. General debate shall be confined to the joint resolution and shall not exceed two hours equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary. After general debate the joint resolution shall be considered for amendment under the five-minute rule. The joint resolution shall be considered as read. No amendment shall be in order except those specified in the report of the Committee on Rules accompanying this resolution. Each amendment may be offered only in the order specified in the report, may be offered only by a Member designated in the report, may be considered notwithstanding the adoption of a previous amendment in the nature of a substitute, shall be considered as read, shall be debatable for the time specified in the report of the Committee on Rules equally divided and controlled by the proponent and an opponent, and shall not be subject to amendment. If more than one amendment is adopted, then only the one receiving the greater number of affirmative votes shall be considered as finally adopted. In the case of a tie

for the greater number of affirmative votes, then only the last amendment to receive that number of affirmative votes shall be considered as finally adopted. The Chairman of the Committee of the Whole may: (1) postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and (2) reduce to five minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be fifteen minutes. At the conclusion of consideration of the joint resolution for amendment the Committee shall rise and report the joint resolution to the House with such amendment as may have been finally adopted. The previous question shall be considered as ordered on the joint resolution and any amendment thereto to final passage without intervening motion except one motion to recommit with or without instructions.

□ 1030

The SPEAKER pro tempore. (Mr. LAHOOD). The gentleman from New York [Mr. SOLOMON] is recognized for 1 hour.

Mr. SOLOMON. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Massachusetts [Mr. MOAKLEY], 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, this is the first rule of the 105th Congress. It is not an ideal rule, but it is about the best that is possible given the current circumstances.

The Committee on Rules was faced with a situation where there are nine States which have passed ballot initiatives requiring Members from those States to support a particular version of the term limits constitutional amendment specified in the ballot initiative, or else they would have to have a special designation next to their names on the ballot the next time they run at the next election which would read ''disregarded voter instructions on term limits.''

Mr. Speaker, while the constitutionality of these ballot initiatives have not yet been settled in the Supreme Court, out of fairness to those Members from those States we have to proceed with the requirements as they stand today. The nine States are Alaska, Arkansas, Colorado, Idaho, Maine, Missouri, Nebraska, Nevada, and South Dakota, although I am told that Nevada will have to pass the initiative a second time before it is final.

While the constitutional amendment proposed in the State ballot initiatives all call for a limit of three terms in the House and two terms in the Senate, none of the versions are identical, and that poses a very, very serious problem about finally getting a vote on this issue.

As a result, there may be, for instance, Members from some of those nine States who can only vote for the specific version specified in their State's ballot initiative and no others. So that takes 50 or 60 Members away from perhaps the final vote on this issue.

Last Tuesday I sent out a ''Dear Colleague'' letter, and I announced on the floor that any Member wishing to offer an alternative version of the term limits constitutional amendment should submit that proposal to the Committee on Rules by noon on Monday. In response, a total of twenty substitutes were submitted; seven of these were the exact versions required by the ballot initiatives in those particular States.

In order to meet the requirements of the ballot initiatives in the seven States which requested Committee on Rules action, all seven of those versions required to comply with State ballot initiatives were made in order. They are made in order under this rule, each with 10 minutes of debate, keeping in mind that there are 2 hours of general debate on this entire issue before we get into the amendment process.

Next, since the seven State initiative versions all provide three terms for House Members and two terms for Senators, two additional amendments were made in order, one by a Democrat and one by a Republican to provide other significant alternatives to this House.

Finally, the Dingell substitute, which was offered in the last Congress as the Democratic substitute, is made in order as well.

If one of these alternatives receives a majority vote, it would replace the base text and mean that there never would be a vote on the base text unless the base text is included as a substitute. Now, that gets a little confusing, but, therefore, what we have done to give everybody, all 11 amendments, a fair shot, we have made the McCollum base text as a separate amendment. That will be the last vote taken up on the floor of all these 11 amendments.

The rule provides again for 2 hours of general debate and 10-minute time limits on all the substitutes except for the Democrat alternative and the Republican alternative, the Dingell and McCollum resolutions, and they each have 30 minutes. The amendments will be considered under a procedure known as the most votes win.

As Members know, under previous Congresses before the Republican majority took over 2 years ago, we had often used a formula of king-of-the-hill, which I thought was grossly unfair. That meant that one amendment might receive 270 votes, yet the last one taken up would receive 50 votes less but still gain the majority in the House and it would win. I think that was grossly unfair. The House would not really be able to work its will under that procedure. So we do not use that procedure anymore. So under most votes wins, this means the alternative receiving the largest majority in the Committee of the Whole will be the version reported back to the House for the final vote.

In order to expedite the voting process, the rule allows the chairman of the Committee of the Whole to cluster votes and to reduce the voting time to 5 minutes on the second and subsequent votes in any particular series. In order to ensure that the minority has one last chance to offer its final alternative, there is a motion to recommit with instructions. As in the case of all constitutional amendments, a two-thirds vote is required for passage.

Mr. Speaker, I am a supporter of term limits. Numerous polls have shown that term limits are supported by the vast majority of the American people, and that is why you see these initiatives taking place all over the country in the various States. In many areas we have term limits now.

As chairman of the House Committee on Rules, I am already subject to a three-term limit as chairman under the rules of the Republican Conference, and that is as it should be. The House rules provide that the Speaker is subject to a four-term limit. Many Governors are limited in the number of terms they can serve. Some are only allowed to serve one term. The President of the United States is subject to a two-term limit, 8 years.

It is possible to function under a system of term limits, and that is why we have this matter before us today. While there are some of us who are just as careful with a nickel as the day we were first elected, I have to say there are some that in a desire to be reelected end up saying, and this is important, saying ''yes'' to everybody and ''no'' to no one, and consequently this is how we got ourselves in this fiscal mess that we are in today.

Philosophically, I do not even support this term limitation. I think the term limitation ought to come from the voters, but how do you change something when voters say, my Congressman, BARNEY FRANK, is great but all the others are lousy.

Mr. FRANK of Massachusetts. Mr. Speaker, if the gentleman will yield, I do not see anything that needs to be changed in that statement.

Mr. SOLOMON. So to be fair, I think the only way we could ever deal with this thing is to have term limits, and that is why I am supporting it here today. The House should vote yes on this rule and yes on the term limits constitutional amendment that finally survives this winner-take-all provision.

Having said all that, Mr. Speaker, I reserve the balance of my time.

Mr. MOAKLEY. Mr. Speaker, I thank my colleague, my dear friend from New York [Mr. SOLOMON], the eternal Marine, for yielding me the customary half-hour, and I yield myself such time as I may consume.

Mr. Speaker, I oppose the rule because I believe that the American voters, and nobody else, should decide who represents them. For anyone who thinks that we do not have term limits, I would remind everybody that every 2 years, the entire House of Representatives is up for reelection. Every

2 years the American people can decide who they want in and who they want out.

Mr. Speaker, 2 years is far shorter than any of the term limit proposals we are going to hear here today. The shortest term limit proposed here today is 6 years. That is 4 years longer than the term limits built right now into the ballot boxes.

Proponents of term limits argue that incumbents always win. They say the deck is stacked. Mr. Speaker, that is not true. Nobody is immune. In fact, in the last few elections, our Speaker, the chairman of Ways and Means, chairmen of other standing committees, chairmen of subcommittees have all been defeated.

Mr. Speaker, over the last 10 years, 75 percent of the Congress has turned over. Three out of every four Members who were here 10 years ago either lost or retired, and most of those were relatively new Members themselves. In other words, Mr. Speaker, most of the people serving here have never had the pleasure of serving under my colleague from New York's favorite President, Ronald Reagan.

According to the National Journal, this Congress will have a higher percentage of Members serving 3 terms or fewer than any other Congress since 1952. More than 54 percent of the Members of this Congress have been elected in the last 5 years. The reason for this big turnover, Mr. Speaker, is quite simple. We live in a representative democracy. Every 2 years, the people decide who should represent them and who should not.

No one can tell the American people who they should vote for, and no one can tell the American people who they should not vote for, no matter how long their Representatives have been here or how well they have served. To quote my dear friend Henry Hyde, the Republican chairman of the Judiciary Committee, ''We need to trust the people.''

Mr. Speaker, even if some of my colleagues do not trust the people, term limits is not the way to do it. Congressional term limits strengthen our already powerful Presidency, which will upset the constitutional balance of powers. Term limits will result in a Congress with less expertise, which is dangerously reliant on special interest lobbyists for directions, and term limits could force Members to be concerned more with their next job than with serving well in their current job.

In Federalist Paper No. 53, Mr. Speaker, James Madison said that ''A few of the Members of Congress will possess superior talents; will by frequent reelections be thoroughly masters of the public business.''

Mr. Speaker, the Founding Fathers thought about term limits and decided against them. They felt that fair and frequent elections would do more to encourage a healthy democracy than anything else. Mr. Speaker, they were right. Term limits are undemocratic. Concerns about the openness of the electoral process should not be answered with arbitrary term limits.

If you are concerned with the openness of our electoral process, then make it easier for people to run. Level the playing field. Enact campaign finance reform. But do not take away the people's right to choose their own Representatives.

Today, Mr. Speaker, we are going to vote on 11 term limit proposals. All but one of these proposals confuses me. I am confused that so many of my colleagues are for term limits, of course unless the term limit applies to them.

The only amendment we will hear today that in my opinion is sincere on the issue of term limits is Mr. Dingell's amendment. Mr. DINGELL, despite his long and distinguished career here in the House, is offering the only amendment that says we will live by whatever proposal passes the House today. His amendment would make term limits apply immediately, not 6 or 20 years down the road.

That is more than I can say for the other amendments. Every single one of these 10 amendments say, ''Do what I say, not what I do.'' I for one, Mr. Speaker, do not believe you should vote for anything that you are not willing to live by yourself.

□ 1045

I believe that Members who file term limits legislation should not wait for the decades it will take to go through the process, but they should apply the terms that they advocate to themselves and show the voters that they really mean what they say.

If term limits are good enough for the people who will come after us in the House, then they should be good enough for us. I urge my colleagues to defeat the rule. The American people and nobody else should decide who represents them.

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

Mr. SOLOMON. Mr. Speaker, did I hear the gentleman say defeat the rule?

Mr. Speaker, I yield 4 minutes to the gentleman from Sanibel, FL [Mr. GOSS], the distinguished chairman of the Subcommittee on Legislative and Budget Process of the Committee on Rules.

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

Mr. GOSS. Mr. Speaker, I thank the gentleman from Glens Falls, NY [Mr. SOLOMON], the distinguished chairman of the Committee on Rules, for yielding, and I rise in support of this rule. This is a special rule for a special issue. It is fair, it is thorough, it provides for ample debate and consideration of a broad array of options on the subject of term limits.

There is no question that when today's proceedings are done that we have had an extensive airing of the term limits issue on the floor, what we would call true deliberative democracy.

I commend the chairman and the core group of advocates who have worked so hard to make sure that we fulfilled our promise to make term limits the first substantive legislative issue to be discussed and voted on in this new Congress.

Mr. Speaker, 2 years ago this body made a historic vote, as mandated by the American people, on a constitutional amendment for congressional term limits. It was inevitable and appropriate that we would consider this issue, given the movement across this Nation, the public opinion.

Frankly, Congress has fallen way behind the people in the States on this issue. By 1995 my own State of Florida and 22 other States had adopted State-imposed term limits. But in Congress, despite garnering a majority of votes, term limits failed to achieve the constitutionally required two-thirds or 290 votes in the 104th Congress.

Now, even though it failed, we made history in that vote in the 104th Congress by having the vote, and we pledged to bring it back to this Congress; so here we are.

The constitutional amendment before us sets a national standard for a 12-year term limit on Members of Congress, one that supersedes the State-by-State approach. As we all know, the Supreme Court has ruled that State-imposed term limits on Congress are unconstitutional, leaving a constitutional amendment as the only route to address the term limits issue.

Many of us here today favor term limits as a matter of principle, and we worry less about whether it is a 6-, 8-, or 12-year restriction and about responding to the will of the people, the people we work for, the American taxpayers.

In my own State of Florida, we adopted eight is enough in 1992, and I look forward to supporting that approach on the floor today.

Of course there are clearly some among us who are opposed to any term limits as a matter of principle. As they respect my view for the principle it represents, I also respect theirs. That is why we have votes.

Unfortunately though there are those who do not see the compromise on this issue and who have perhaps unwittingly complicated today's debate. As a result of State ballot initiatives, we now have a handful of Members that are bound by nine State initiatives requiring them to vote only for their own State's version of term limits, all of them 6-year limits, but all worded slightly differently or those Members will be branded by so-called scarlet letter identification on the ballot. This makes for a very interesting mix of amendments today.

As a result of the panoply of votes we have today, many say we do not have the numbers on any one option to pass a constitutional amendment. Well, that is certainly a shame if it turns out

to be true since the will of the American people is strong on this issue. They want a citizen legislature to do the work of the people and then return home to live under the laws that that legislature creates.

I favor term limits, I have always authored my own term limits proposal, and there is one of the amendments today that closely parallels it, and I will vote for all serious term limit options that are on the docket today. If we fail today, we will keep coming back until we get this done so we might just as well support this rule and get on with the job.

I urge my colleagues' support.

Mr. MOAKLEY. Mr. Speaker, I yield 6 minutes to the gentleman from Massachusetts [Mr. FRANK], the outstanding Congressman that the gentleman from New York [Mr. SOLOMON] alluded to.

Mr. FRANK of Massachusetts. Mr. Speaker, I thank the ranking minority member. I want to say at the outset that, while I am against term limits, given the complexity of the situation I think the Committee on Rules did a very fair job in structuring this rule. Any opposition that was expressed to the rule on our side is philosophical opposition to term limits. But we have, I believe, no complaint about the rule.

The gentleman from New York accommodated the reasonable issues that were raised in the Committee on the Judiciary. He accommodated both majority and minority Members. The only thing I would express is the hope that this rule will be the model for the next 2 years because it is an inclusive and fairly structured rule, and I appreciate it.

I would just note that the gentleman from New York [Mr. SOLOMON] quite honestly, as he always does, indicated that part of the motivation; indeed I think the bulk of the motivation for term limits, is a sense that the voters can be a bad influence on this place. I mean, as the gentleman from New York said, philosophically he is elected to impose limits on democracy. He is driven to what he said, and this is a very honest and, I think, accurate statement, by the sense that during the 1980's, when there were differences, for instance, between conservatives who wanted to increase military spending and cut taxes and liberals who wanted to increase domestic spending, we compromised by doing all of the above with consequent negative effects on the deficit. The easiest way for us to resolve our difficulties was for each to accommodate the other with the consequent exposure of the deficit.

My colleague correctly points out that the public influence there was despite polls that said people did not like the deficit, in fact to urge Members to vote for things which had the effect of raising the deficit. The popular short-term vote was often a deficit-enhancing vote.

But I would point out that today everybody understands that is not true. The public may not instantly get the point of the contradiction and from what they are saying. But today public opinion is an overwhelming force for bringing that deficit down. I think that vindicates the fundamental democratic principle that one does trust the voters ultimately to express themselves accurately, and I think the voters are now doing that. That is, they helped resolve this contradiction. I think the voters have said to us: Balancing the budget is more important than a lot of other issues. That was not what they were saying in the 1980's.

So I have to say that I understand the motivation, but it ought to be made clear. People who offer term limits have at bottom a desire to limit popular influence on the deliberations of this body. The more Members who are ineligible to vote for reelection, the less public opinion will be affected.

By the way, one amendment which was offered in committee; we did not reoffer it here, but it was overwhelmingly rejected by the advocates of term limits, and it makes a point. One Member proposed that the term limit be a consecutive term limit but not a lifetime ban—at committee, one Member offered an amendment to say that this would not be a lifetime ban. It would simply mean that one could not serve a consecutive period more than 12 years, but one could leave and come back.

Now that was meant to handle the argument that the problem here is seniority and that one way to break the seniority system was with that term limit. But, overwhelmingly, Republican Members said, ''No, that is not acceptable. You cannot make an exception to the principle. The principle is 12 years and you must leave the House of Representatives.''

In other words: ''We don't want you thinking about what the voters might do in your case 2 and 4 and 6 and 8 years from now,'' and I think that confirms that this is fundamentally meant to be a limitation on democratic influence. It is a limitation on the extent to which people will be able to influence how their Members vote.

I do not think Members ought to be slavishly following the latest poll. I think Members ought to be willing in many cases to say I know public opinion disagrees with this particular vote, but I believe, given the values that I was sent here to express, that is a mistake; and I think the public will ultimately accept this judgment if I make the case.

But term limits is a way to say, look, after a certain period the voters will not pay much attention. People say term limits is to increase competitiveness. I believe it would have the opposite effect. Members who are interested, citizens interested in running for Congress in the fifth and sixth term of a Member of Congress could say, ''But why challenge an incumbent? Why not wait until the seat comes open?''

So I think this is a philosophically flawed proposal which is really an expression of frustration.

When did term limits come up? It came up after the explosion of the deficit in the 1980's when people felt the deficit would go up and up and up and Members could never be defeated. We now have a situation where the deficit has been coming down, and we have an overwhelming commitment to get it to zero by the year 2002, that Members here feel is a public expression of will. We also have a significant turnover.

So I hope that we will, when this comes before us, vindicate democracy and vote down all of these versions of term limits.

Mr. SOLOMON. Mr. Speaker, I yield myself such time as I might consume first to say that, as usual, the gentleman from Massachusetts [Mr. FRANK] was articulate and interesting. Many of the points were cogent and to the point except for one. He talks about the American people are in a deficit-reducing mode and therefore the Congress will be too. Therein lies the problem, and therein lies the reason why I have to support term limits against my own philosophy.

Just take a look at the President's budget. I was so disheartened when that budget was made public last Thursday. Instead of staying on this deficit-reducing mode, a glidepath downward, like this, to a balanced budget by the year 2002, lo and behold, in the first 4 years of the President's projections we are on the down glide, on the glidepath which reduces the budget—the deficit each year. Lo and behold, we go up in the first 3 years. Then we level off, and in the last 2 years, after the President is gone, the budget starts—the deficit starts to go back down.

We know that is not going to happen because it is too tough. If we do not make those cuts, if we do not reduce those deficits every single year, we are never going to get there. And that is why we have a Congress that just will not say—they say yes to everything and no to nothing, and we end up with these huge deficits which is literally going to bankrupt this Nation and future generations including my four grandchildren.

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

Mr. SOLOMON. Mr. Speaker, I do not have too much time, but I am going to yield to the gentleman.

Mr. FRANK of Massachusetts. I will get an extra minute, if I can.

Mr. SOLOMON. Mr. Speaker, I yield 1 minute to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Speaker, I ask the gentleman from Massachusetts to yield 1 minute to me.

Mr. MOAKLEY. Mr. Speaker, I yield 1 minute to the gentleman from Massachusetts.

The SPEAKER pro tempore. The gentleman from Massachusetts [Mr. FRANK] is recognized for 2 minutes.

Mr. FRANK of Massachusetts. Mr. Speaker, first I was interested to hear my friend say that he was going to

vote on this contrary to his philosophy. That is a precedent in his case I would urge him to follow more often. I think that would have a good effect on the body. But beyond that he made an interesting point. His view is that the President, as he sees it now, is less committed to budget balancing than Members of Congress. I differ with him factually, but let me make a point.

The President is term limited and we are not. So the gentleman's point is that the term limited President is not as committed to balancing the budget as the nonterm limited Congress, and I do not think that is a great argument from his standpoint for term limits.

Mr. SOLOMON. Mr. Speaker, I yield 2 minutes to the gentlewoman from Columbus, OH [Ms. PRYCE], a very, very valuable member of the Committee on Rules and a former judge.

Ms. PRYCE of Ohio. Mr. Speaker, I thank the distinguished chairman of the Committee on Rules for yielding me this time, and I rise in support of this very, very fair rule.

While some may suggest that we lack the votes to pass a term limits amendment, the issue itself is here to stay and is gaining momentum across the country. Twenty-three States have passed their own term limits initiatives, and I believe an overwhelming majority of Americans support them. In my view Congress still needs reform, and one very effective way we can bring change to this institution is to prevent the continued return to this body and to the other body of career politicians.

Some of my colleagues have argued very articulately against term limits, and there are valid arguments on both sides. But I remain convinced that limits are not only beneficial, they are essential to making Congress more effective, productive and accountable.

The Congress was meant to be a citizen legislature. The Founding Fathers and those that followed after them were laymen, not career politicians. Just think of the many benefits that would come from term limits: a regular influx of new ideas, fresh motivated Members, a Congress closer to the people and the issues facing them out there in the real world, a greater emphasis on merit rather than seniority and a better chance to guard against legislative gridlock as all Members achieve a higher level of political courage knowing that their life's work is not here in Washington and that there is life after service here.

□ 1100

I expect this to be a very interesting debate. The mere fact that we are having this debate at all after our first attempt in 1995 is testimony to just how much Congress has changed in recent years. Under this rule, Members will have a chance to consider all of the major issues involved in this historic debate, including retroactivity and allowing States to set lower limits.

Mr. Speaker, term limits is a serious endeavor, one that goes to the very heart of our goal to end the status quo in Washington. So first, I urge my colleagues to listen very carefully to what the American people are asking us to do, and then to support this fair rule so that we can have honest, full debate on the issue of term limits.

Mr. MOAKLEY. Mr. Speaker, I have no further requests for time at this time, and I reserve the balance of my time.

Mr. SOLOMON. Mr. Speaker, I yield 3 minutes to the gentlewoman from Florida [Mrs. FOWLER], a very valuable Member of this body and one of the real leaders in this effort to implement term limitations.

(Mrs. FOWLER asked and was given permission to revise and extend her remarks and include extraneous material.)

Mrs. FOWLER. Mr. Speaker, I rise in support of this rule. While this is not the rule those of us on the term limits task force had hoped for, it unfortunately is a rule we must have. I am pleased that this rule allows a vote on my bill, which calls for 8-year limits on House Members and 12-year limits on Senators. I want to thank the gentleman from New York [Mr. SOLOMON] and the other members of the Committee on Rules for making my amendment in order.

I will address the specifics of my amendment later when it is considered, but I rise now to talk for just a minute about this rule and why it is structured the way it is.

Mr. Speaker, we are preparing to embark on a drawn out, confusing debate on a number of term limits amendments. As has been mentioned, the reason is an initiative effort in the States by U.S. Term Limits. U.S. Term Limits calls their initiative the informed voter law. They say all they are doing is informing voters which Members support term limits and which do not. It is ironic at best and disingenuous at worst that these are called informed voter laws, because voters are anything but informed as a result of their efforts.

Let me read you what appeared on the Maine ballot: ''Do you want Maine to require candidates and elected officials to show support for term Congressional limits or have their refusal printed on the ballot?'' No mention of forcing Members to support only a 6-year limit. No mention of forcing Members to vote against any other version of term limits.

Then you have the issue of the ballot designation, or what has been called the scarlet letter. Let us say you are from Missouri, a State that passed an 8-year limit for Representatives back in 1992. If you vote for the 6-year bill as required in the initiative and you also vote for my 8-year bill, your voters will be told that you do not support term limits on the next ballot.

Let me make this perfectly clear. A term limit supporter, someone who votes for term limits, could be designated a term limits opponent on the Federal ballot. Those of us who support term limits may not agree completely on the exact language of an amendment, but we all agree that U.S. Term Limits' latest strategy is ill-conceived and ill-advised. I urge all my colleagues to read George Will's column in this week's Newsweek for more insight into this initiative and its ramifications.

We all hope that the courts will strike down this extremely dangerous and misleading manipulation of the Federal ballot. In the meantime, our Members must vote today without a definitive legal opinion. That is why this rule has been fashioned to give term limit supporters every opportunity to avoid the misleading ballot designation. I urge my colleagues to support the rule.

Mr. Speaker, I include for the RECORD the materials referred to earlier.

STATEWIDE REFERENDUM RESULTS FOR THE ELECTION HELD ON NOV. 5, 1996

Question	Question Type	Question	Yes	No
1	Citizen initiative	Do you want Maine to require candidates and elected officials to show support for Congressional term limits or have their refusal printed on the ballot?	318,119	225,620
2A	Citizen initiative	2A: Citizen Initiative: Do you want Maine to ban clearcutting and set other new logging standards?	175,078	N/A
2B	Competing measure	2B: Competing Measure: Do you want the Compact for Maine's Forests to become law to promote sustainable forest management practices throughout the State?	282,620	N/A
2C	Against A and B	2C: Against A and B: Against both the Citizen Initiative and the Competing Measure	139,176	N/A
3	Citizen initiative	Do you want Maine to adopt new campaign finance laws and give public funding to candidates for state office who agree to spending limits?	320,755	250,185
4	Bond issue	Do you favor $3,000,000 bond issue to make capital improvements at state parks and historic sites?	342,116	234,023
5	Bond issue	Do you favor a $16,500,000 bond issue for the following purposes: (1) $2,500,000 to investigate, abate and clean up threats to the public health and the environment from hazardous substance discharges; (2) $5,000,000 to protect the public health, safety and the environment by providing funds for the cleanup of tire stockpiles; and (3) $9,000,000 to protect the State's drinking water resources by granting funds to cities and towns for the closure and cleanup of their solid waste landfills?	352,924	221,542
6	Bond issue	Do you favor a $11,000,000 bond issue to encourage job growth and economic vitality by providing access to capital for agricultural enterprises and small businesses with a significant potential for growth and job creation?	370,978	202,432
7	Constitutional amendment	Do you favor a $10,000,000 bond issue for the following purposes: (1) $8,000,000 to construct water pollution control facilities, providing the state match for $10,000,000 in federal funds; and (2) $2,000,000 to address environmental health deficiencies in drinking water supplies?	360,888	209,300
8	Constitutional amendment	Do you favor amending the Constitution of Maine to require that a direct initiative petition be submitted to local officials earlier than is presently required in order to allow 5 working days rather than 2 days for local officials to certify the petitions?	367,994	187,428

Question 1: Citizen Initiative: Do you want Maine to require candidates and elected officials to show support for Congressional term limits or have their refusal printed on the ballot?

STATE OF MAINE

''An Act to Seek Congressional Term Limits''

Preamble. The People of the State of Maine want to amend the United States Constitution to establish Term Limits on Congress that will ensure representation in Congress by true citizen lawmakers. The President of the United States is limited by the XXII Amendment to two terms in office. Governors in forty (40) states are limited to two terms or less. Voters have established Term Limits for over 2,000 state legislators as well as over 17,000 local officials across the country.

Nevertheless, Congress has ignored our desire for Term Limits not only by proposing excessively long terms for its own members but also by utterly refusing to pass an amendment for genuine congressional term limits. Congress has a clear conflict of interest in proposing a term limits amendment to the United States Constitution. A majority of both Republicans and Democrats in the United States House of Representatives during the 104th Congress voted against a constitutional amendment containing the Term Limits passed by a wide margin of Maine voters.

The people, not Congress should set Term Limits. We hereby establish as the official position of the Citizens and State of Maine that our elected officials should enact by Constitutional Amendment congressional term limits no longer than three (3) terms in the United States House of Representatives, not longer than two (2) terms in the United States Senate.

The career politicians dominating Congress have a conflict of interest that prevents Congress from being what the Founders intended, the branch of government closest to the people. The politicians have refused to heed the will of the people for Term Limits; they have voted to dramatically raise their own pay; they have provided lavish million dollar pensions for themselves; and they have granted themselves numerous other privileges at the expense of the people. Most importantly, members of Congress have enriched themselves while running up huge deficits to support their spending. They have put the government nearly $5,000,000,000,000.00 (five trillion dollars) in debt, gravely threatening the future of our children and grandchildren.

The corruption and appearance of corruption brought about by political careerism is destructive to the proper functioning of the first branch of our representative government Congress has grown increasingly distant from the People of the States. The People have the sovereign right and a compelling interest in creating a citizen Congress that will more effectively protect our freedom and prosperity. This interest and right may not effectively be served in any way other than that proposed by this initiative.

The foresight of our Founders provided the People with a path around congressional self-interest under Article 5 of the Constitution. Pursuant to Article 5, the People may seek a convention to propose amendments to the Constitution when two-thirds of the States (34) apply for such a convention. Amendments proposed by a convention would become part of the Constitution upon the ratification of three-fourths of the states (38). Therefore, the state of Maine, hereby amends its Compiled Laws pursuant to our power under the state constitution.

We hereby state our intention that this law lead to the adoption of the following Constitutional Amendment:

CONGRESSIONAL TERM LIMITS AMENDMENT

Section A. No person shall serve in the office of the United States Representative for more than three terms, but upon ratification of this amendment no person who has held the office of the United States Representative or who then holds the office shall serve for more than two additional terms.

Section B. No person shall serve in the office of United States Senator for more than two terms, but upon ratification of this amendment no person who has held the office of United States Senator or who then holds the office shall serve in the office for more than one additional term.

Section C. This article shall have no time limit within which it must be ratified to become operative upon the ratification of the legislatures or Conventions of three-fourths of the several States.

Therefore, We the People of the State of Maine, have chosen to amend the Compiled State Laws to create legislation that will inform voters regarding incumbent and non-incumbent federal candidates' support for the above proposed CONGRESSIONAL TERM LIMITS AMENDMENT and incumbent and non-incumbent state legislators' support for the following proposed application to Congress:

We, the People and Legislature of the State of Maine, due to our desire to establish term limits on Congress, hereby make application to Congress, pursuant to our power under Article V, to call an Article V Convention.

Be it enacted by the People of the State of Maine as follows:

Sec. 1.21–A MRSA c. 9, sub-c. I–A is enacted to read:

SUBCHAPTER I–A—CONGRESSIONAL TERM LIMITS ACT OF 1996

§ 641. Short Title

This subchapter may be known and cited as the ''Congressional Term Limits Act of 1996.''

§ 642. Definitions

As used in this Act, unless the context otherwise indicates, the following terms have the following meanings:

1. Application. ''Application'' means an application to the Congress of the United States to call a convention for the purpose of proposing an amendment to the United States Constitution to limit to 3 terms the service of members of the United States House of Representatives and to 2 terms the service of the United States Senate.

2. Proposed amendment, ''Proposed amendment'' means the following proposed amendment to the United States Constitution set forth in The Congressional Term Limit Act of 1996:

CONGRESSIONAL TERM LIMITS AMENDMENT

Section A. No person shall serve in the office of United States Representative for more than three terms, but upon ratification of this amendment no person who has held the office of United States Representative or who then holds the office shall serve for more than two additional terms.

Section B. No person shall serve in the office of United States Senator for more than two terms, but upon ratification of this amendment no person who has held the office of United States Senator or who then holds the office shall serve in the office for more than one additional term.

Section C. This article shall have no time limit within which it must be ratified to become operative upon the ratification of the legislatures or Conventions of three-fourths of the several States.

§ 643. Ballot for incumbent Legislator

1. Notation of violation of voter instruction. Except as provided in subsection 2, the Secretary of State shall print on all primary, general and special election ballots ''VIOLATED VOTER INSTRUCTION ON TERM LIMITS'' adjacent to the name of any Legislator who during the current term of office failed to:

A. Vote in favor of the application when brought to a vote in any setting in which the Legislator served, including, but not limited to, either legislative body, a committee, a subcommittee or the legislative council;

B. Second the application if it lacked for a second in any setting in which the Legislator served, including, but not limited to either legislative body, a committee, a subcommittee or the legislative council;

C. Vote in favor of all votes bringing the application before any setting in which the Legislator served, including, but not limited to either legislative body, a committee, a subcommittee or the legislative council;

D. Propose, sponsor or otherwise bring to a vote of the full legislative body the application if it otherwise lacked a legislator who so proposed or brought to a vote of the full legislative body the application;

E. Vote against any attempts to delay, table, rerefer to committee or otherwise prevent a vote by the full legislative body of the application;

F. Vote in favor of any requests for the yeas and nays on all votes on the application;

G. Request the yeas and nays on all votes on the application if it otherwise lacked a Legislator who so requested;

H. Vote against any change, addition, amendment or modification to the application in any setting in which the Legislator served, including, but not limited to either legislative body, a committee, a subcommittee or the legislative council;

I. Either be present and voting during any consideration of the application in any setting in which the Legislator served including, but not limited to, either legislative body, a committee, a subcommittee or the legislative council, or, if absent during any consideration of the application in any setting in which the Legislator served, including, but not limited to either legislative body, a committee, a subcommittee or the legislative council, be recorded in favor of the application via pairing or other absentee provision;

J. Vote against any proposed repeal of or amendment to this Act;

K. Vote against any legislation that would supplement or alter this Act;

L. Vote in favor of the proposed amendment when it is sent to the states for ratification, in any setting in which the Legislator served, including, but not limited to, either legislative body, a committee, a subcommittee or the legislative council; or

M. Vote against any amendment to the United States Constitution with longer limits than those specified in the proposed amendment if any such amendment is sent to the states for ratification.

2. Exceptions. The language ''VIOLATED VOTER INSTRUCTION ON TERM LIMITS'' may not be printed adjacent to the name of a Legislator if:

A. Notwithstanding subsection 1, paragraphs A to K, the State has made application for the purpose of proposing the proposed amendment and that application has not been withdrawn or the proposed amendment has been submitted to the States for ratification;

B. Notwithstanding subsection 1, paragraphs L and M, the State has ratified the proposed amendment; or

C. Notwithstanding subsection 1, the proposed amendment has become part of the Constitution of the United States.

3. Determination. The Secretary of State shall determine whether to print ''VIOLATED VOTER INSTRUCTION ON TERM

LIMITS'' adjacent to the name of a Legislator in accordance with this section no later than the time that nomination petitions are certified. The Secretary of State shall make public this determination at the time that information regarding nomination petition certifications is made available to the public.

4. Challenge of determination. The determination made by the Secretary of State may be challenged under the same process that exists for challenging petition certification under sections 337 and 356. A challenger or candidate may appeal the decision of the Secretary of State by commencing an action in Superior Court in accordance with the Maine Rules of Civil Procedure, Rule 80–8. In this action, the Secretary of State shall be responsible for showing clear and convincing evidence to justify the Secretary of State's determination.

§ 644. Ballot for incumbent Governor

1. Notation of violation of voter instruction. Except as provided in subsection 2, the Secretary of State shall print on all primary, general and special election ballots ''VIOLATED VOTER INSTRUCTION ON TERM LIMITS'' adjacent to the name of any Governor who during the current term of office failed to:

A. Veto any attempt to amend or repeal this Act; or

B. Veto any legislation that would supplement, alter or effect this Act in any way.

2. Exception. The language ''VIOLATED VOTER INSTRUCTION ON TERM LIMITS'' may not be printed adjacent to the name of a Governor as required by subsection 1, if the proposed amendment has been submitted to the States for ratification and ratified by this State or the proposed amendment has become part of the United States Constitution.

3. Determination. The Secretary of State shall determine whether to print ''VIOLATED VOTER INSTRUCTION ON TERM LIMITS'' adjacent to the name of a Governor in accordance with this section no later than the time that nomination petitions are certified. The Secretary of State shall make public this determination at the time that information regarding nomination petition certifications is made available to the public.

4. Challenge of determination. The determination made by the Secretary of State may be challenged under the same process that exists for challenging petition certification under sections 337 and 356. A challenger or candidate may appeal the decision of the Secretary of State by commencing an action in Superior Court in accordance with the Maine Rules of Civil Procedure, Rule 80–B. In this action, the Secretary of State shall be responsible for showing clear and convincing evidence to justify the Secretary of State's determination.

§ 645. Ballot for incumbent members of Congress

1. Notation of violation of voter instruction. Except as provided in subsection 2, the Secretary of State shall print on all primary, general and special election ballots ''VIOLATED VOTER INSTRUCTION ON TERM LIMITS'' adjacent to the name of any United States Senator or Representative who during the current term of office;

A. Failed to vote in favor of the proposed amendment when brought to a vote in any setting in which the congressional member served including, but not limited to, either legislative body, a committee, a subcommittee or a legislative council;

B. Failed to second the proposed amendment if it lacked for a second before any proceeding of the legislative body including, but no limited to, either legislative body, a committee, a subcommittee or a legislative council;

C. Failed to propose, sponsor or otherwise bring to a vote of the full legislative body the proposed amendment if it otherwise lacked a congressional member who so proposed;

D. Failed to vote in favor of all votes bringing the proposed amendment before any committee, subcommittee or in any other setting of the respective house upon which the congressional member served including, but not limited to, either legislative body, a committee, a subcommittee or a legislative council;

E. In any other settings of the respective house in which the congressional member served, including, but no limited to, either legislative body, a committee, a subcommittee or a legislative council, failed to reject any attempt to delay, table, rerefer to committee or otherwise postpone or prevent a vote by the full legislative body on the proposed amendment;

F. Failed to vote against any proposed constitutional amendment that would increase term limits beyond those in the proposed amendment regardless of any other actions in support of the proposed amendment;

G. Sponsored or cosponsored any proposed constitutional amendment or law that would increase term limits beyond those in the proposed amendment;

H. Failed to vote in favor of any requests for the yeas and nays on all votes on the proposed amendment;

I. Failed to sign any discharge petition that would cause the proposed amendment to be considered by the full legislative body;

J. Failed to either be present and voting during any consideration of the proposed amendment in any setting in which the congressional member served including, but not limited to, either legislative body, a committee or subcommittee or, if absent during any consideration of the proposed amendment in any setting in which the congressional member served, including, but not limited to, either legislative body, a committee or subcommittee, be recorded in favor of the proposed amendment; by means of pairing, proxy voting or other absentee provision.

2. Exception. The language ''VIOLATED VOTER INSTRUCTION ON TERM LIMITS'' may not be printed adjacent to the name of any member of Congress as required by subsection 1 if the proposed amendment has been submitted to the states for ratification or has become part of the United States Constitution.

3. Determination. The Secretary of State shall determine whether to print ''VIOLATED VOTER INSTRUCTION ON TERM LIMITS'' adjacent to the name of any member of Congress in accordance with this section no later than the time that nomination petitions are certified. The Secretary of State shall make public this determination at the time that information regarding nomination petition certifications is made available to the public.

4. Challenge of determination. The determination made by the Secretary of State may be challenged under the same process that exists for challenging petition certification under sections 337 and 356. A challenger or candidate may appeal the decision of the Secretary of State by commencing an action in Superior Court in accordance with the Maine Rules of Civil Procedure, Rule 80–B. In this action, the Secretary of State shall be responsible for showing clear and convincing evidence to justify the Secretary of State's determination.

§ 646. Pledge to support term limits.

1. Pledge requirement. Until the proposed amendment becomes part of the United States Constitution, the Secretary of State shall offer to candidates for the Congress of the United States, Governor, the Maine Senate and the Maine House of Representatives the term limits pledge set forth in subsection 3. The Secretary of State shall provide pledge forms to the candidates. The candidates must sign and file with the Secretary of State the pledge forms before the commencement of petitioning for ballot access. Except as provided in subsection 2, for a candidate who refuses to take the term limit pledge, the Secretary of State shall print ''REFUSED TO PLEDGE TO SUPPORT TERM LIMITS'' printed adjacent to the candidate's name on every primary, general and special election ballot.

2. Exception. The language ''REFUSED TO PLEDGE TO SUPPORT TERM LIMITS'' may not be printed adjacent to the candidate's name on every primary, general and special election ballot when, pursuant to section 643, 644 or 645, the notation ''VIOLATED VOTER INSTRUCTION ON TERM LIMITS'' shall appear adjacent to the candidate's name.

3. Term limits pledge. The Secretary of State shall offer the following term limits pledge;

A. For all candidates for the United States Senate and the United States House of Representatives;

''I support term limits and pledge to use all my legislative powers to enact the proposed amendments to the United States Constitution set forth in the Congressional Term Limits Act of 1996. If elected, I pledge to act in such a way that the designation ''VIOLATED VOTER INSTRUCTION ON TERM LIMITS'' will not appear adjacent to my name.

_____

Signature for Candidate''

B. For all candidates for Governor:

''I support Term Limits and pledge, if elected, to use all my delegated powers to enact the proposed Constitution Amendment set forth in the Congressional Term Limits Act of 1996. I pledge to use all my delegated powers to cause the Legislature to make application under the United States Constitution, Article V, to the Congress of the United States as set forth in the Congressional Term Limits Act of 1996. I pledge to veto any attempt to amend or repeal the Congressional Term Limits Act of 1996. I pledge to veto any legislation that would supplement, alter or affect the Congressional Term Limits Act of 1996 in any way.

_____

Signature of Candidate''

C. For all candidates for the Maine Senate, the Maine House of Representatives:

''I support term limits and pledge to use all my legislative powers to cause the Legislature of the State of Maine to make application to the Congress of the United States for a constitutional convention under Article V of the United States Constitution, and to enact the proposed amendment to the United States Constitution set forth in the Congressional Term Limits Act of 1996. If elected, I pledge to act in such a way that the designation ''VIOLATED VOTER INSTRUCTION ON TERM LIMITS'' will not appear adjacent to my name.

_____

Signature of Candidate''

4. Determination. The Secretary of State shall determine whether to print ''REFUSED TO PLEDGE TO SUPPORT TERM LIMITS'' adjacent to the name of candidate in accordance with this section no later than the time that nomination petitions are certified. The Secretary of State shall make public this determination at the time that information regarding nomination petition certifications is made available to the public.

5. Challenge of determination. The determination made by the Secretary of State may be challenged under the same process that currently exists for challenging petition certification under sections 337 and 356. A challenger or candidate may appeal the decision of the Secretary of State by commencing an action in Superior Court in accordance with the Maine Rules of Civil Procedure. Rule 30-B. In this action, the Secretary of State shall be responsible for showing clear and convincing evidence to justify the Secretary of State's determination.

Sec. 2. Legislators directed to make application to Congress. Each member of the Maine Senate and the Maine House of Representatives shall use all of that Legislator's delegated powers to make the following application under the United States Constitution, Article V, to the Congress of the United States:

''We, the People and Legislature of the State of Maine, due to our desire to establish term limits on Congress, hereby make application to Congress, pursuant to our power under Article V, to call an Article V Convention.''

Sec. 3. Governor directed to aid an application and ratification. The Governor shall use all of the Governor's delegated powers to aid the Legislature in making the application specified in Sec. 2 to the Congress of the United States under Article V of the United States Constitution.

Sec. 4. Congressional delegation directed to propose congressional term limits amendment. Each member of the state's congressional delegation shall use all of that member's delegated powers to propose and vote for the following amendment to the United States Constitution:

CONGRESSIONAL TERM LIMITS AMENDMENT

Section A. No person shall serve in the office of United States Representative for more than three terms, but upon ratification of the amendment no person who has held the office of United States Representative or who then holds the office shall serve for more than two additional terms.

Section B. No person shall serve in the office of United States Senator for more than two terms, but upon ratification of this amendment no person who has held the office of United States Senator or who then holds the office shall serve in the office for more than one additional term.

Section C. This article shall have no time limit within which it must be ratified to become operative upon the ratification of the legislatures or Conventions of three-fourths of the several States.

Sec. 5. Jurisdiction. Any legal challenge to this Act shall be filed as an original action before the Supreme Court of this state.

Sec. 6. Severability. If any portion, clause, or phrase of this initiative is, for any reason, held to be invalid or unconstitutional by a court of competent jurisdiction, the remaining portions, clauses, and phrases may not be affected, but shall remain in full force and effect.

STATEMENT OF FACT

This bill accomplishes the following:

1. It requires the Secretary of State to offer to all candidates for the Legislature, Governor and Congress a pledge to support congressional term limits and requires that, if a candidate refuses to sign the pledge, the Secretary of State print adjacent to that candidate's name on the ballot the words ''REFUSED TO PLEDGE TO SUPPORT TERM LIMITS.''

2. It requires that the Secretary of State print adjacent to the candidate's name on the ballot the words ''VIOLATED VOTER INSTRUCTION ON TERM LIMITS'' if an incumbent candidate for Governor, Congress or Legislature fails to vote in the manner specified in the bill.

3. It directs the Legislature to make application to Congress calling for a constitutional convention to propose an amendment to the federal constitution to require congressional term limits and directs the Governor to aid in such application. It also directs the State's congressional delegation to work to propose such an amendment to the federal constitution.

INTENT AND CONTENT

This initiated legislation seeks to impose term limits of 3 terms (6 years) for the United States House of Representatives and 2 terms (12 years) for the United States Senate in five ways:

1. It would direct the Main Legislature to apply to the United States Congress to call a constitutional convention, pursuant to Article V of the United States Constitution, for the purpose of enacting an amendment to the United States Constitution imposing Congressional term limits.

2. It would direct each member of Maine's Congressional delegation to vote for a constitutional amendment establishing Congressional term limits.

3. It would require the Secretary of State to print on any election ballot the phrase ''VIOLATED VOTER INSTRUCTION ON TERM LIMITS'' next to the name of any member of the Maine Legislature or any Governor who fails to use all of his or her powers to secure passage of an application to the United States Congress for a constitutional convention to establish Congressional term limits.

4. It would require the Secretary of State to print on any election ballot the phrase ''VIOLATED VOTER INSTRUCTION ON TERM LIMITS'' next to the name of any member of the Maine Congressional delegation who fails to use all of his or her legislative powers to cause the United States Congress to pass an amendment to the United States Constitution imposing Congressional term limits.

5. It would require the Secretary of State to print on any election ballot the phrase ''REFUSED TO PLEDGE TO SUPPORT TERM LIMITS'' next to the name of any candidate for Governor, the Maine Legislature or the United States Congress who fails to sign a form pledging to use all of his or her powers to secure passage of an amendment to the United States Constitution imposing Congressional term limits.

A ''YES'' vote approves the initiative.

A ''NO'' vote disapproves the initiative.

[From Newsweek, Feb. 17, 1997]

SAVE US FROM THE PURISTS—SOME SUPPORTERS OF TERM LIMITS HAVE DEVISED A TACTIC AT ODDS WITH THE BEST REASON FOR LIMITS

(By George F. Will)

Since the apple incident in Eden, the human race has been disappointing. Hence term limits for Congress may become one of the few exceptions to the rule that when Americans want something, and want it intensely and protractedly, they get it. Only the political class can enact limits, and limits would be unnecessary if that class were susceptible to self-restraint.

That is a structural problem of politics with which supporters of term limits must cope. But the organization U.S. Term Limits is an unnecessary impediment to term limits. As the House votes this week on the issue, consider what happens when a reform movement's bandwagon is boarded by people ignorant of, or indifferent to, the principal rationale for the reform.

USTL is a bellicose advocate of term limits, and, like fanatics through the ages, it fancies itself the sole legitimate keeper of the flame of moral purity. However, it has actually become the career politician's best friend. That is why it was opponents of term limits who invited a USTL spokesman to testify at recent House hearings on the subject. Opponents understand that USTL's obscurantism, dogmatism and bullying embarrass the cause.

The primary argument for term limits is not that, absent limits, there will be a permanent class of entrenched incumbents shielded from challenges by advantages of office. Although incumbents who choose to seek re-election still are remarkably safe—91 percent of them won in the turbulence of 1994 and 94 percent won in 1996—most members of Congress arrived there in this decade. (This rotation in office has been produced partly by something the nation does not wish to rely on—revulsion arising from scandals and other malfeasance.) And the primary argument for term limits is not that Congress is insufficiently ''responsive'' and hence must be made ''closer to the people.'' Rather, the primary argument is that we need ''constitutional space'' (the phrase is from Harvard's Harvey Mansfield) between representatives and the represented.

Term limits are a simple, surgical, Madisonian reform. By removing careerism—a relatively modern phenomenon—as a motive for entering politics and for behavior in office, term limits can produce deliberative bodies disposed to think of the next generation rather than the next election. This is the argument favored by those who favor term limits not because of hostility toward Congress, but as an affectionate measure to restore Congress to its rightful role as the First Branch of government. This would put the presidency where it belongs (and usually was during the Republic's first 150 years), which is more toward the margin of political life.

Intelligent people of good will differ about whether term limits are a good idea, and supporters of limits differ concerning the appropriate maximum length of legislative careers. Most supporters consider six House and two Senate terms a temperate solution. It is symmetrical (12 years in each chamber) and allows enough time for professional learning, yet removes the careerism that produces officeholders who make only risk-averse decisions while in office. USTL is not merely eccentric but preposterous and antithetical to dignified democracy because it insists that three House terms is the only permissible option.

If USTL merely espoused this position, it could simply be disregarded as a collection of cranks. What makes it deeply subversive of the term limits movement is its attempt to enforce its three-House-terms fetish by using a device that degrades what the movement seeks to dignify—the principle of deliberative representation. Last November in nine states with 30 House members (19 of them Republicans, whose party platform endorses term limits) USTL sponsored successful campaigns to pass pernicious initiatives. These stipulate precisely the sort of term limits measures for which those states' members should vote, and further stipulate that unless those members vote for them and only for them, then when those members seek re-election there must appear next to their names on the ballot this statement: ''Violated voter instruction on term limits.''

More than 70 percent of Americans favor the principle of term limits without having fixed, let alone fierce, preferences about details. But USTL, tendentiously presenting meretricious ''evidence,'' baldly and farcically asserts that Americans believe that term limitation involving six House terms is not worth having. Because of USTL's coercive device of ''instruction,'' there may have

to be a dozen votes this week on various term limits amendments to the Constitution. And USTL's ham-handedness probably will produce a decline in votes for the most popular proposal—six House and two Senate terms. No measure is yet going to receive the 290 House votes or 67 Senate votes needed to send an amendment to the states for ratification debates. However, USTL's rule-or-ruin mischief will splinter the voting bloc that last year produced 227 votes for a 12-years-for-each-chamber amendment.

The thinking person's reason for supporting term limits is to produce something that USTL's ''instruction'' of members mocks—independent judgment. USTL, which thinks of itself as serving conservatism, should think again. It should think of that noble fountain of conservatism. Edmund Burke. In 1774, having been elected to Parliament by Bristol voters, Burke delivered to them an admirably austere speech of thanks, in which he rejected the notion that a representative should allow ''instructions'' from voters to obviate his independent judgment. He said ''government and legislation are matters of reason and judgment'' and asked: ''What sort of reason is that in which the determination precedes the discussion?''

In the 1850s some Abolitionists were interested less in effectiveness than in narcissistic moral display, interested less in ending slavery than in parading their purity. The abolition of slavery required someone (Lincoln) who was anathema to fanatical abolitionists. Similarly, restoration of deliberative democracy will require patient people, not USTL's exhibitionists.

Mr. MOAKLEY. Mr. Speaker, I yield 5 minutes to my dear friend, the gentleman from California [Mr. DREIER].

Mr. SOLOMON. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. DREIER].

The SPEAKER pro tempore. The gentleman from California [Mr. DREIER] is recognized for 7 minutes.

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

Mr. DREIER. Mr. Speaker, I thank my friends from Massachusetts and New York for yielding me this time.

Let me say that I rise in strong support of the rule, and my friend from Massachusetts might not like what I am going to say at the outset here, but I suspect he will like what I say a little later.

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

Mr. DREIER. I yield to the gentleman from Massachusetts.

Mr. MOAKLEY. Mr. Speaker, maybe I should yield the gentleman 1 minute at a time then.

Mr. DREIER. Mr. Speaker, I would say to my friend that he will begin to enjoy what I have to say as I persevere closer to the 5 minutes. He will not like the first minute.

Let me say that for years many of us tried to get the issue of term limits brought to the House floor for debate, and there was an inclination by the chairman of the Committee on the Judiciary, Mr. BROOKS of Texas, to keep that measure bottled up in committee. So I joined with other opponents of term limits in signing a discharge petition to try and get it moved to the House floor because keeping it bottled up in committee did in fact really, I believe, circumvent the will of the American people and the will of many Members of this institution. So that is why I congratulate my party for coming into the majority and bringing this issue to a full debate.

I think that this rule, which the gentleman from New York [Mr. SOLOMON] and the Committee on Rules have crafted, does allow for a wide range of provisions to be considered, but having said that, I do strongly oppose term limits. In fact, I remember, and I would say to the gentleman from New York [Mr. SOLOMON], very vividly when 8 years ago last month Ronald Reagan turned over the reins of the Presidency to George Bush, and at that time President Reagan said, ''My number one priority in leaving Washington will be the repeal of the 22d amendment to the Constitution.''

The 22d amendment to the Constitution was passed by Republicans, pushed by Republicans, because of a very high level of frustration over the fact that Franklin Delano Roosevelt was continually reelected by the American people, and now Democrats and Republicans alike recognize that Franklin Roosevelt was in fact one of the great Presidents of this century.

It seems to me that repeal of the 22d amendment should be a top priority, and so I just introduced a few minutes ago House Joint Resolution 51, which will in fact repeal the 22d Amendment of the Constitution, doing what Ronald Reagan said was his top priority upon leaving this town. And that, I believe, underscores the very, very important reason, following Ronald Reagan's direction here, underscores the very important reason for us not to amend the Constitution to impose term limits.

Now, I understand that the gentleman from Massachusetts [Mr. MOAKLEY], although I did not hear it in his opening remarks, talked about the turnover that has taken place over the past several years. It is my understanding that during the decade of the 1990's, we have seen a turnover of 62 percent of the membership of this institution. New ideas are obviously flowing in and they have flowed in based in large part on the fact that the American people have, to the shock of many in this institution, been perceptive enough to change their Representatives in Congress.

I mentioned a few moments ago the former chairman of the House Committee on the Judiciary. He is one of the three reasons that I voted against term limits last time. Well, there were many more, but among the three, and they were Jack Brooks, Dan Rostenkowski, and Tom Foley. Those three incumbents, the Speaker, two very powerful committee chairmen obviously had all the resources needed to be reelected. And they had loads of campaign contributions, the power of incumbency, the power of their chairmanships, and yet, while many people argued for years and years and years, the voters in those districts would never have the intelligence to replace Rostenkowski, Brooks, and Foley. Well, the fact of the matter is, in uphill struggles, we had challengers who defeated those three people. For the first time since the 1860's a sitting Speaker of the House was defeated, and it was done without amending the U.S. Constitution.

So it seems to me that if we look at that fact, and interestingly enough, and it saddens me, two of the three victors in that 1994 election were defeated in the 1996 election. The gentleman from Washington [Mr. NETHERCUTT], who defeated Tom Foley, is the only one remaining in this institution, so a turnover is taking place there.

Mr. Speaker, if we look at the fact that a natural turnover has taken place, it seems to me that we should be very careful in moving ahead with an amendment to the Constitution. So I think that the arguments of staff having too much power; we all revere the staff around here, but the fact of the matter is, with term limits I think staff would get too much power.

If we look at the fact that many people say that whenever we deal with a legislative challenge around here, what we should do is amend the U.S. Constitution. I think that that was an inspired document, and I think that the Founding Fathers were inspired when they decided not to impose term limits on the President of the United States, and they were equally inspired when they established three qualifications for service in the U.S. House of Representatives: 25 years of age, an American citizen, and a resident of the State one hopes to represent. We should allow the people to work their will in making the kind of decision that is better for them in their representation here.

So I support the rule, urge my colleagues to vote in favor of the rule, but I will vote no on all of the provisions that call for imposing constraints on the voters of this Nation.

Mr. MOAKLEY. Mr. Speaker, I yield 5 minutes to the gentlewoman from Texas [Ms. JACKSON-LEE].

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentleman from Massachusetts for his kindness, and certainly to the ranking member on the Committee on the Judiciary for the hard work, and the gentleman from Illinois [Mr. HYDE] for the generosity of spirit in his beliefs that the American people speak every 2 years, and that is our term limits. Chairman HYDE was generous in allowing this debate to come to the floor of the House.

Mr. Speaker, I rise today to speak against this rule, and quite to the contrary, I am saddened by the fact that we could not find it in the minds and hearts of the Committee on Rules to have an open rule on this so-called very important issue.

Interestingly enough, I might add that when I go home to the district,

and as I have spoken to many of my colleagues, rarely do I hear as a biting issue of the day term limits. Questions arise every day about education and the environment; they arise about our ability to be civil and to work in a bipartisan spirit to emphasize the importance of a budget that carries us forward, firm, balanced, but yet fair to all of the American people; sometimes talks about tax relief and reforming the welfare reform to be just in its treatment of all of those who are inside the boundaries of the United States of America. I hear issues about social justice and women's rights, but never this question called term limits.

So I am saddened to be able to say to the American people that the first legislative item that comes before this body is really bound in political gimmickry. Interestingly enough, more than 54 percent of the Members of the House in the 105th Congress have been elected in the last 5 years. I might imagine that over a number of years in the future, we will find quite a bit of turnover. In fact, we are finding younger and younger ranking members and chairmen of committees. This is good, this is energy, this is how the people speak. They have spoken in the House of Representatives and, yes, they have spoken in the U.S. Senate.

Yes, I realize that nine States, Alaska, Arkansas, Colorado, Idaho, Maine, Missouri, Nebraska, Nevada, and South Dakota have passed the so-called scarlet letter initiatives. So be it, their people have spoken.

□ 1115

How unfortunate, however, that in passing such an initiative they would label their Members by the label on the ballot that says, this particular person disregarded our voter instruction on term limits. They do not talk about how the Member voted on education and the environment, how the Member will address the national defense or crime. They are concerned and they want to label someone on that basis.

My response? So be it; the people have spoken. But just because of those nine States, I do not believe that we have any place in the U.S. Congress to assess and to deny the American people their right to elect or unelect their Representative every 2 years. The Founding Fathers—and as I always say, no mothers were present, although Abigail Adams said to John Adams, ''Don't forget the ladies,''—framed the Constitution to allow those who participate in this process to elect Members of the House of Representatives every 2 years, and those in the U.S. Senate every 6 years.

Why then are we stalling around this issue that already has an answer in the American public's mind: that is, their vote every 2 years. They have voted. In 1994 and 1996 they let their voices be heard, changing the majority in 1994 and emphasizing a bipartisan approach in 1996.

I am disappointed that the Committee on Rules did not see fit to add the two amendments that I proposed, I think pure amendments. Interestingly enough, out of the 11 amendments, only 2 come from the Democratic Party. I would say that if Members are serious about term limits, they would have supported the term limit amendment that I had, that said, leave it to the States.

If the States want to put no years of limitation, 20 years, 30 years, or 5 years, then if Members believe in the people speaking, why not have allowed for us to vote on an amendment that says the States can choose any sort of term limits that they desire? Would it have been disruptive? Nothing is disruptive when the people speak. But yet that was not received or allowed to be debated on the floor of the House.

I wonder about the seriousness of this issue. If Members think the people should speak back in Florida or Texas or California, then allow those people to design for themselves how long they want their legislators to be in the U.S. Congress.

Then I might add that in order to be even closer to the people, I added an amendment or offered an amendment that we should do it by convention. What does that mean? That is a procedure in the U.S. Congress or Constitution that allows for conventions to be held in States by delegates, people who would then vote for term limits or not for term limits.

Mr. Speaker, this is a fraud on the American people. We can vote for our elected officials and the Congress every 2 years. Let us uphold the Constitution, Mr. Speaker. Let us do the right thing.

Mr. MOAKLEY. Mr. Speaker, I yield 1 minute to the gentleman from Virginia [Mr. SCOTT].

Mr. SCOTT. Mr. Speaker, I noticed in one of the reviews of the various amendments that the amendment that is in order that I will be presenting has been inadvertently mistaken in its terms. That review mistakenly suggested that my amendment would limit the House Members to 3 terms, or 6 years for Members of the House.

This is an error. In fact my amendment, like most others, sets a limit of 6 terms or 12 years for the House. My amendment is identical to the McCollum substitute, except for the fact that it allows States to set a shorter limit if they desire than those in the underlying resolution. It does nothing else. It is identical, except for the fact it allows the States an option to go lower.

For those reviews that have suggested otherwise, they are in error. Today's Congressional Quarterly review is accurate in its description.

Mr. Speaker, I support the rule and oppose the underlying bill, without the amendment.

Mr. MOAKLEY. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. SOLOMON. Mr. Speaker, the gentleman from Virginia [Mr. SCOTT] was correct in his analysis of the substitute.

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 47 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 joint resolution, House Joint Resolution 2.

The Chair designates the gentleman from Washington [Mr. HASTINGS] as Chairman of the Committee of the Whole, and requests the gentleman from North Carolina [Mr. JONES] to assume the Chair temporarily.

□ 1120

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 joint resolution (H.J. Res. 2) proposing an amendment to the Constitution of the United States with respect to the number of terms of office of Members of the Senate and the House of Representatives, with Mr. JONES (Chairman pro tempore) in the chair.

The Clerk read the title of the bill.

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

Under the rule, the gentleman from Florida [Mr. CANADY] and the gentleman from Michigan [Mr. CONYERS] each will control 1 hour.

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

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

Mr. Chairman, today for the second time in its history the House of Representatives will debate and vote on the issue of limiting the terms of Members of Congress. The first debate and vote on term limits occurred less than 2 years ago, in March 1995.

At that time, although a majority of the Members of the House voted in favor of the proposed amendment to the Constitution limiting the terms of Members of the House and Senate, the vote fell short of the two-thirds majority required for proposing constitutional amendments under article V of our Constitution.

Today we renew the debate and attempt once more to give the legislatures of the States an opportunity to address this important issue. Since the House considered this issue in 1995, it has become clear beyond any doubt that amending the U.S. Constitution is the only means of enacting term limits for Members of Congress. The Supreme Court has struck down State-enacted measures to limit congressional terms, and made clear that nothing short of an amendment to the U.S. Constitution will be successful in establishing term limits.

Some advocates of term limits have again focused their efforts on the State level. This last election, the voters of nine States adopted initiatives to require their Federal representatives to give their exclusive support to a 6-year term limit in the House and a 12-year term limit in the Senate, or face a notation next to their name at the next election that the representative disregarded voter instructions on term limits.

Time and experience will demonstrate whether this strategy is effective in advancing the term limits cause. While these initiatives have been criticized on various grounds, the Members of this House should neither scorn nor ignore these expressions of the will of the American people. The continuing grass roots effort in support of term limits shows that this is an issue that will not quietly fade away. In State after State, the American people have spoken directly and unequivocally in favor of term limits. That is why we are here today.

It is clear that the voters want a significant change in the structure of the Congress. They want representation, which is both more deliberative and more responsive to the interests of the Nation. In 1776, in his Thoughts on Government, John Adams wrote that ''A representative assembly should be in miniature an exact portrait of the people at large. It should think, feel, reason, and act like them.''

This concept of representation is at the heart of the movement for term limits. The American people want representatives who think, feel, reason, and act like the American people. Does the current system produce a Congress that thinks, feels, reasons, and acts like the American people, or does it produce a Congress that in many respects is insulated and isolated from the people?

The American people are convinced that the current system does not produce the kind of representation that meets the standard articulated by Adams. The people are convinced that a limitation on the terms of Members of Congress is necessary to create an environment in which those they elect and send to Congress will continue to think and feel as the American people think and feel, and to reason and act as the American people reason and act.

Congress has become too much like a permanent class of professional legislators who use the powers of the Federal Government to perpetuate their own careers. There are many incentives which combine to turn Members of Congress into career legislators. Term limits will break the power of entrenched incumbency. It will give us representatives who put serving the interests of the people and advancing the good of the Nation ahead of perpetuating their own legislative careers. With term limits, Members of Congress will come to Washington with their eyes firmly set on the goal of working for the good of the Nation, rather than on the objective of permanently maintaining themselves in office.

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

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

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

Mr. Boorstin goes on to conclude,

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

By enacting term limits, we will be doing our part to keep alive this distinctive virtue of democracy. We will help make certain that those who come to Washington as representatives of the people will think, feel, reason, and act like the people, and that Congress is, in the words of Adams, ''a portrait of the people at large.''

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

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

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

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

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

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

Mr. CONYERS. Mr. Chairman, I yield such time as she may consume to the gentlewoman from Texas, Ms. SHEILA JACKSON-LEE, one of our more distinguished members on the Committee on the Judiciary, a future chairperson.

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the gentleman from Michigan [Mr. CONYERS] for his persistent defending of the Constitution. I appreciate the gentleman from Florida [Mr. CANADY] and his remarks on the value of this document that now has served this Nation for centuries as we move into the most highly cited new century, the 21st century.

I happen to be from the thinking of the sacredness and preciousness of the document, albeit that I could argue now, standing in the well, that I and those who come from the representative community that has a racial definition was not recognized as a full human being by the Constitution in its makings. I then would probably be in good standing to reject this document called the Constitution, and say that it did not protect me in the first place.

But I stand now in the well of the House as we all do, as an American, having great confidence in the understanding and intellect and the appreciation that the American people have for the Constitution.

□ 1130

I even cite quite frequently the Declaration of Independence that says, in part, we all are created equal with certain inalienable rights of life and liberty and the pursuit of happiness.

I noted earlier that I was disappointed that although the ranking member, the gentleman from Massachusetts [Mr. MOAKLEY], raised and the Democrats raised the amendments that I thought would bring this matter closer to the people, it was rejected by the majority and so my amendments dealing with letting the States do it, pure States decision, no matter what limit they would have, was rejected and also to allow the people in a convention to vote on it was rejected.

But now we have 11 amendments and a term limits amendment on the floor of the House, and it is characterized as allowing the people to speak.

I would ask the question of the 11 amendments and the term amendment, whether we could ever get any sort of consensus on any of them. That means the people will not speak because we have provided so much, we have had so many limitations. We have got anything from 6 to 12 years to eliminating everyone in the U.S. Congress. And I know there are some who would look this evening on the 6:00 news and say, great, they have passed an amendment that would have everyone leaving the floor of the House and the Senate right now. They are termed out.

I know, however, the body of the American people are wiser, far more sensible and far more appreciative of this democratic process than that. So in actuality, we have a mockery here today. None of these amendments would garner the majority of support of the American people. There is no documentation, no data. We have 50 States. There are only nine States that have put in provisions that have suggested they want to have term limits.

What do term limits do? They take away the voice of the people. You take away the history and the understanding of the process. You take away the wisdom that is garnered by working and understanding the issues. You leave it to those who have no stake in the democratic process.

I respect individuals who are in the hierarchy of the Federal Government who are unelected. I know they are public servants as well, but there is no affirmation year after year of them by the American public. So if you limit those who are then voted upon, those who are pro-life, those who are pro-choice, they lose their voice. Those who want more of the environmental concerns and consideration versus those who heighten the property ownership issues lose their voice. Those who are proponents of social justice and want to rid us of the death penalty versus those who understand that victims have rights lose their voice.

Term limits is, again, a frivolity. It is a blight on this democratic process. It is to reject that we have already had 54 percent of those in the House of Representatives alone change out.

Sadly, though we have not come here to separate us, I always sit sometimes quietly and wonder, as this House becomes more diverse, African Americans and Hispanics and Asians and women, I would hate to think that there is a silent commentary, now is the time to have term limits. Now is the time to throw the bums out.

I want accountability. I want reasonable campaign finance reform. I want ethics in government. I want a fair utilization of your dollar. I want a recognition that we are here to do the people's business. But I am saddened that we are taking the hours of the people's business to talk about term limits when each of us have within our power and the people have to say it to us, you are termed out. We can personally say it. Some Members have. I applaud them. That is their personal choice. And others have responded to the call of the public.

I would not have taken this amount of time, Mr. Chairman, had it not been a serious issue for me. For whenever we tamper with the Constitution, a document that has been admired by the world public as a hearty document, as a document of justice, I am concerned with the potential quagmire of limiting the people's right to select one person who has been good for them, who voices their concerns, who captures the history of this Nation, who are leaders like a Sam Rayburn or a Jack Brooks, Tip O'Neill, Speakers and others who have reflected on the dignity of this House. When shame is brought upon this House, I would be the first to tell Members that we must rid ourselves of the shame. But term limits is a myth. It is a fraud. It is not democracy. It is carrying forth a political promise.

I implore my colleagues on the other side of the aisle and others who believe that they are compelled to support this that, yes, I think they should vote your conscience. I certainly think they should vote the way they think the representative body should want them to do, but I would ask them in a moment of calmness, in a moment of thoughtfulness, to analyze the basic values of the Constitution of the United States of America. It is for me to allow the people to speak.

I would hope that maybe I will have the opportunity to address that by submitting, again, my amendment that the States be allowed to do as they choose but only in the context of supporting the fact that we in America believe in allowing the people to speak.

Mr. Chairman, I rise in opposition to House Joint Resolution 2; an amendment to the Constitution of the United States limiting the terms of Members of Congress.

As an elected Member of Congress, I, along with each member, took an oath to defend and protect the Constitution of the United States of America. This oath and commitment I do not take lightly, even if I alone must defend the Constitution against the very people with whom I took that oath and with whom I stand today.

The Constitution is a sacred document which must not be changed based on the reactionary whims of Congressional members. We are not above the Constitution, we are included in the Constitution and each of us have sworn to serve as defenders and protectors of the Constitution.

The issue of term limits is one that threatens the power of the American people to exercise a basic right granted by the Founding Fathers of our great country—the right to vote for the representative of their choice. This resolution shatters the core principle of freedom and seeks to spoil a right that many sacrificed, fought and died for—the right to vote for whom they choose.

Article I, sections 2 and 3 of the Constitution, outlines the requirements and terms of Members of Congress, which include qualifications of age, citizenship, and residency.

Section 2 states that ''the House of Representatives shall be composed of Members chosen every second year by the people of the several States * * *'' This language of the Constitution is clear in that every 2 years, the people are to choose who will represent them, not current Members of Congress.

Section 2 of the Constitution further states that ''no person shall be a Representative who shall not have attained to the age of twenty-five years, and been seven years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State in which he shall be chosen.''

This language says nothing about the ability of current Members of Congress choosing who may not represent the people of a particular district by virtue of a Member's previous service.

Additionally, section 3 of article I of the Constitution states that ''the Senate of the United States shall be composed of two Senators of each State chosen by the legislature thereof, for six years * * *;'' but the American people, in choosing to adopt the 17th amendment, saw fit to reserve the power of who will represent the people in the Senate for themselves.

The pertinent part of the 17th amendment states that ''the Senate of the United States shall be composed of two Senators from each State, elected by the people thereof, for six years. * * *''

I submit to you that if the Founding Fathers and writers of our Constitution wanted to include a provision that limited the number of years that an individual could serve as a representative of a group of constituents, they most certainly would have done so. However, they did not. We are wise to follow their wisdom.

If passed, this amendment would only serve to severely limit the ability of voters across our country to take part in a process that is as old as the Constitution itself.

I must state that as an African-American Member of Congress, I am rather skeptical of any effort to change or alter the ability of citizens to vote for the Member of their choice. For members of the African-American community are well aware of the dangers and consequences of limited access and limited choices.

Supporters of this resolution aver that term limits will first, decrease the influence that special interest groups have on legislation; second, allow for fresh ideas to be brought to Congress; and third, permit greater access to Members for constituents.

Let me be the first to say that the constituents of the historic 18th Congressional District—the district of Barbara Jordan and Mickey Leland—will always demand and share unlimited access to their Congressperson and their congressional office. This office is not my office. It is the office of the people of the 18th Congressional District whom I have the privilege of representing.

The residents of the 18th Congressional District influence legislation each and every day. The office is inundated with letters and phone calls from our faithful constituents.

I submit that the arguments of the supporters of term limits are disingenuous. If Members were genuinely concerned about the undue influence on legislation that special interest groups may have on particular Members, they only have to listen more to the voices of their constituents and combine with our commitment to the greater good; this will solve any problem with the alleged negative impact of any special interest group.

Furthermore, the supporters of this resolution should include a provision which makes prior service to the House of Representatives and election to office a factor when considering eligibility for future service. Currently, this resolution does not do that. It is prospective in nature and does not apply to Members of Congress retroactively. This is a sham to the American public.

Additionally, a constitutional amendment limiting the terms of congressional Members is duplicitous and redundant in nature. Currently, the American people may vote or not vote for whom they choose. They most recently made their choices known in the last election. This was accomplished by the people exercising their right already granted by the very Constitution which some seek to unnecessarily amend. The will of the people was accomplished without an amendment to the Constitution. The voters spoke and America listened.

I hope that we can all agree that the constitutional decision of who should represent the residents of a particular district are the voters of that district, not those of us sitting here today. To suggest otherwise is to arrogantly place ourselves above the Constitution.

We are wise to be wary of too much Government intrusion into the lives of our citizens. How arrogant would it be to say to the eligible voters of America that we know what is best for you when it comes to choosing who will represent you. Let us put an end to this nonsense and get on with the business that the people of America sent us here to do.

I am not in favor of deciding for the American people exactly who will be available to serve as a Member of Congress and who will not be by virtue of their previous service.

This issue borders on the absurd. This resolution has the effect of penalizing a Member because he has the experience of representing the people of his district.

Make no mistake. By seeking to limit the terms of the representatives of the people, you are actually limiting the will of the people.

Mr. Chairman, allow me to make a simple analogy. Term limits equals forced terms.

By offering this resolution, you are not only seeking to limit the terms of elected Representatives. You are seeking to force the terms under which a citizen may vote for his or her representative. You are forcing citizens to accept terms and conditions that are unacceptable. You are dictating to the voting population that these are the terms by which we think you should elect someone else to represent your concerns in Congress.

The voice of the American people is heard when the vote of the American people is cast. Let us not muffle the resounding voice of the American people by limiting the vote of the American people. I urge my colleagues to reject this resolution.

Mr. CANADY of Florida. Mr. Chairman, I yield such time as he may consume to the gentleman from Illinois [Mr. HYDE], chairman of the Committee on the Judiciary.

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

Mr. HYDE. Mr. Chairman, I would ask my friends not to ask me to yield because I have a lot to say and a limited time within which to say it.

The popularity of term limits is a measure of the low esteem our citizens have for politics and politicians. Some of my colleagues may think that is fine. I think it is dangerous. Of course the way we attack each other and the way we demean this institution in every campaign, it is no wonder we are held in contempt. But before we leap off the cliff, before we amend the Constitution, we might give some passing deference to our Founding Fathers who over 200 years ago rejected term limits for Congress as they fashioned for us a representative democracy.

I can remember the time when cynicism was a pathology, not the rule, when it was an honor to be elected to public office. As our Nation hurtles forward into an evermore complicated world, how self-destructive it is to jettison our most capable leaders when we need their wisdom, we need their judgment so terribly much.

Freedom is always in crisis. America has need of its giants with their sense of the past and their vision of the future. To adopt term limits is to play Russian roulette with the future. Since it is a constitutional amendment we are asked to adopt, it is reasonable to ask its proponents just what they want, what they seek to accomplish.

Now it gets a little confusing, a little murky. One faction insists that Congress is too remote and unresponsive and is more interested in reelection than in serving the people. We will call this the Bob Novak wing because he is its most zealous advocate. But the other faction, led by George Will, says we are too close, too responsive to the people, and term limits will put some needed constitutional distance between us and a too demanding constituency. I ask, which is it, fever or frostbite? Are we too distant or are we too close?

It appears to me term limits supporters are standing on two stools and as they separate, they are in danger of getting a constitutional hernia. It is a mighty strange rationale to amend our Constitution when its staunchest advocates cannot agree on its consequences.

Speaking of journalistic anomalies, syndicated, columnist and talk show celebrity Bob Novak also publishes a newsletter with his partner Rollie Evans. No one this side of the editorial page of the Wall Street Journal is more vigorously committed to term limits than Bob Novak. But I received in the mail the other day an advertisement for the Evans and Novak political report and believe me, it is a symphony to experience.

In fact on page 4 it makes a memorable claim, and I quote:

> Between the two of us, Rowland Evans and I have been reporting on Washington and national politics for a combined total of 90 years.

I guess if you put their years of reporting end to end, they would have started when the senior Senator from South Carolina was 4 years old.

Should we adopt a three-term limit version, enormous superclasses will enter the House in 6-year cycles and developing effective leaders will be a roll of the dice. A revolving door membership means a revolving door leadership with no continuity, no stability, and certainly no historical memory.

Imagine telling these statesmen they cannot serve any longer, their 6 years are up or their 12 years are up: John Quincy Adams, Henry Clay, Arthur Vandenberg, Everett Dirksen, Sam Ervin, Hubert Humphrey, Henry Scoop Jackson, Barry Goldwater, Bob Dole, ROBERT BYRD, Bill Natcher, LEE HAMILTON. Would we survive as a free Nation as strong as we are without these people?

Implicit in the argument for term limits is a premise that serving in Congress is not a particularly difficult job. Scholars say that 200 years ago Tom Jefferson knew everything that was worth knowing. Well, today that is hardly possible. Just think of the range and the depth of knowledge necessary to deal with just a few of the issues that confront us:

Electric power deregulation, a $208 billion industry with countless competing interests; States rights; monopoly power; environmental safety. No easy answers here.

Well, Superfund reauthorization, plagued by litigation and delay; we need solutions regarding retroactive liability; a stable and fair funding stream. An easy task? I do not think so.

Encryption of electronic communications; reconciling the needs of commerce with the needs of defending this country from terrorists and law enforcement. Not too easy. Medicare and Social Security reform, the effect of the baby boom retirements on all our social insurance programs, ABM defense, China, human rights versus trading with the most populous country in the world.

I have not scratched the surface. But this is no place for amateurism. A Congressman who makes a career of public service, who is willing to make the sacrifice and the commitment develops a record, a standard of comparison to be judged by from election to election, and he is accountable for the long-term consequences of his action. No hobbyist legislator, no part-time lame duck legislator can share that kind of motivation.

Term limits will encourage early exits. An attractive job offer comes along, you take it when it comes along because it might not be there when your term is up and you have to leave.

Term limits will reduce competition for office. Why run this year when the seat will be vacant in 2 years? A system that does not reward effectiveness and seniority will discourage the most capable, the very people we desperately need. Term limits diminishes the opportunities to develop strong ties with your constituencies, with your communities. It diminishes the incentives and the opportunities, and this is no virtue.

Term limits hands off power to the bureaucrats, the lobbyists, the executives and the other body, thus debilitating democracy in this Chamber. Under term limits this Chamber will be peopled by young men and women starting their careers, plus the few older people who will lose nothing by serving a term or two in Congress. But missing will be those in mid-life who must give up careers in law or business for a career of public service. We need them all, the young, the old, and those in the prime of life. Such a rich and varied mix makes this place a real House of Representatives.

When we amend the Constitution, we should expand liberty, not diminish it, not contract the voters' choice. This amendment is not conservative. It is reactionary. It echoes the 1960's theme, ''never trust anybody over 30.''

The last time we debated this issue, we opponents were accused of arrogance, that we were the only ones who were qualified to govern. On the contrary, the beginning of wisdom is knowing how much you do not know. And if there is any arrogance here, it is

among those who have no idea how difficult it is to draw the line between liberty and order and would deny the voters the right to choose whom they will to help draw that line.

□ 1145

In a very sad way, this amendment demeans public service as a corrupting influence. It reeks of cynicism and pessimism.

Let me tell my colleagues a story. On March 15, 1783, in Newburgh, NY, some officers in the Revolutionary Army met to plot an insurrection. They were furious at an uncaring Congress, one that had not paid them or their hungry troops in a long time.

Suddenly in their midst General Washington appeared and asked leave to address the group. Out of respect for him, they let him speak. At the end, Washington wanted to read a letter from a Congressman explaining why there were no funds to pay the troops.

General Washington searched for his spectacles because he could not read the letter. When he found them, he said, ''You will permit me to put on my spectacles, for I have grown blind in the service of my country.''

Now, there are no General Washington's among us, but there are a few whose long and faithful service deserves admiration and respect, not oblivion.

Public service is like climbing a mountain. The view from halfway up is better than the view from the bottom. And the higher one climbs, the more the horizon expands, and near the top one can see sights one never knew existed.

The right to vote is the heart and the soul, it is the essence of democracy. Do not artificially restrict the choices available to the voters on election day. If the consent of the governed means anything to my colleagues, then our task today is to defend the consent of the governed, not to assault it. Do not give up on democracy. Trust the people.

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

My colleagues, I think we have heard from one of the most thoughtful of our Members. The chairman of the Committee on the Judiciary sets an example of the kind of comity that he talks about, because he has reported out a bill that he may not agree with. He has done it expeditiously and on time. He has neither incurred the wrath nor stimulated the rancor of any member of the Committee on the Judiciary, and I think that the RECORD should reflect it from those of us who serve on the committee.

Mr. Chairman, I yield such time as he may consume to the gentleman from Massachusetts [Mr. FRANK], the distinguished ranking member of the subcommittee.

Mr. FRANK of Massachusetts. Mr. Chairman, I thank the ranking member for yielding me this time and I am honored to follow the chairman, who appropriately discussed this issue in its philosophical context because we are talking here about as fundamental a question as can be addressed in the body of elected officials.

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

Mr. FRANK of Massachusetts. I yield to the gentleman from Illinois.

Mr. HYDE. Mr. Chairman, I thank the gentleman.

I made an error in my remarks. I referred to the senior Senator from South Dakota, whom I have no interest in mentioning, but I meant the senior Senator from South Carolina; and I wish to correct that in the RECORD.

Mr. FRANK of Massachusetts. Mr. Chairman, reclaiming my time, the gentleman is correct, and I think in the future just refer to him as the senior Senator from the Earth and that would probably make it clear to people to whom the gentleman is referring.

Mr. Chairman, there are a number of lesser arguments that can be made on this which counter the arguments in favor. One argument has been, well, it is too hard to defeat incumbents. We know of course that that is simply no longer factually true. There was a period in our politics when incumbents seemed to be hard to defeat.

I was always puzzled by that argument, still am. We must be the only profession in the world in which an indication that your employers are very satisfied with your work is taken as a sign that something is terribly wrong.

If anyone in any other business maintains a good relationship with those who decide whether or not to continue to use the services, that is considered a good thing. A doctor, a lawyer, a grocery store manager, a shoe repair person, a teacher, anyone whose employers say, ''Great job, keep at it,'' anyone to whom people keep returning for their custom is generally considered to be very good at their job.

But in our case being approved of on a regular basis by those to whom we owe primary allegiance has been considered by some to be a bad sign. But even by that, it seems to me a wholly flawed measure. The arguments for this amendment have decreased. People know how to throw out of office those who they do not feel are serving them well. Members here have been defeated, Members have been turned out.

In fact, let us be very clear. The underlying amendment here, the 12-year amendment, we will get back to this when we get the amendment from the dean of the House, the gentleman from Michigan, [Mr. DINGELL]. The unknown amendment which would add 14 years to what everybody now here serves would apply to less than 20 percent of the House. In fact, 12 years is already an upper limit for many, many Members.

We also heard the deficit argument. And the people said, well, the deficit was caused by all these people trying to get reelected. I will return to that argument because that is the core, it seems to me, of the flaw, namely that the people are a bad influence in this place and if we can somehow diminish their influence, we would be better off.

But even that argument is flawed. There was a period in American history during the 1980's when conservatives, liberals, Republicans, and Democrats resolved their differences by agreeing to each other's deficit-enhancing proposals. So we wound up with more domestic spending, more military spending, with tax cuts, and the result was a ballooning of the deficit in which all parties were somehow complicit.

But we have now seen a very drastic public shift. People are now driven to reduce that deficit by the very public influence that the proponents of this amendment want to kick out. It is the worst example of cultural lag seen in a long time because it builds on a temporary period in American history.

And it was, if we look at this, and I am sure historians will conclude this, the term-limit movement was a specific response to people frustrated not with the system of American government but with the results that were being produced by that system at a particular period in history, and that is no longer there.

But even if I did not agree on those two points, even if I did not agree that the amendment has been weakened on those two points, I would be fundamentally opposed to this amendment because, as the gentleman from Illinois pointed out, this essentially seeks to alter democracy, to reduce the choices of the voters. It is at bottom a view, as the gentleman from Illinois has consistently and courageously articulated, it is at bottom a view that says we cannot trust the voters.

The voters are, according to the proponents of this amendment, too easily seduced. The voters must be put in some kind of fetters. Because we leave to the voters of America, unconstrained, the choice every 2 years of who should represent them in the House of Representatives and every 6 years who should represent them in the Senate, two fairly profound choices, and this amendment says leave to the unconstrained choice of the American people who they wish to have represent them every 2 years and every 6 years and the results will be bad.

What else can that be but a negative judgment on the competence of the voters? What else is it but a notion that the voters are too easily bamboozled? We would be in a terrible situation if that were the case.

We have a sad problem in parts of the world. Algeria was an example. What do we do when we bring democracy to a voting public and it votes to end democracy? That is a fundamental philosophical problem for those of us who believe profoundly in democracy as a guarantor of the basic rights of human beings.

We do not believe in democracy because it is fun to sit up on election night. We believe, given the inherent

nature of human beings, when we give one set of human beings consistently power over another, we better give those over whom the power is offered some self-defense weapons, because people have a tendency to abuse power and wield it to their own interest.

The ability to vote for or against them on a periodic basis is that fundamental guarantor, the nearest we can come, in this imperfect world, to fairness on the part of the voters.

So we get this amendment, which says that does not work, and let us restrict what the public can do. Let us tell the public that there is one set of choices they can make.

And, by the way, people have said, well, what about the Presidency? First, I do think we can make a somewhat stronger argument for limiting an executive than a legislator, but I oppose both.

In 1985 our former colleague, Mr. Vander Jagt, of Michigan, introduced a constitutional amendment to repeal the limiting amendment on the President. He wanted to allow Ronald Reagan to run for a third term. I cosponsored that amendment, although I will confess that if my colleagues polled me, I probably would have come out leaning against a third term for Mr. Reagan, but I thought democracy meant people had a right to do something even if I was not going to approve of the outcome, and I have consistently supported a repeal of that.

But there is even a stronger argument for doing this with a legislator. One might argue an executive accretes too much power. I do not agree that that is a reason to overcome democracy, but it is an argument that cannot be made. There has not been a single legislator in the history of this country who can be deemed to have accumulated the power in foreign policy, in committing troops to war, in appointing Federal judges that any President has if he is there for a year. There is a great disproportion.

Indeed, that is another reason to be against this amendment. One is the constraint on democracy. The other is this amendment would do more to alter the balance in favor of the executive and against the legislature than any other single action we could take, with the possible exception of the legislative veto.

And it is interesting, I read in The Hill this morning that some of the Republicans who were all for the legislative veto are now worried about how it might enhance Bill Clinton's power too much and are thinking of ways to restrict the use of it. That is an entirely reasonable fear. But this one would enhance the executive even more.

No one is proposing, nor would anyone, I think, propose term limits for the bureaucracy. We certainly do not want to say that nuclear engineers, medical research supervisors, prosecutors, other very important specialists in this Government, people who are expert in fission, people who are expert in foreign policy, no one is proposing that every 12 years they have to leave.

I do not use the term ''bureaucracy'' in a negative sense. Some of my close relatives are bureaucrats. I have an enormous respect for those who work for this Federal Government because, in many cases, particularly in these areas of expertise, they are very, very talented people working for far less compensation than they would get in the private sector.

We are lucky that we have lawyers willing to work as prosecutors for a small percentage of what they would get if they were out there in the private sector. We are lucky there are dedicated scientists working purely to try to find ways to combat illnesses when they could make more in the private sector.

But one of the jobs that we have, as we all know, is to intervene on behalf of our constituents, whether they be individuals or municipalities or businesses or labor unions. We intervene on behalf of individuals when they have been unfairly treated. And there are no perfect institutions in this world. Bureaucrats, as much as I admire them, will from time to time treat people unfairly. That happens to everybody.

My ability to intervene on behalf of my constituents, my staff and I, is enhanced by the experience we have. I will tell my colleagues that now I am a better advocate for those in my constituency who may have been treated unfairly than I was in my first and second and third term. It may level off after a while, but if we adopt a 12-year term limit, and this is, of course, a fortiori if we do a 4-year or a 6-year term limit, we then have to figure most people will not serve up to the limit.

People will begin to see, as the gentleman from Illinois pointed out, they will begin to see the term limit approaching and they will start taking alternative jobs. No one will wait until the minute they have to go out the door to do alternative planning. So they will start leaving. They will live for the private sector and other public jobs. The median service in this place will go down very substantially.

What that will mean will be that the institutional memory in this city will be almost exclusively an executive branch institutional memory. We will have experienced, dedicated executive branch appointees and executive branch personnel dealing with relatively inexperienced legislators and staff.

I am not one who thinks this will help the legislative staff. Legislative staffs tend to go with the Members, particularly the personal staff, those who do a lot of the constituency intervention work. We will greatly enhance the power of the executive, even a term-limited President. Because it is not the President's policies we are often dealing with when we intervene on behalf of our constituents, it is the ongoing bureaucracy, and a bureaucracy that must be ongoing in our interest. Well-intentioned, the best bureaucracy in the world will make those mistakes.

So two streams come together. First, this is an amendment that says the American experiment in giving the people unrestrained power to decide who should represent them every 2 years was a mistake. That was not, of course, the experiment, as the gentlewoman from Texas pointed out, of 1787.

□ 1200

That did not become American practice until the 1920's. And in fact probably not even until the 1960's. It was not until after the passage of the Voting Rights Act and the other constitutional amendments dealing with other restrictions until we got rid of literacy tests and poll taxes of a discriminatory kind. But we have had now in America, I believe, as unconstrained a democracy as it is possible to have in a modern complex urban society.

Can we not be proud of that? Can we not be proud of the fact that in America there are fewer formal restrictions on the ability of citizens to vote for their Representatives than I believe in any other society with which I am familiar. Have the results really been that bad? I do not think so. I think America still is a place of great envy in the world. We certainly still are from the immigration standpoint, from the problem that everybody wants to come here.

Our economy, the state of our liberty, all of us can find flaws, but all of us I think would acknowledge that they are in pretty good shape. And the mechanism for improving on them must be self-correction. I do not want to add further. Add term limits to the line-item veto and the first President to serve during that era of term limits with a line-item veto, I guarantee you will be the most powerful President in the history of the United States, because the legislature will have put one more shackle on itself and ended a two centuries old tradition in America of expanding the freedom of the voters. We did it with direct election of Senators, with doing away with property rights, with empowering African-Americans, with letting women vote, with reducing the vote to 18.

With the exception of the 22d amendment, which I think was obviously just fear of FDR coming back again, with that exception, every time we have amended the American Constitution regarding our system, we have expanded democracy. This would be the most significant reactionary act, as the gentleman from Illinois correctly labeled it.

Let us not tell the American people that we have decided after 200 plus years of successful and expanding democracy that the fundamental premise that we can trust the voters, unconstrained, to make the best decisions in their own interests was a mistake, and passing an amendment that so severely

limits them, the most severe limitation on the right of the voters to have been put forward in the history of this country. Do not undo the very proud democratic history of this country. Let us continue to be a beacon to the world of what representative government, electoral freedom, unconstrained, can produce.

Mr. Chairman, I thank the gentleman for indulging me in the time.

Mr. CANADY of Florida. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey [Mr. LOBIONDO].

Mr. LOBIONDO. Mr. Chairman, one thing I wanted to start off with is I often hear where a great American, one of our Founding Fathers, is quoted in this great body of ours. We refer to him often, sometimes when it is more convenient than others, and that is Thomas Jefferson, who in 1787, soon after formulating our Constitution, this is what he had to say: ''The second feature I dislike—about the new Constitution—and greatly dislike, is the abandonment in every instance of the necessity of rotation in office.''

This is Thomas Jefferson, one of the people we put a great deal of faith and trust in. Before I came to Congress, I believed in term limits and after having served here for 2 years, I feel stronger than ever before that this is absolutely the right way to go. I think that term limits are needed so that we can maintain the energy level necessary to keep up with what is necessary to give 150 percent, and I think it is somewhat questionable if you can do that after 25 years, or less than that.

I think it is necessary to make sure that Members stay in touch with their district, the real world. While this is where we work and vote, the real world is back in our districts. That is what we need to keep the link with. I think we need to make sure that Members stay rooted in what their constituents feel strongly about, what they feel passionately about, what is on their minds. In my belief, term limits will help us do that. Creating a healthy turnover among Members will make our Federal Government less responsive to the needs of special interest groups and more responsive to the needs of everyday Americans that we are entrusted to represent.

I do not imagine, and I cannot conceive, that our Founding Fathers ever would have envisioned elected officials making a career out of politics.

Mr. CONYERS. Mr. Chairman, I yield such time as he may consume to the gentleman from Virginia [Mr. SCOTT], a distinguished colleague of mine from the Committee on the Judiciary.

Mr. SCOTT. Mr. Chairman, the gentleman from Illinois has outlined the reason why we have to have experience and the necessity of having experience and the value of democracy. We also have to look at the fact that people have already used their power to vote. There has been significant turnover in the House in the last few years. The voters have voted out old and young alike. They have discovered that some of the newer Members are totally out of touch, some of the more veteran Members are in fact more in touch and need to be returned, and they have used that power.

Mr. Chairman, we should not trivialize the Constitution with amendments that are not necessary. We have before us so many variations on that amendment that it is so clear that we have not studied this sufficiently to know which version is the correct version. In fact, we have not even decided what the problem is.

As the gentleman from Illinois indicated, some have said that voters need to be closer to the people, that Congressmen need to be closer to the people. Others have said if this passes we will be further away from the people. It is like snake oil. Whatever you want, this will cure.

We also have a question of how close legislators ought to be to special interests. In fact, in your first term, you are more beholden to special interests than you are when you have served a number of terms. That is because after you have established yourself, you can raise your own money and you can get your own votes without having to rely on the special interests. People want Congressmen to be more interested in the people's business.

As the gentleman from Massachusetts pointed out, when each Representative comes and has to look towards the next job instead of a career where you are required to attend to the people's business, you will find that legislators as soon as they arrive will be looking towards that next job, many of which may be employed by the various special interests that we may be voting on their interests.

Mr. Chairman, we have a situation in Congress where we are very contentious and we want to improve the atmosphere in Congress. But if you think about that, are we more likely to be courteous to those that we are going to have to spend an indefinite amount of time with or those we know we will not see after next year?

And then finally we find an interest to listen to the people. The people have expressed their interest in term limits, and we find this very resolution will overrule the specific expressions of many States who have said that 6-year term limits are preferable, not 12. So if we listen to the people, we should reject House Joint Resolution 2 because it would not allow the shorter limit that people have spoken to. In fact, some States do not want term limits at all. We should have adopted as in order the amendment of the gentlewoman from Texas [Ms. JACKSON-LEE] which would give the States the option if we are going to have any term limits at all.

Mr. Chairman, we have not determined which version is appropriate. We have not even determined what problem we are trying to solve. Term limits may sound like a catchy idea, but the existing limits, called elections, are the best way to go.

I ask Members to vote ''no'' on House Joint Resolution 2.

Mr. CANADY of Florida. Mr. Chairman, I yield 7 minutes to the gentleman from South Carolina [Mr. INGLIS].

Mr. INGLIS of South Carolina. I thank the gentleman for yielding me the time. I appreciate the opportunity to have this debate on the floor of the House today and to have this historic vote on term limits, the second in the history of the country.

Let me start by thanking the chairman of the Committee on the Judiciary who spoke very eloquently before, against term limits, but to thank HENRY HYDE for being willing to let this come through his committee and for being willing to let there be this debate on the floor of the House so that the American people can hear the debate and know that their voices are being heard. It speaks very well for the chairman to allow that to happen, and it also speaks well for the leadership of this House.

Speaker GINGRICH promised that when we failed in the Contract With America to get enough votes to propose a constitutional amendment here in the House, he promised that this would be the first substantive vote of the new Congress if he were still Speaker. Here we are at the first substantive vote of this new Congress, promises made, promises kept, I very much appreciate the integrity of the leadership for seeing that happen.

So with thanks to the leadership and thanks to Chairman HYDE for allowing this to come through the committee, I would start by saying, Mr. Chairman, that the issue of term limits is one that the American people understand to be the best reform we could bring to the institution of Congress. There has been a lot of discussion about whether we need term limits in order to get rid of experienced people.

The chairman of the Committee on the Judiciary particularly spoke to that. I would differ slightly with that. I do not think that is really necessarily the goal of term limits, to throw out people with experience. Because in fact we have no objection in the term limits effort if HENRY HYDE wanted to run for President, I would be one of the first to sign on to the HENRY HYDE for President committee. We do not have a problem with that kind of experience.

What we do have a problem with is a Congress made up of incumbents who are virtually safe in their House districts, such that there is almost no way for them to be defeated. As evidence of that, let me present some statistics about the reelection rate of House incumbents, starting in 1990.

In 1990, of those incumbents who wanted to come back, in other words, some people retire, some people get indicted, I suppose, some people do whatever and leave this House. But of those

who wanted to come back, 96 percent came back in 1990. In 1992, the year that I came here, 88 percent of incumbents, those who stood for reelection, who wanted to come back to serve in the House, came back—88 percent rate of reelection. Then in 1994, the rate of reelection was 90 percent. That is interesting, because a lot of people assumed that in 1994 we had major change, significant change here in the House, and we did get some change. A lot of that change came from open seats. Very little change came from actual losses by incumbents to challengers—90 percent were reelected in 1994. And in 1996 we were back up to a 94-percent rate of reelection. In other words, 94 percent of us who wanted to come back, came back as a result of the 1996 election.

This does not indicate that the American people are terribly satisfied, I do not think, however. Some would use these statistics to say, ''Well, that is because they love me. That is why they keep sending me back.'' I do not think that is exactly it. I think it is mostly that there are tremendous advantages of incumbency. The biggest one is fundraising. Of course the way we have got the campaign finance system set up, the PAC system rewards incumbents. It protects incumbents from voters. It makes it so that incumbents become virtual shoo-ins for their reelection.

Some would say, therefore, that is an argument not for term limits, that is an argument for campaign finance reform. I would agree that it is a good argument for campaign finance reform, but even if we get campaign finance reform, and I certainly hope we do, there are still tremendous advantages to incumbency.

In 1992, I was one of these folks who was running in a challenge race. During the course of the 1992 campaign, just as a very small illustration of what I am talking about, about the other nonfundraising advantages of incumbency. I was invited on precisely one plant tour. I got that one opportunity to tour a plant because one of my partners prevailed upon his client who owned the plant and begged my way in to tour his plant. One plant tour. Everybody that is a Member of Congress, I am sure, sitting here, has had the same experience.

Now, as an incumbent, there is a list of people who would be happy to have me come tour their plant. Generally what happens is people sort of stop production, they gather people around, and it turns into a town meeting. It is a wonderful opportunity for them, and a way to hear about their Government, and I appreciate that, and it really is a very valid thing about going there and doing the plant meeting and having that opportunity. But it is also a significant advantage to incumbency, not just in fundraising but in these other things.

Then when you consider the fact that you have the opportunity to be in the media quite frequently in your local district, the result is, particularly here in the House, significant advantages to incumbency. What we see is that Members are able to create virtually safe seats in cozy House districts.

□ 1215

Term limits would change that, and some would criticize and say, well, then in the term limit effort it would be inconsistent to allow, say, HENRY HYDE to run for President. I do not think so. I think that it would be wonderful if the gentleman from Illinois [Mr. HYDE] wanted to run for President; I would again sign on.

Not many people in the term limit effort had much of an objection, for example, to Governor Reagan running to be President Reagan. We do not lose the talent that everybody is talking about losing out of this body; we just redirect it. The talented Member of Congress can run for Governor, and the talented Senator can run for President, and between President and Governor there are dozens of other positions for those folks to fill very capably and to continue making a contribution to public service.

We do not want to discourage public service in term limits. What we want to do is bring in some fresh folks.

Now of course the argument is that a clear majority of the people in this House have been here for less than the term limit that we are proposing, which the one that will get the most votes, of course, will be the 12-year proposal. That may be true. But what we have to look at is the number of people in the senior positions in the Congress and have they been here longer than that term limit. The answer is ''yes,'' they have been here. So while we get change in this body, it is typically at the lower levels of the body, not in the leadership roles. It is critical to get that kind of change even at the higher levels.

Mr. CONYERS. Mr. Chairman, I yield myself 30 seconds, and I ask my distinguished colleague from South Carolina, who serves on the Committee on the Judiciary, has he considered the proposition of self-limiting terms of Members? I think he is an example of that.

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

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

Mr. INGLIS of South Carolina. Mr. Chairman, I think that term limits, it is wonderful if somebody will apply the limit to themselves, but we need universal limits, I believe, across the board.

Mr. CONYERS. Mr. Chairman, I have a growing list of people who are self-limiting their term, and I do not say the gentleman started this, but there are others that are doing it. We might want to consider this in the mix of proposals.

Mr. Chairman, I yield such time as he may consume to the gentleman from North Carolina [Mr. WATT], a distinguished member of the Committee on the Judiciary.

Mr. WATT of North Carolina. Mr. Chairman, I thank the gentleman from Michigan [Mr. CONYERS] for yielding time for this purpose and appreciate the opportunity to debate this important issue.

I believe in support of democracy of the people, by the people and for the people.

Now we are going to hear some people on the other side who will probably say they are the ones that are in support of democracy of the people, by the people and for the people, but I think we can make the only evaluation of that.

I rise in opposition to this proposed amendment, and I plan to vote in opposition to all of the proposals that will come to the floor today. I think term limits, first of all, a bad idea, and I will run through quickly the reasons; a lot of those reasons have been mentioned here today.

I think term limits would have the effect of turning our democracy over to the experienced staff people who staff the committees. Those people do not answer to any electorate out there, but they are going to be here regardless of whether I leave or do not leave, and they end up setting the policy.

I think term limits significantly would alter the balance between the legislative and executive branch, and my colleague, the gentleman from Massachusetts [Mr. FRANK] has ably talked about that; so, I think it is a bad idea for that reason.

I think term limits would probably significantly reduce voter turnout, and I cannot prove this by any statistical study, but it just seems to me that we are already having trouble getting people to turn out to vote. Limit terms to 2 years or 4 years or 6 years; people have even less inducement to go out and vote because the person is going to be reelected for that period of time and they are going to be gone after that period of time, so why bother to go out and vote?

And contrary to the arguments that many of my supporters of this amendment will assert, I think term limits have the effect of increasing the influence of special interests because the minute one gets elected to serve in this body they stop looking for a position to land in after they are no longer here, whether it is the U.S. Senate or whether it is some corporate position. I think it has the effect of increasing the influence of special interests.

But those are my bad-idea reasons for being opposed to this amendment. I want to talk a little bit about the constitutional aspects of this because I agree with the chairman of our committee, the gentleman from Illinois [Mr. HYDE], who said that this proposal is not a conservative idea, it is a reactionary idea, and I said that over and over again because many of my colleagues have heard me say on the floor that I actually think I am the most

conservative Member of this body. I am the one who comes to the floor consistently and fights for the Constitution of the United States as it is currently written, and as my conservative colleagues, who are always claiming to be conservative, who keep running these constitutional amendments at us: the term limits amendment, the balanced budget amendment, the line item veto amendment, the school prayer amendment—this amendment, that amendment—an unprecedented number of proposed amendments to the Constitution of the United States were offered in the last quote unquote conservative term of Congress by my conservative colleagues, this one perhaps is the most arrogant one of them.

There is the sense of arrogance that goes with the notion, I think, on the part of my colleagues that they can do a better job of writing the Constitution than the Founding Fathers of this country did. They are smarter than Madison and the people who were writing the Constitution back at that time, even though this Constitution has survived all of these years and has worked so well for our democracy. The arrogance of these people is particularly evident in this proposed amendment, because we have got all kinds of different variations of it. We have got nine different proposals that we are going to vote on today to amend the Constitution.

We got one that would give us 2-year terms and the senators two 6-year terms, the so-called Arkansas version. We have got one that they call the Colorado version. We have got one that they call the Idaho version. We got one they call the Missouri version. We have got a Nebraska version, a Nevada version, a South Dakota version, and all of these people are coming in here saying, I am the conservative. We even got a group out there, so-called term limits—what is that group, U.S. Term Limits—who is saying, ''If you put any version of this bill on the ballot other than the version that I support, then we are going to write you up, and you are required to put something on the ballot to say you did not support my version of the term limits.''

That is arrogance. That is arrogance on the part of my colleagues who say, oh, no, I am conservative. If they got some conservative philosophy, at least it ought to be consistent. There ought not be 9 different versions of conservatism, each one of which is parading itself in this body as being the conservative version. That is arrogance, my colleagues.

Finally, let me caution us against this idea that we ought to be writing a Constitution based on polling information. Let me caution us against that. For those of my colleagues who follow this body, they will remember that I was the person who came to the floor last term of Congress on a crime bill and offered the specific language of the fourth amendment as an amendment to the bill because my colleagues kept arguing to me no, we are not altering the fourth amendment to the Constitution by doing this, we are not doing anything.

Well, I say what is wrong with the language of the fourth amendment? Why not support that? And it was my colleagues here who overwhelmingly voted down the specific provisions of the fourth amendment.

In the context of preparing to offer that amendment, I did a little looking around, and I found that if we polled the American people, a substantial majority of them would say: I do not support the 1st amendment, the 2d amendment, the 3d amendment, the 4th amendment, the 14th amendment, and on and on and on. The Constitution was written as the framework for democracy to withstand the kinds of attacks that evidenced themselves in popular polls.

And in the testimony before our committee, in the testimony before the Committee on the Judiciary, I was just flabbergasted to hear an intellectual conservative come before our body, and I am not supposed to name names so I am not going to call the name, and say I support term limits because this provision is not relevant to today's society. And I say, well now. Is the first amendment relevant to today's society? Our debate has gotten shrill, our debate has gotten very partisan and mean-spirited in many cases. Does that mean we ought to rewrite the first amendment to the Constitution also? I guess not relevant to today's society.

What about the fourth amendment to the Constitution? There is a lot of crime out there on the streets. Does that mean we ought to turn over to the Government and the police the authority to kick in our doors, and search our homes, and tap our phones, in an unlimited way? Maybe the fourth amendment is not relevant to today's society.

My colleagues, this framework was based on democracy and government of the people, by the people and for the people. It is the people who vote every 2 years to send us back here or not send us back here. And the notion that we ought to say to them, ''Oh no, we have got to distance ourselves from you, we do not want you to have this kind of influence in our system;'' my colleagues, it is dangerous and counterdemocratic.

I encourage my colleagues to support the principle of democracy and representative government that says it is the people who control our democracy, allow the people to continue to speak. Do not restrict them. Please do not restricted them.

□ 1230

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

Mr. WATT of North Carolina. I yield to the gentleman from Pennsylvania.

Mr. GEKAS. Mr. Chairman, I was just wondering, in listening to the gentleman about the right of the people to determine what may or may not go into the Constitution, how did the gentleman feel, although he was not a Member of Congress at the time, nor was I——

Mr. WATT of North Carolina. Mr. Chairman, I suspect the gentleman is getting ready to ask me about some amendment.

Mr. GEKAS. If I could just inquire, how did the gentleman feel about the limitation of the term of presidency to two terms?

Mr. WATT of North Carolina. Mr. Chairman, reclaiming my time, we are not debating that. I was not here then. I probably would have voted against it if I had been here because I would have thought that it was a significant alteration. But that is not what we are here to talk about today. I did not go back and vote then. I was not even a Member of Congress then.

Mr. GEKAS. Mr. Chairman, if the gentleman would yield further, in that case, like in any constitutional amendment, we do defer to the right of the people to make that final judgment by the State legislatures that have to adopt the amendment.

Mr. WATT of North Carolina. I am sure that is true, and I am sure that is true of this amendment too. That does not defeat the purpose for which I rise today, and I hope my colleague does not think it does.

I thank the gentleman for yielding me time, and I hope my colleagues will listen to their chairman of the Committee on the Judiciary, in this case Chairman HYDE.

Mr. MCCOLLUM. Mr. Chairman, I yield 2 minutes to the gentleman from Oklahoma [Mr. ISTOOK].

Mr. ISTOOK. Mr. Chairman, I rise in support of the constitutional amendment for uniform national term limits: 12 years for a Member of the House, 12 years for a Member of the Senate.

The only way to establish term limit parity among all States is to pass the amendment. The one we are voting on creates uniform national term limits, placing no State at a disadvantage. I am committed to that prospect.

Some support a 6-year term limit for Members of the House, allowing Senators, however, to serve 12 years. They call it 3 terms versus 2, but it is 6 years and 12 years. That is lopsided. If Senators could serve twice as long in the Congress as Representatives could, it means more power for the Senate and less for the House. Is that what we want?

Senators only face the voters once every 6 years. Members of the House face the voters once every 2 years. Which one is more responsive to the voters?

We want uniform service by those who are most responsive, not placing them at a disadvantage by saying they can only serve twice as long.

Now, some who promote term limits in fact are promoting a shift of power. We believe in the principle of term limits. We have it on Presidents. We have it in State legislatures. We have it in

city governments. We have it on many governors. The proposition has already been established in this country. It is dominantly supported by the people. The real and proper question is to ask, what is the right way to go about it?

If the voters want to change a President, they can only do so every 4 years. If they wish to change a Senator, they can only do it once every 6 years. A Federal judge is there for a lifetime. A professional bureaucrat is there for who knows how long. A Member of the House serves every 2 years and is held accountable every 2 years. Why would we say we want them to be the weakest among all of the elected persons in Washington? It makes no sense. I support 12 and 12, uniform national term limits, and urge their adoption.

Mr. MCCOLLUM. Mr. Chairman, I yield 3 minutes to the gentleman from New Mexico [Mr. SCHIFF], a member of the committee.

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

Mr. Chairman, term limits is a policy issue. There is not one single right answer or wrong answer as to whether term limits should be adopted or not. It is a question of what policy do we wish for the Congress of the United States.

There are a number of reasons in favor of passing term limits, and I believe that they have been and will continue to be adequately presented here. There are a number of reasons to oppose term limits, which again I think have been very well voiced here today and will continue to be.

I am going to support the term limits amendment for this reason: I believe that we here in the Congress who are most affected by this decision should share this decision with the people of the United States through their legislatures. In other words, I can think of no reason why we should withhold this policy decision within the Congress. I believe that we should share it with the State legislatures by voting in favor of a constitutional amendment.

The State legislatures then can adopt this amendment or not adopt this amendment, but that will be the final decision. The final decision is not made in the House of Representatives or in the other body, in the U.S. Congress.

I have to say, however, I feel very strongly that if we are going to propose a constitutional amendment, we propose it on an equal basis for a number of years, whatever that number of years is, between the House and the other body. There is absolutely no real reason why the number of years that is a maximum cap on service should be different between the two Houses of Congress. That would serve to make only one House essentially more powerful than the other House, which is contrary to the intentions of the Framers of the Constitution, I believe. So I will vote against those amendments which propose to offer different maximums between the two Houses.

I will, however, vote in favor of an amendment offered by the gentleman from Virginia [Mr. SCOTT] which says the States may choose to do that if they want to for the delegations within their State. I will vote for the amendment that says States may set a lesser amount of time within that State's delegation. Therefore, if they want to set, for example, less time for the House than the Senate, they can do so. I think it is a bad idea, myself, but I think the States should have that authority.

Finally, I intend to support the Dingell-Barton amendment that will be offered that says that the idea of term limits, the maximum time to be considered for term limits, is considered retroactively. In other words, it will apply to all of us in this Chamber today. If term limits is in fact a good enough idea that we support it or that we invite the States to support it, then it is a good idea to start immediately and not to start on some day in the future.

Mr. MCCOLLUM. Mr. Chairman, I yield 2 minutes to the gentleman from South Carolina [Mr. GRAHAM].

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

Mr. Chairman, I intend to support the gentleman from Florida [Mr. MCCOLLUM] and his bill, because it is uniform: 12 years for the House, 12 years for the Senate. I would like to give my colleagues my views of some of the things that have been mentioned.

Bureaucrats and term limits: The argument is if we rotate people through this body too quickly, we empower the bureaucratic side of government. My limited experience of 2 years tells me that the most cozy relationship in the world in Washington is senior bureaucrats with senior people in Congress serving on committees, because one knows how to take care of the other, and the biggest fear most bureaucrats have is new people asking new questions. So I do not buy that one bit.

What do the people think? I would challenge my colleagues to go out and ask people on the street, and they will find out that 70 percent of them support term limits in some fashion, but if we had a national referendum there would be no doubt in my mind that there would be overwhelming public support for term limits on this body. That does not mean the people who occupy the jobs are evil, it just means people paying the taxes want change in their government.

What would that change be? It would fundamentally change the way we view our job in Congress. The issues of the day, like Social Security, Medicare, they are complicated but they are not beyond the grasp of everyday people to understand.

I know why Social Security has a problem. We are borrowing money from the Social Security trust fund and spending it to run the Government and we need to stop it. I know why Medicare has grown 22 percent since 1980. It did not take me a career to figure that out. I am willing to do something about it, and I have not planned my life around staying up here. I want to do a good job while I am here, and I want to go home and be part of my community.

I think term limits would change the Government for the better, undoubtedly so, and 70 percent of the public, if had a chance to vote on it, I think would agree with me and disagree with the opponents.

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

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

Mr. CONYERS. Mr. Chairman, I would inquire of the gentleman if he has heard about the concept of self-limitation of terms that Members are beginning to impose upon themselves?

Mr. GRAHAM. Mr. Chairman, if I may respond, yes. And I have limited myself to 12 years because I think that is a reasonable period of time, sir.

Mr. CONYERS. I thank the gentleman.

Mr. MCCOLLUM. Mr. Chairman, I yield 2 minutes to the gentleman from Missouri [Mr. HULSHOF].

Mr. HULSHOF. Mr. Chairman, I have here in my hand a copy of the Constitution, about which there has been much debate here today. I believe that the Founders created this document which outlined the principles by which we have been governed and continue to be governed, but they also provided, through article V, a means by which we can add to this document.

That is why we are here today, to determine whether, under article V, Congress shall deem it necessary to enact term limits, and I am in favor of a constitutional amendment subject to ratification by the States.

We are a government of the people, not a government of a select few. Our Founders fled the shores of England to come to this great country to escape a tyrannical leader and a government of elitists.

The fact is, Mr. Chairman, I am a newly elected Member here, and there has been some discussion about the word ''arrogance.'' Let me give my colleagues an example of arrogance.

During the waning weeks of the 1996 campaign, the former Congressman from my district, a 10-term incumbent career politician, exhorted the voters in my district to repudiate my candidacy with the words, ''a freshman cannot accomplish anything in Congress''. That arrogant attitude with which that statement was uttered is somewhat the same self-important attitude that is the subject of this debate and drives some in the opposition. They say we cannot trivialize the Constitution, as I have heard mentioned.

Mr. Chairman, this is a living document, and it is time for us to enact the will of the people. Let the one among us who believes himself to be irreplaceable in this Chamber, let him cast the

first vote ''no.'' But as for me, Mr. Chairman, I intend to enact the will of the people.

Mr. CONYERS. Mr. Chairman, I yield myself 1 minute and 15 seconds to inquire of my new freshman colleague, the gentleman from Missouri [Mr. HULSHOF], whose statement we welcome and whose presence we welcome to the Congress. Some arrogant career politicians said a freshman cannot accomplish anything in Congress. I presume that the gentleman has something to accomplish in this noble body, correct?

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

Mr. CONYERS. I yield to the gentleman from Missouri.

Mr. HULSHOF. Mr. Chairman, it will be incumbent upon me in the next couple of months to prove that declaration to be false, yes.

Mr. CONYERS. Reclaiming my time, Mr. Chairman, the people in Missouri believe the gentleman, that he can do it, and we will be watching and waiting.

Now, does the gentleman plan to impose self limits on his term of office? How does the gentleman look at this, regardless of what the body does here today?

Mr. HULSHOF. Mr. Chairman, I have pledged to the people back home in the 9th Congressional District that I do not intend to make a career out of politics.

Mr. CONYERS. Well, wait a minute. That is wonderful, but does the gentleman plan to limit the number of terms he intends to serve?

Mr. HULSHOF. Mr. Chairman, I have made that statement public, yes.

Mr. CONYERS. Mr. Chairman, can the gentleman divulge to us, just between us, how many he plans to serve?

Mr. HULSHOF. Absolutely, I would be happy to. Of course that is dependent upon the good people of my district, but when I ran for this seat back in 1994 unsuccessfully, and again here in this last election, 12 and 12 as proposed by the gentleman from Florida [Mr. MCCOLLUM].

Mr. MCCOLLUM. Mr. Chairman, I yield 2 minutes and 15 seconds to the gentlewoman from New Jersey [Mrs. ROUKEMA].

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

Mrs. ROUKEMA. Mr. Chairman, our Constitution is a document that has stood the test of time for over 2 centuries, and I think every person in this Chamber should admit that the Founding Fathers got it right and vote down these term-limit amendments.

The Founding Fathers established term limits when they wrote the Constitution. They are called elections, to quote my friend and the chairman of the House Committee on the Judiciary, Mr. HYDE. Yet here we are today engaged in this debate primarily because the majority of the American people, fueled by radio talk shows and pollsters, support limits. I believe their concerns are right, but their answer and their solution is wrong.

We do need congressional turnover and fresh ideas, but we need those ideas to be combined with the balance of experience and expertise.

Mr. Chairman, there is a learning curve for every job and the same is true for Members of Congress. To impose automatic term limits would greatly increase, and I think this is very important, greatly increase the power of paid congressional staff, lobbyists, government bureaucrats, and I might add all of those other elected government regulators. The general public does not understand that. If they did, they would recognize how ill-advised these automatic term limits really are.

□ 1245

I do not have time to go into the revolving door syndrome, where Members would spend their time making sure they had a good, soft job with the special interest groups they were working with when they were in Congress. After all, you have to have a job after you leave. I will not go into that.

But I do say that the widespread public concern should now be directed to campaign financing reform. I think what we need is the level playing field between Members and challengers, so the challengers can have the means whereby they can get their message out to the voters.

The answer is genuine campaign financing reform. We have that legislation before us, from Senators MCCAIN, FEINGOLD, the gentleman from Connecticut [Mr. SHAYS] the gentleman from Massachusetts [Mr. MEEHAN] and myself. It is a bipartisan effort.

Mr. Chairman, we do need reform, but term limits are not the solution. I say term limits, no; genuine campaign financing reform, yes.

Mr. MCCOLLUM. Mr. Chairman, I yield 1 minute and 30 seconds to the gentleman from Utah [Mr. COOK].

Mr. COOK. Mr. Chairman, for years I have worked to make term limitation a reality. I launched and led the term-limitation initiative drive in the State of Utah, because the people of the State of Utah, indeed the people of America, want term limits. I did not believe that we could get it through the legislature. I was very skeptical that we could get it through the Congress of the United States.

Quite honestly, I think with respect to this issue, the arrogance is reserved for those who absolutely insist they know better than the people, and refuse to listen to the will of the people. I am supporting the McCollum 12-year amendment, because I think that amendment is one that balances the importance of having experienced Members, but it stops where we run into the risk of having career politicians.

Mr. Chairman, I think George Washington set the example. When there was obvious near-unanimous consent for him to approach a third term, he stepped down because, he said, people needed that opportunity.

Finally, I think we just simply have to realize as we work on legislation, as we propose it, and as we vote on it each day, that we need to feel that we have to go back and live under the laws that we helped create. I am strongly in support of the 12-year-term limitation amendment.

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

Mr. EDWARDS. Mr. Chairman, term limits is an idea whose time has come and gone. It is a feel-good constitutional amendment that does not belong in that cherished document. Term limits is a simplistic solution to the complex challenge of making our Federal Government work more effectively. It is a bad idea, an idea that limits the rights of citizens to vote for or against whomever they choose.

We all know this issue is going to be defeated today, so would it not be better if we moved on to the issues that truly affect the daily lives of average working families in America, issues such as balancing the budget and welfare reform and crime and education for their children, health care?

How absurd and how dangerous it would be to have the Committee on National Security, which oversees a $250 billion annual budget and literally makes life and death decisions over the lives of young men and women in uniform serving this country, to have that committee arbitrarily chaired by someone who might have been in this House only 4 years. It just simply does not make sense, and it would not be right for our military personnel or for the future of this country.

Mr. Chairman, the passage of an arbitrary term-limits amendment would create a Washington Mardi Gras for District of Columbia lobbyists, staff, and bureaucrats, people over whom average Americans have little or no control. The fact is, Americans are exercising the concept of term limits envisioned by our Founding Fathers. It is called voting. It is called an election.

The fact is that over 60 percent of House Members in this body have been elected since 1990. Mr. Chairman, I respect those who genuinely believe in term limits, but I hope the national media or someone might create a ''hall of hypocrisy'' for those who believe it should be a crime to serve in this Congress for more than 6 or 12 years but they continue to serve here 7 or 13 or 20 or 30 years. If someone truly believes it is morally wrong to serve here more than 6 or 12 years, then they should exercise the courage of their convictions and not serve one day longer than the term limit they vote for today.

The fundamental question before us, Mr. Chairman, is whether in our democracy we should put trust in the citizen's right to vote. I choose to trust the people of this great country, and

not some arbitrary feel-good, press-release, sound-bite constitutional amendment that will do damage to the rights of the American citizens.

Mr. CANADY of Florida. Mr. Chairman, I yield 5 minutes to the gentleman from Nebraska [Mr. BEREUTER].

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

Mr. BEREUTER. Mr. Chairman, I want to thank the gentleman from Pennsylvania [Mr. GEKAS], a member of the committee, for his courtesy in yielding to me first. I am about to go lead the House welcome for the Speaker of the Polish Parliament.

Several years ago, my State twice passed term limits by large margins, only to have those actions invalidated by the courts. But the first legislative day after the voters of my home State expressed their support for term limits, I cosponsored legislation to institute a 12-and-12 constitutional amendment to limit terms of service for the two houses of Congress. I think it is a close call whether or not it is in the national interest and necessary to institute term limits. Nevertheless, I bowed to the views of my constituents and the people of my State.

However, it is very clear to this Member that I could support a constitutional term limitation only if such limitations were in the form of an amendment to the Constitution so that the congressional delegations of all States would be equally affected, and if such limitations were reasonable in length and identical for both the House and Senate.

The organization that is referred to as U.S. Term Limits has, with extraordinary funding, largely out-of-State funding, and paid circulators who frequently misinform voters, pushed their ridiculous legislation to require only a 6-year term limit for Members of the House of Representatives, while providing for a 12-year limit on the Senate.

This Member simply cannot in good conscience support such a 6-year term limit, as it is clearly contrary to the national interest. I might have a scarlet letter next to my name on the ballot next year. So be it. I am not going to vote against the national interest. I have never knowingly done it, and I am not going to start at this time. Despite such political threats as the proposed notation on the ballot, this Member will not do something that is damaging to the national interest.

First, 6 years is a totally inadequate length of time for citizens elected to the House of Representatives to gain the maximum expertise in the legislative process in the House, and to gain sufficient experience to be more likely to consistently make informed decisions that our Founding Fathers expected from the House of Representatives.

While over the years people have served in the House of Representatives for less than 6 years, it is foolhardy to expect the House to adequately perform its duties in this modern age when all representatives are limited to a maximum term limit of 6 years. Such an arrangement simply denies the country the crucial experience, good judgment, and informed action that our Nation and its citizens deserve. The House is now confronted by far more complex issues than in the early years of the Republic, and a 6-year term limit flies in the face of that increasingly complex agenda.

Second, providing a 6-year term limit for the House and a 12-year term limit for the Senate disturbs the delicate balance of power between the House and Senate, as established by our U.S. Constitution. The implications of this imbalance would probably only become apparent over a period of years, but it clearly will lead to an ever more serious erosion of power in the House of Representatives vis-a-vis the Senate. This Member has yet to hear one good argument for setting different limits on total years of service in the House and Senate.

When one tampers with this delicate system, one shatters not only the balance of power between the House and Senate, but also the balance of power between the legislative, executive, and judicial branches of our Federal Government.

Finally, Mr. Chairman, a 6-year term limit, by reducing the experience and influence of elected Members of the House, will dramatically increase the power of nonelected congressional staff over the legislative process, not to mention special interests. While this Member would be the first to agree that the power of the nonelected congressional staff is already an issue of concern, the 6-year term limit on the House will only compound that problem.

Mr. Chairman, I urge the Members to consider voting for only one approach, if any. That is the McCollum proposal for a 12-year limit on both houses of Congress.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield 3 minutes to the gentleman from Florida [Mr. HASTINGS].

Mr. HASTINGS of Florida. Mr. Chairman, I thank the gentleman from Massachusetts for yielding time to me.

A gimmick, Mr. Chairman; this Chamber is using our precious time on a gimmick. While schoolhouses are falling down around this country and the homeless are going without shelter and the infirm are going without proper medical care, the House will spend its business today debating an amendment to the Constitution that would limit the people's choice to who shall represent them.

Do not just take my word for it, Mr. Chairman. We have the most imminent Americans over the past 220 years who have opposed plans such as the one we are debating today. Alexander Hamilton made it clear that the proponents of term limits were shortsighted thinkers. Term limits, Hamilton argued, could deprive the Nation of the experience and wisdom gained by an incumbent, perhaps just when that experience is needed most.

Mr. Chairman, it is worth noting that much of the greatest legislation of our Nation's history was introduced and passed by Congresspersons late in their tenure as Members of Congress. Term limits would have unseated Daniel Webster and Henry Clay 10 years before they forged the 1850 compromise. John Sherman introduced his landmark Antitrust Act in his 29th year in Congress. Paul Douglas introduced the Voting Rights Act in his 16th year in Congress, and the list goes on.

I will continue further to enlighten our colleagues about the detriments of term limits, but we have already spent too much time discussing this unnecessary and thoughtless amendment. I urge my colleagues to reject this amendment.

I close by quoting Robert Livingston, not our colleague, but a delegate to the New York State Convention to ratify the U.S. Constitution in 1788.

He said:

> The people are the best judges of who ought to represent them. To dictate and control them, to tell them whom they shall not elect, is to abridge their natural rights. This is an absurd species of ostracism—a mode of prescribing eminent merit, and banishing from stations of trust those who have filled them with the greatest faithfulness.

I suggest 60 percent has been the turnover. I say to the chairman of the subcommittee, the gentleman from Florida [Mr. MCCOLLUM] and the ranking member, the gentleman from Michigan [Mr. CONYERS], I want these Members to know that less than 5 percent of all of the legislation we have passed in the last 6 years has come from those 60 percent. I defy the chairman and the ranking member to tell the people of America, and I will go look up their records, how much legislation they passed in their first 6 years.

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

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

Mr. Chairman, during the last campaign I engaged in a series of debates with my opponent, and during the final one, a question from the audience was the very one we are debating here today: How do the two candidates, the incumbent and the challenger, feel about term limits?

Immediately, of course, the challenger indicated he was in favor of it. Surprisingly, the incumbent said that he supports term limits, and that the very fact that he was an incumbent and was in a campaign demonstrated that he was for term limits, because if the people of the district decided to do so, they could end the term of the incumbent; namely, me.

Then I went on to say that although I believe that already in the Constitution, by virtue of how we elect Members to the House and to the Senate,

there do appear unspoken term limits, nevertheless, I would vote for some version of term limits when I returned to the Congress if my term was not ended by the term limits of the 2-year campaign in which we were then engaged.

I did so, and I stated that assertion on the basis that I had conducted, myself, in my best informal way, a survey of my people to determine their overwhelming sentiment, which it turned out to be was in favor of term limits.

□ 1300

So I am caught in a dilemma. I say to them, you already have term limits and you can limit my term if you want to right now, but you indicate that you want term limits embedded in the Constitution or somehow brought into the law of the land.

So where are we? I have to allow my people back in the district to vote again on this issue, to have another voice. I will vote for the 12-year limitation.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield 5 minutes to the gentleman from Pennsylvania [Mr. KLINK].

Mr. KLINK. Mr. Chairman, I thank the gentleman for yielding me. I just came from a telecommunications subcommittee hearing. We are taking up the whole idea of spectrum, which to a lot of you may not sound like much, but it is the frequencies upon which we broadcast all our radios and our televisions.

We are moving in this day and age toward a digital high-definition television which will enable everyone in this country to receive a movie quality picture at the same time they will have sound like you have never heard before. We had a great exhibition of that today.

My point in all of this is that this discussion to move toward this new industry, which will render 250 million television sets in this Nation completely obsolete probably sometime over the next decade, began back in the 1980's. And even though I had 24 years as a broadcaster before I came to this Congress, I had not dealt with the specifics of spectrum law. And so I am very dependent upon those Members who have served here, who have been through these debates so that they can help to guide me as to where we have been in this Nation and where we are headed.

Likewise in matters of defense, I had a Member tell me that when he was on the Committee on National Security, he is retired now, but when he was here in Congress and on the Committee on National Security, he said a general came up and talked about this very expensive weapons system and the need for this system. He said it sounded great. I was ready to vote for it, until a grizzled old veteran who had been here in Congress for 20 some years stood up and said, general, when you were here 10 years ago you were talking against that system. You wanted another system. What happened?

My point is that we need institutional memory and that memory must be the elected Members of Congress who are chosen by the people who live in their districts, not some phony baloney rewrite of the Constitution because we want to dictate to Members of a congressional district who they can and cannot send to represent them in this Congress.

I happen to live in a district in southwestern Pennsylvania where there were 150-some-thousand industrial workers displaced. They decided after 10 years that they wanted to vote out one Democrat and vote in another Democrat. The gentleman from Missouri was here a few moments ago. He spoke about the fact that he defeated a 10-term incumbent. That is amazing. The system works.

The bottom line is that the 102d Congress, this was the election held in 1990, saw 44 new congressional Representatives elected to this institution. That is a 10-percent turnover rate. The 103d Congress, the election held back in 1992, in which I came in, was one of the largest classes in the modern era; 110 new Members came in, 25-percent turnover rate. The 104th Congress, 1994, saw 86 new congressional Representatives and the very first time in 40 years the Republicans were in control of the House. The people of this Nation did that. That was a 20-percent turnover rate.

The 105th Congress, 1996, saw 74 new Members of Congress being elected. That is a 17-percent turnover rate. Term limits at the ballot box are working. We do not need this amendment. Overall, of the 435 Members in this Congress who are serving in the 105th Congress, 315 of us have served 10 years or less.

This is a waste of time. It is a fraud being perpetrated upon the American public. Member after Member gets up and says, well, the public wants this. When you constantly run and beat up this institution, the public does not have a good image of us. They do not undestand that we are people who have walked away in many instances from good law practices, my job in broadcasting to come here to serve. I cannot guarantee you that my wife and I would have agreed 6 years ago or 5 years ago to run such a campaign, to run a campaign for Congress if I knew that I could only be here for 6 years or 8 years or 10 years or 12 years, rather. I do not know how long I will be here. I do not know how long the people of the Fourth District of Pennsylvania will send me back here. But that is between me and them. It should be so between the other 434 Members of this House and the people of their district.

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

Mr. FOLEY. Mr. Chairman, I rise today in support of term limits for Congress. They are necessary to reestablish the citizen legislature, to better respond to the needs of citizens in our community, and to end what has become an arrogance of incumbency by some who have turned public service in this body into a lifetime occupation.

Being in Washington is not all it is cracked up to be, I can tell Members that. But it is vital that if Congress is going to serve the American people well, its Members not become stale and immune to the will of the people.

Term limits do not limit the ability to serve the public in all manner of ways. By serving here, we can ensure Washington mindset does not become the law of the land. Term limits will embolden Members to deal with the difficult long-term issues like reforms of Medicare, Social Security, rather than wield them for their political advantage. This behavior serves neither the interest nor benefit of our constituents.

Term limits, some contend, restrict the will of the public. The fact is, Americans across the country overwhelmingly support limiting the number of terms a Member of Congress can serve. Already 23 States have enacted such limits on their legislators. The people have spoken. We must pass term limits so that Members of Congress will no longer be tempted to protect their political careers at the expenses of their constituents, or the Nation's, best interest.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield 3 minutes to the gentleman from New York [Mr. BOEHLERT].

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

Mr. BOEHLERT. Mr. Chairman, I rise in strong opposition to term limits. Maybe I have spent too much time reviewing the thinking of James Madison and Thomas Jefferson but I find the arguments for term limits a bit hard to follow.

Term-limit proponents say they are trying to strengthen democracy. Yet in limiting the voters' choices, they are exhibiting a profound distrust of democracy. Term-limit proponents say they are populists who are trying to return power to the people. Yet term limits take away power from the people.

Term-limit proponents say they are trying to make the Congress more responsive. Yet by forcing Members into lame-duck status, term limits eliminate the greatest incentive to abide by the public's wishes.

Term-limit proponents say they are trying to limit the power of special interests. Yet by forcing Members to consider their next job rather than concentrating on their present one, term limits can only increase potential conflicts of interest.

Term-limit proponents say they are trying to make the Congress a more effective institution. Yet by robbing the Congress of institutional memory and experience, term limits weaken Congress and strengthen the role of less representative branches of Government.

Term-limit proponents say that the current system has failed us and has created an unchanging and unchangeable Congress. Yet more than half of the Members of the House, here serving today, were elected in 1992 or later.

The contradictions go on and on. Term limits are an attempt to solve a problem that does not exist. And they cannot conceivably accomplish what their proponents promise. That is why American leaders as far back as Madison and Jefferson have rejected term limits.

Let us show our faith in the Constitution, the American people, and the democratic process. Government should expand our options, not limit our choices. I say reject term limits. Support the choice of the American people.

Mr. CANADY of Florida. Mr. Chairman, may I inquire of the Chair concerning the amount of time remaining on each side?

The CHAIRMAN. The gentleman from Florida [Mr. CANADY] has 13½ minutes remaining, and the gentleman from Massachusetts [Mr. FRANK] has 5½ minutes remaining.

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

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

Mr. Chairman, I rise in opposition to this proposition. I am tempted to just follow the gentleman from Illinois, HENRY HYDE, and just say, me too, but I owe my constituents an explanation why I will not vote for a constitutional amendment to change the current limit of terms of service.

Yes, there already is a term limit written into the Constitution. Article I, section 2 states that the House of Representatives shall be composed of Members chosen every second year by the people of the several States. After that 2-year term, the Member is officially retired. If, and only if, that Member is selected again by his or her constituents can that Member return to this august body.

We all know the procedures and the process but it helps to be reminded from time to time. I appreciate the passion with which my Republican colleagues have fought for this amendment. They believe that carrerism has ruined this House. I think we took care of that and addressed it by limiting the terms of our Speaker and our chairmen. That is appropriate.

I agree that if Members of the House willfully ignore the wishes of the American people on issues that are important to the future of this Nation, they should be removed. But I submit that the system works. Sometimes slower than we like, sometimes messier than we would prefer, but the system works.

Look at the success of the 104th Congress. We showed that reform is possible, that change can happen, that the American people do have the ability to work their will. In the 105th Congress, we have 235 Members who have been here less than 3 terms. By my count that is a majority.

The system works to give us new blood, new ideas and new enthusiasm, but it also provides us with the wisdom honed by experience. When Members like HENRY HYDE and JOHN MURTHA and JERRY SOLOMON and LEE HAMILTON share their insights, we would be unwise not to listen.

Retiring Members of Congress for no other reason than an artificial time limit seems very shortsighted to me. In the final analysis, I believe we should have faith in the voters to do the right thing. Term limits takes the constitutional choice away from the voters and in my view we could do no more damage to the intent of our system of government.

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

Mr. GOODLATTE. Mr. Chairman, I thank the gentleman for yielding me the time and for his fine work on this legislation. I rise in strong support of the term limits amendment to the U.S. Constitution offered by the gentleman from Florida [Mr. MCCOLLUM].

I have tremendous respect for the gentleman from Texas, the majority whip, but I would say to him and those who say that we do not need to do this because we can pass the internal reforms to accomplish this, yes, but how temporary in nature are they and how does that conflict with the very same argument that the opponents of a balanced budget amendment, that we are going to take up in this Chamber very soon, offer, that we do not need a balanced budget amendment. We can balance the budget anyway. Yes, we can and this Congress has shown the determination to do that, but how often has that occurred in the last several decades and how often has this Congress shown the determination to reform itself.

Term limits brings about those reforms. More importantly, it does other things, too. It makes this body more deliberative. If you know you only have a certain amount of time here before your time will be done, you are going to focus more clearly and more enthusiastically and more forcefully on getting the job done rather than the way things work in most Congresses, which is, we can always put it off until tomorrow or next month or next year or the next Congress. Term limits lets Members know, if you are here to get something done for your constituents, you have got to do it and got to do it promptly.

It alters the seniority system so badly needed to make sure that we do not elevate Members to positions of leadership and power in this Congress simply based upon how long they have been warming a seat but, rather, based upon merit and ability. And term limits, again, focuses us on that job as well.

Finally term limits creates a more level playing field for those Members who want to serve in this Congress by reducing the ultimate benefit that Members of Congress have, the benefit of incumbency in election.

I urge my colleagues to support the term limit amendment to the Constitution and let us show the American people that we truly do know how to reform this Congress.

Mr. CANADY of Florida. Mr. Chairman, I yield myself 1 minute.

Today we have heard many of the Founding Fathers names invoked. Earlier the name of George Washington was invoked.

☐ 1315

Now, Washington is looking down on the Chamber from his portrait there, and I think it is appropriate that we consider the example of George Washington as we deliberate on the issue of term limits.

It was George Washington who established the example for the Presidency of term limits. It was George Washington who, two centuries ago next month, left office as the first President of the United States. Now, if there was ever anyone in the history of our country who could accurately be called the indispensable man, it was George Washington, but he himself recognized that no one in public office is indispensable.

I would suggest that the Members of this body reflect on the example of George Washington, the example which he has set for leaving office and for limiting terms.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield myself such time as I may consume to say to my colleague from Florida that I join in saying we should follow the example of George Washington, who did not advocate term limits for Members of Congress.

Mr. Chairman, I yield the balance of my time to the gentlewoman from Michigan [Ms. KILPATRICK], for our concluding remarks.

The CHAIRMAN. The Chair recognizes the gentlewoman from Michigan [Ms. KILPATRICK] for 5½ minutes.

Ms. KILPATRICK. Mr. Chairman, I thank the distinguished gentleman from Massachusetts for yielding me this time and allowing me this opportunity.

Mr. Chairman, I wanted to join the chorus of many of my colleagues who stand opposed to this amendment. As has been said before I arose today, by many Members who came before this forum and to this microphone, term limits denigrate people, the people of this country. We give the people the ability to make those decisions, and as has been seen by several Congresses, and here recently in the last 2 or 3 years, the people do have the wisdom and the intelligence to make the correct choices in their elected Representatives.

I want to point out what might not have been said today, and that is that

the legislative body of the three branches of Government is the avenue that the people have. They cannot get in on the executive, be it through the President or their Governor and the President, in this instance, and his department heads; through the judiciary they have less of an opportunity to participate in the Government.

It is through the legislative body, to the House and the U.S. Senate, that the people can elect or not elect the Representatives of their choice and thereby let their voices be heard. So I think we do a horrible disadvantage and denigrate the responsibility and intelligence of the people of this country when we place a term limit for their elected officials.

Additionally, I think it does not reward the many Members who have served this institution, who have the institutional knowledge, and are able from that institutional knowledge and hard work to prepare, in a bipartisan way, the best public policy that our children need.

I believe the November 5 election states more profoundly than anything we have heard that the people want this Congress to govern. They want us to talk about a ''families first agenda'' in a bipartisan way. They want us to talk about good jobs. They want us to talk about opportunity for their children, security for our seniors.

I believe if this amendment is defeated it would be in the best interest of this country. I believe that we allow the people to determine who their Representatives are, and that they ask us to bring those issues that are most important to them. I contend, again, that those are jobs, they are education; it is environmental quality; it is opportunity for our children, security for our seniors.

As a first-termer, I am a little disheartened that we have not gone to those issues; that this is the first issue before the Congress. And I understand that the Speaker did make that promise and that it is here before us. But I think people want adequate education. I think children want opportunity. I think it is good jobs this 105th Congress must concern ourselves with.

This amendment that would limit the terms of the Members of the Congress, the Members of this Congress, is not a good one, and I would ask that my colleagues on both sides of the aisle put aside this redundant policy. We have heard it over and over again, and we did have a vote in the 104th Congress and it was defeated. I suspect today as we vote later on it will not receive the two-thirds majority as required by the Constitution.

We have serious work in this 105th Congress, and I hope that we would get about it in a bipartisan way. Therefore, I raise my voice and my vote with others who have spoken before me today to defeat this amendment and let us get to work in the 105th Congress.

Mr. CANADY of Florida. Mr. Chairman, may I inquire concerning the amount of time remaining on each side?

The CHAIRMAN. The gentleman from Florida [Mr. CANADY] has 8½ minutes remaining; the time of the gentleman from Massachusetts [Mr. FRANK] has expired.

Mr. CANADY of Florida. Mr. Chairman, I yield the balance of my time to the gentleman from Florida [Mr. MCCOLLUM].

The CHAIRMAN. The gentleman from Florida [Mr. MCCOLLUM] is recognized for 8½ minutes.

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

Mr. MCCOLLUM. Mr. Chairman, I certainly appreciate the opportunity to speak today on this amendment that I have authored, the underlying one, House Joint Resolution 2, to limit the terms of Members of the House and Senate to 12 years. It is an amendment proposal that garnered 227 votes in the last Congress, the first time in history we ever had a vote on the floor of the House on a constitutional amendment to limit terms.

It reached in that vote a majority, a clear distinct majority, 218 is a majority in this House, but it did not get the two-thirds required to pass a constitutional amendment, the 290; and it has yet to see the light of day in a vote in the Senate, where it will take 67 votes, another super majority.

In the last Congress it was, however, by far and away the constitutional amendment proposal for term limits that received the most votes, and I think will be clearly demonstrated today continues to have the most support and the best chance any time in the foreseeable future of receiving the 290 votes it takes to pass a constitutional amendment in this body and get it to the States for ratification.

I think there are two basic reasons why those of us who are for term limits, even if we dispute the number of years that there should be in those limits, why we are for the term limits. Two critical reasons.

The first is that I believe, and I think all of us do who support term limits, that it is time to end the careerism that exists and has existed in Congress for the last few years. By that I mean the tendency of too many of our Members to tend to vote for every interest group that comes along because they want to get reelected. The desire is overwhelming in many cases to be reelected again and again and again.

I think that syndicated columnist George Will said it best in his column that appears in the current issue of Newsweek magazine that is on the stands today, when he said:

> Term limits are a simple surgical Madisonian reform. By removing careerism, a relatively modern phenomenon as a motive for entering politics and for behavior in office, term limits can produce deliberative bodies disposed to think of the next generation rather than the next election.
>
> This is the argument favored by those who favor term limits not because of hostility toward Congress but as an affectionate measure to restore Congress to its rightful role as the branch of government.

It is true as well that there is a second reason. In fact, there are several smaller reasons why term limits are important, but the second one is pretty darned important. That is because we can have all of the rotation we want in the numbers of Members here, three-quarters of the body, somebody said, have turned over in the last couple of congressional elections, and we can still have the power vested in the hands of the few who do stay here and who are not term limited in any way. They are the committee chairmen, they are the powers in the leadership, they are the ones who control this place, and that is not right.

We need term limits for the same reason that we need to end careerism and special interest considerations when it comes to those few Members who do stay here.

Let there be no mistake, better than 90 percent of those who seek reelection to the House of Representatives year after year after year are reelected. No amount of campaign finance reform will take away the inherent powers, that incumbents have to have an advantage in seeking reelection to this institution.

There are those who will say why do I not leave, or why do not some of the others of us lead by example and just walk away? Well, I will tell my colleagues that voluntary efforts to lead the term limits movement will not succeed because there will continue to be Members in those States who choose, who do not have term limits, to stay here and have the power and be the chairman. And, unfortunately, until we have term limits, if someone walks away in 5 or 6 years or whatever, they never have a chance to be chairman of the key committees of this body or to exercise those things that the members of their district and their constituency sent them here to exercise in many instances.

That is not to say a freshman cannot be influential, that is not to say legislation cannot be passed, but it is to say as long as a seniority system of some sort exists, and it has historically in every legislative body and it will for the foreseeable future in this body, there will have to be a term limit in order to be able to be fair in that process and, I think, to restore the basic interest of this Government.

Now, let me say that in addition to this, I am particularly concerned about what we are voting on in the next couple of hours with respect to the type of term limits that are out here. I have proposed limiting the terms in the House and Senate in an equal uniform fashion, 12 years in the House, 12 years in the Senate, six 2-year terms in the House, two 6-year terms in the Senate.

The underlying premise of this is that the power of the two bodies should continue to be in balance. We do not want to see, and I do not think anybody should see the imbalance that

would result in a 6-year or an 8-year term in the House while we have 12 years in the Senate, in conference committees and elsewhere.

I also think if we are talking about 12 versus 6 that we are talking about the lack of experience that some of the critics of term limits themselves talk about. It seems to me fundamentally, from having been here and the experience I have observed, that one needs to be here for several years before they are ready for being the chairman of some of the major committees, not any subcommittee. The gentleman from Florida [Mr. CANADY], is chairman of a subcommittee now, just in his second term; I think may have been even in his first. But when we start talking about the longer overview of the Congress and the leadership, I think that being here longer than 6 years is very important to the running of this body. Twelve years is an appropriate, fair length of time to limit both bodies to.

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

Mr. MCCOLLUM. I yield to the gentleman from Massachusetts, just for a moment, yes.

Mr. FRANK of Massachusetts. Mr. Chairman, I do not mean to accuse the gentleman of inconsistency in not leaving, because he has articulated correctly that view of it, that we should not unilaterally disarm. But I would ask him this:

He and I came here together 17 years ago. He points to the problems of careerism and undue vulnerability to special interests if we are here too long. Has the gentleman himself succumbed to those problems? If not, what in his experience has allowed him to overcome them?

Because if these things hit us after we have been here for 12 years, have they hit the gentleman? If not, can the gentleman tell the rest of us how to avoid those problems?

Mr. MCCOLLUM. Mr. Chairman, reclaiming my time, I want to believe they have not hit me. It is possible they have. But I would say there are exceptions to every rule.

The gentleman from Massachusetts [Mr. FRANK] and the gentleman from Illinois [Mr. HYDE], are probably examples I would point to of people who have been here longer that may not have been hit with the afflictions I have described. But I believe the generic rule, the general order of things on average is that careerism does afflict all too many Members of Congress and it influences the vote, to vote for the interests that are required to get them reelected.

I would be remiss in not commenting on why we are here today voting on so many variations on term limits. It would be far preferable to vote on a couple and be done with it, but we are voting on these multiple numbers because there is an internecine warfare going on between some of us who support term limits, and that is not healthy.

Those of us who want to get to the end of this game and get the 290 votes necessary to send a constitutional amendment to the States should be behind the one proposal, and that is the 12-year proposal in the House and Senate, that has the chance of passage in this body, and work toward getting there either this Congress or the next.

But U.S. Term Limits in particular has developed a strategy of opposing and proposing these initiatives around the States that has been very misleading. They have gotten us to the point where there are several different variations, and they say that if we do not vote as a Member of Congress from one of those States for precisely their version of a 6-year limit, their version or none other, then we will get a scarlet letter by our name that will say in the next election, ''Disregarded or violated voter instruction on term limits.''

Therefore, there will be Members of this body today who will not vote for the 12-year or 12 in both bodies that I have proposed, and will only vote for that peculiar little niche that has been carved out by their States. If we keep on this path, we will wind up with initiatives in several more States, cannot be in all of them because all States do not have initiatives, and there will be multiple choices that are here for us to vote on where Members will be locked in and feel compelled to vote only for their peculiar State's initiative version, and we will never get to term limits. We will be gridlocked and the people opposed to term limits will prevail.

That is what amazes me about this organization called U.S. Term Limits and why they cannot see that they are on a suicidal mission of destruction of the term limits cause by their efforts in this regard. I continue to be amazed by it.

In Idaho alone, one of the States that has this initiative process, the text ran 2,286 words. That is four pages of single spaced typewritten face. All that appeared on the ballot was 207 words. The full text could only be acquired by special request from the Secretary of State. Most importantly, the clever wording on the ballot, that is, the short title, read only ''Initiative instructing candidates for State legislature and U.S. Congress to support congressional term limits. Requires statement indicating nonsupport on ballot.''

It is a very broad statement anybody would support, and 70 percent of the American people do. It said nothing about 6 years. If U.S. Term Limits were sincere in their drive for the 6-year limit, and it is their way or none, they say, why did they not declare up front in the title of the initiative that it requires support for only 6 years?

I urge ''no'' votes on all these amendments out here today. I urge my colleagues to vote not for some of these devious methods designed to defeat term limits, but to vote for the 12-year limit on both the House and Senate. That is the McCollum amendment. That is the underlying bill.

Mr. BUNNING. Mr. Chairman, I personally have mixed feeling about term limits. The high rate of congressional turnover in the past 10 years indicates that term limits are not really necessary. The votes have been doing a good job of limiting congressional careers the way it is. And I am concerned that term limits could reduce the congressional influence of small States like Kentucky.

However, there is such widespread public support for the idea that I am willing to let the people work their will on the issue through the ratification process at the State level. For that reason, I did cosponsor, House Joint Resolution 2, the term limits resolution which limits service in the U.S. Senate to two terms or 12 years and which limits service in the House of Representatives to six terms or 12 years. I do intend to vote for this version of term limits today and I urge my colleagues to join me in supporting this resolution because it is the fairest and most reasonable choice available to us.

Mr. Chairman, article 1, section 2 of our Constitution reads, ''The House of Representatives shall be composed of Members chosen by the People of the several States * * *''

When the Founding Fathers drafted the document that became the framework for our Nation they had in mind one of the key principals of democracy, the peoples right to choose.

I have listened to the debate on this issue, I have heard my colleagues decry, ''let's give government back to the people * * *'' and ''let's put an end to career politicians * * *'' Why don't we stop the rhetoric. If you want to give the Government back to the people we don't need term limits—we need campaign finance reform because democracy is its own best term limiter.

The Founding Fathers rejected the concept of term limits and that is why term limits were not included in the Constitution. Their intention was to let democracy take its natural course. I agree with them and reject the concept of term limits. If we want fresh ideas and if we want to return the Government to the people, let's stop all of the rhetoric and put an end to the special interest money that pours into political campaigns and level the playing field with real campaign finance reform. Then we won't need term limits because the democratic process will work as the Founding Fathers intended.

Mr. ROEMER. Mr. Chairman, I rise in firm opposition to term limits for Members of Congress.

Since I was elected to Congress, I have been a leading advocate for congressional reform. I have supported scheduling reform, cuts to committees and staff, and simplifying the operations of the House. But we do not need term limits to make changes in Congress.

The last three elections clearly demonstrate the power of the ballot. Almost 80 percent of this body, including myself, was elected after 1990. Today, 190 Members are serving their first or second terms.

That is, 43 percent of the House has been elected since 1994. Why should we enact constitutionally imposed term limits when a near majority of this Chamber does not know what it was like to serve under democratic rule? Within my delegation alone, 7 of 10

Members—including myself—have been elected to represent Indiana in the 1990's.

Mr. Chairman, real term limits are at the ballot box, and that is where they should stay. The people are the best judge of who ought to represent them and they can be trusted to choose their representatives without government stepping in to arbitrarily regulate their choice. We should not block the prerogative of the American people.

It is unfortunate that term limits ignore the need for experience in Congress. Rather, they will ensure that unelected staff members will flourish in an environment where they are more seasoned than their employers—those who are directly and singularly accountable to their constituents.

Surely, we do not want to send the wrong message to our Nation's brightest and most qualified aspiring public servants who might be discouraged from serving their constituencies if firmly imposed term limits are in place. Certainly, we do not want to write this disincentive into our Constitution.

The future of this Nation depends on the integrity and caliber of the men and women leading it. Important and substantive areas of legislation rely on individuals with the wisdom and judgment that comes only from experience. We cannot afford to disqualify those who are fit to handle the increasingly demanding tasks of elected office.

Mr. Chairman, the Founding Fathers used the same arguments against term limits during the Constitutional Convention. In Federalist Paper No. 53, James Madison wrote that a few Members of Congress will possess superior talents and will become masters of public business. The greater the proportion of new Members, Madison wrote, ''the more apt they will be to fall into the snares that may be laid for them.''

Similarly, Alexander Hamilton argued against the concept of delegate rotation in Federalist Paper No. 71, asserting that denying the citizen's right to choose their officials would ''deprive the new government of experienced officials and reduce the incentives for political accountability.''

Certainly, term limits are not an appropriate or effective solution to the problems facing our political system. They would undermine a cornerstone of our democracy—the right to vote. And for these reasons, I urge my colleagues to vote against the ensuing term limit proposals.

Mr. STOKES. Mr. Chairman, I rise in strong opposition to House Joint Resolution 2, the term limits constitutional amendment. We cannot and should not shirk our responsibility to act in the best interest of the American people by disrespecting the founding document of this Nation—the U.S. Constitution. This shortsighted legislation will not only fail to ensure better representation of the American people in Congress, but will cruelly snatch from all Americans their ability to express their will through the ballot box.

The bill before us today, the term limits constitutional amendment, attempts to curtail the ability of the American public to choose their Representative. It also weakens this Republic by subverting some of the most important constitutional principles that represent the foundation of this Nation, the electoral process and representative government. Such an abdication of congressional responsibility will certainly undermine many of our most important efforts to enhance voting rights, civil rights, and our democratic system that is the envy of the world.

Mr. Speaker, the stated purpose of this legislation is to amend the U.S. Constitution by imposing a lifetime limit of six terms—12 years—of service and a lifetime limit on Senators of two terms—12 years—of service. The measure would be applied prospectively, with only elections and service occurring after the constitutional amendment's ratification.

While I agree that Congress should continue to make significant strides to enhance service to the people we represent, this proposed measure goes well beyond the legitimate objective of making the Government more representative. The power the American people have to select and elect Representatives to Congress has been granted exclusively to the people by the U.S. Constitution and should not be abridged.

Mr. Speaker, a term limits amendment to the U.S. Constitution is unnecessary. The fact is, term limits already exist. Under the current Constitution the people already have the right to limit the term of anyone they elect to public office. Every 2 years each Member of the House must run for re-election. He or she must then be judged by the voters who elected them. It is then that the voters will determine whether to end that Representative's term of office or permit them to continue to serve. The imposition of this arbitrary term of 12 years deprives voters of an elected official who has, in their opinion, served their best interests well.

Establishing an arbitrary 12-year length of service for Members of the House and Senate is contrary to the democratic principles upon which this Nation is based. So cherished by the American people is the right to vote and participate in our representative form of government that five historical constitutional amendments have been enacted by the Congress to ensure that all Americans have the right to select their Representatives in Congress. The 15th amendment, 1870, prohibited States from denying the right to vote on account of ''race, color, or previous condition of servitude;'' the 19th amendment, 1920, enfranchised women; the 24th amendment, 1964, banned poll taxes; the 26th amendment, 1971, directed States to allow qualified citizens who were age 18 or older to vote; and finally, the equal protection and due process clauses of the 14th amendment, 1868, came to be read as preventing States from enacting suffrage laws that conflict with fundamental principles of fairness, liberty, and self-government.

Term limits will upset the delicate balance of powers crafted in the U.S. Constitution. In addition to taking power from the American people the term limits constitutional amendment will transfer a significant portion of this constitutional power to the President and the judiciary. The weakening of Congress by arbitrarily prohibiting our most experienced legislators from serving this Nation in the Congress is unwise and tips the balance of powers against the legislature of this Nation.

The great constitutional significance of the separation of powers cannot be questioned. In his famous *Myers* versus *United States,* 272 U.S. 52, 1926, dissent, Justice Louis D. Brandeis said:

> The doctrine of the separation of powers was adopted by the Convention of 1787, not to promote efficiency but to preclude the exercise of arbitrary power. The purpose was not to avoid friction, but, by means of the inevitable friction incident to the distribution of the governmental powers among three departments, to save the people from autocracy.

Mr. Speaker, I must also stress that the benefits of term limits are greatly exaggerated. Without any term limit constitutional amendment Congress receives regular transfusions of ''new blood.'' If we look beyond the re-election rates on a Congress-by-Congress basis, we see that over 60 percent of the current House Members were initially elected in 1990 or later. If term limits of 12 years in the House and Senate were in place, nearly half of the current Congress would have been ineligible to serve when the 105th Congress convened.

The devaluation of experience in the Congress would not only be ill advised, it would be irresponsible. We cannot and should not experiment with the Constitution, Americans' right to vote, or the stability and security of this Nation to satisfy a campaign promise.

I would also like to add that the historical record for term limitations is not supported by a review of constitutional history, either. It is clear that the Founding Fathers of this Nation believed that term limits were neither necessary or appropriate, and those who did seek such limits expressed a belief that the Constitution itself needed to be fundamentally changed also.

This lack of historical support for term limitations can also be found in the Founders' transition from the Articles of Confederation to the Constitution as we know it today. Although term limits were included in the Articles of Confederation, they were wisely specifically excluded by the Founders of this Nation from the Constitution. The historical record simply does not support the incorporation of term limits into the U.S. Constitution.

Mr. Speaker, this legislation is unsurpassed in its compromise of the people's right to representative government and the balance of powers in our Nation. With very little opportunity for open hearing in the 105th Congress, and with limited debate, this measure has been placed before us. A measure of this kind requires detailed analysis of the impact it may have on the American people, and the greatest pillars of the American Republic: The voting franchise and the separation of powers—but no such review has, or will, take place. In the current rush to force this bill through the House, the will of the American people and the Constitution I have sworn to uphold will certainly be compromised. I urge my colleagues to join with me and vote against this bill.

Mr. CONYERS. Mr. Chairman, it's with great disappointment that we start the 105th Congress with an ill-conceived amendment to the Constitution to limit congressional terms. Term limits does nothing to create more jobs, nothing to increase our standard of living, and nothing to clean up the campaign finance laws. If Republicans were really interested in

dealing with the advantages of incumbency, we would be voting on campaign finance reform, not term limits, as the very first measure we consider this Congress.

I don't believe the proponents are as eager to pass this measure as they would have us believe. Although many Members advocate term limits, they oppose applying the limits immediately to themselves. As Chairman HYDE has so eloquently, stated this is like ''the famous prayer of St. Augustine who said, 'Dear God, make me pure, but no now.'' When 94-year-old, 8-term Senator STROM THURMOND can claim to support term limits, you know we have a serious credibility gap on this issue within the Republican Party.

And while this may be a radical idea, I continue to have faith in the scheme of Government laid out in our Constitution when the Founding Fathers rejected term limits. Alexander Hamilton got it right when he wrote term limits ''would be a diminution of the inducements to good behavior * * * [and deprive] the community of the advantages of * * * experience gained in office.''

I also continue to have faith in the fundamental good judgment of the American voters, who already have the power to impose term limits. Congressmen must face the voters every 2 years and Senators every 6 years. Denying these voters the right to elect the person they think best represents their interests turns the very principal of democracy on its head.

I would also remind those who support term limits that the notion of a career Congress which they decry so vehemently is an absolute myth. Recent congressional turnover has been incredibly high, more than one-half of the current Members of the House were elected within the last 4 years.

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

House Joint Resolution 2 trivializes the Constitution and belittles those who would serve their country by belonging to this body. I urge the Members to oppose this short-sighted constitutional amendment.

I am attaching an article I have written recently describing my concern with term limits and other proposed amendments to the Constitution we are expected to vote on this Congress.

[From the Nation; Feb. 24, 1997]

MAKE NO AMENDS

(By John Conyers, Jr.)

The 105th Congress is expected to consider as many as seven separate constitutional amendments, including proposals to prohibit flag burning, provide for victims' rights, eliminate automatic birthright citizenship, balance the budget, require a supermajority vote to increase taxes, limit Congressional terms and permit school prayer.

Amending the Constitution is the most serious—and irreversible—action Congress can take. Before approving any constitutional revision, we should assure ourselves that the amendment is fully justified; will not have adverse, unintended consequences; is fully enforceable; and is consistent with our constitutional values. Unfortunately, the amendments being considered in this Congress are motivated more by partisan politics than by sound policy considerations.

Advocates of a flag desecration amendment cannot point to outbreak of disrespect for the flag warranting constitutional action. Studies indicate that in all of American history, from the adoption of the U.S. flag in 1777 through the Supreme Court's first flag desecration decision in 1989, there have been fewer than forty-five reported incidents of flag burning. By propounding a constitutional amendment under these circumstances, we succeed only in trivializing the Constitution.

Similarly, given that twenty-nine states have already amended their Constitutions to protect crime victims, there is no compelling justification for a federal victims' rights amendment. Although victims' rights groups argue that a constitutional remedy is necessary to overcome a supposed conflict between these state laws and a defendant's right to due process, to date no federal appellate court has found such inconsistency to exist.

Repealing the Fourteenth Amendment's birthright citizenship clause illustrates the problem of unintended consequences. Tying the citizenship status of children to their parents creates a permanent underclass of people having no national allegiance; those born in the United States would be unable to report legal abuses for fear of deportation. It's no wonder that in her last official speech as chairwoman of the Immigration Commission, the late Barbara Jordan declared, ''To deny birthright citizenship would derail [the] engine of American liberty.''

Constitutional amendments requiring a balanced budget and two-thirds majority to increase taxes threaten to create constitutional ''rights'' with no meaningful remedy. It's impossible to identify which branch of government, if any, would be empowered to enforce the amendments. The amendments' meaning is also opaque: Would they apply to bills reducing tax revenues in some years but increasing them in others? What's the meaning of the supermajority tax amendment's exception for ''de minimis'' tax increases?

The term limits amendment contradicts what is perhaps our most fundamental constitutional principle: majority rule. There is little difference between forcing citizens to vote for a particular candidate and denying them the ability to vote for that same person. Instead of giving us more responsive ''citizen legislators,'' term limits are more likely to result in a transfer of power from elected representatives to unelected Congressional staff, federal bureaucrats and corporate lobbyists.

Finally, the school prayer amendment directly undermines the First Amendment's establishment clause. Although the amendment purports to prevent states from compelling students to join in prayer, it wouldn't limit the authority of the schools or teachers themselves, who could begin every day with the delivery of a sectarian prayer before a captive audience of children. Any student gathering could become a competitive ground for students to organize and protest their religious views, irreparably blurring the separation of church and state.

Given these clear-cut policy problems, why is Congress contemplating the most far-reaching constitutional overhaul since the very first Congress approved the Bill of Rights? Proponents can only fall back on a series of polls indicating public support for these dubious propositions. But the polls inevitably fail to highlight the many difficulties inherent in the amendments.

For example, support for a balanced budget amendment drops precipitously when the public is informed it will jeopardize our commitment to Social Security. And flag burning and school prayer amendments are far less popular when voters realize they would result in a first-ever modification of the First Amendment. At a time when a majority of the public believes Newt Gingrich should step down as Speaker, polls would seem to be a thin reed to justify these radical constitutional changes.

Bumper-sticker politics aside, now is not the time to substitute poll-driven constitutional amendments for serious legislative deliberation. Nothing in any of the amendments being considered in this Congress would create a single job, prevent a single crime, educate a single child or clean up a single environmental waste site. The Constitution has provided us with the most enduring and successful democracy in history, and unless we're absolutely convinced of the need for change, we ought to give our current political system the benefit of the doubt.

Mr. YOUNG of Alaska. Mr. Speaker, due to a family emergency, I am forced to return home to Alaska. During my absence the House will again take up the important issue of term limits. On two occasions, Alaskan voters voiced and voted their support for term limits. In the November 1996 election, a majority of Alaskan voters passed a ballot initiative requiring Congress and the State legislature to support a very specific term limit measure.

In response to previous calls for term limits by Alaskans, I supported a term limits amendment to the Constitution when it came to the House floor in the 104th Congress. House Joint Resolution 73, offered by Congressman MCCOLLUM would have limited congressional term limits. I followed the wishes of my fellow Alaskans by supporting House Joint Resolution 73. I had planned to again follow the wishes of my constituents by supporting a term limits proposal this week. However, due to this family emergency, I will be at home in Alaska when this vote takes place.

Mr. GILMAN. Mr. Speaker, I rise today in opposition to any attempt to limit the terms of Members of Congress. Some of the most well-meaning; thoughtful, and patriotic individuals of our day are strongly in support of term limits, inside and outside of this body. We are reminded that some polls tell us a majority of our fellow citizens, at least in principle, support term limits.

Nevertheless, it is our responsibility, as guardians of the people's liberties, to oppose such undemocratic and self-destructive steps backward.

I believe that the concept of limiting the number of terms that elected officials may serve is against the spirit and intent of our form of Government. Our Founding Fathers debated the issue of including term limits in our original Constitution, but rejected the idea as undemocratic. It is just as undemocratic now as it was 210 years ago.

American history bears out the wisdom of that decision at our constitutional convention. Some of the giants during the formulative years of our Republic devoted their lives to public service because they were not encumbered by term limitations. Henry Clay, excepting those periods that he served in the cabinet, served in both Houses of Congress from

1810 until his death in 1852—a period of over 40 years. Daniel Webster, Thomas Hart Benton, and John Quincy Adams are just a few other great Americans whose greatest contributions would have been lost to all of us had they been forced to retire due to term limits.

Most people would agree that excluding women, blacks, Jews, or Catholics from the right to seek office would be unacceptable. Wouldn't disqualifying Americans from seeking office simply because they were previously elected equally discriminatory? Term limits also discriminate against citizens who wish to vote for whoever they choose.

Supporters of term limits contend that such an innovation would make elected officials less concerned about the wishes of the people. I believe that this would be highly undesirable and contrary to our form of government. The House of Representatives is supposed to be Representative—the people's house. Conversely, public officials would be far more likely to cater to special interests—and potential employers—if they did not have to worry about justifying their actions and votes to their constituency. Experience in office helps legislators to discern self-serving arguments of special interests as well as the validity of constituent concerns. Bureaucrats, the unelected arm of the government, would become even more powerful and arrogant, knowing full well that they would still be around after the limit of those elected to represent the people is passed.

It seems to me that those who argue in favor of term limits believe in the proposition that the American people are simply not smart enough to determine when an elected official has outlived his or her usefulness, or to determine when an official has ceased to be representative.

I strongly believe that this is not the case, as evidenced by the Members of Congress who were defeated, not just in last year's elections but in every election, in many cases by challengers who spent far less money than they. I continue to believe that, in the vast majority of cases, the people know perfectly well what is best for them and are fully competent to act accordingly.

Some contend that more outstanding candidates could be recruited if term limits were put into effect. I believe the opposite is true. I have been opposed in each and every election in which I was a candidate since I first entered public Life. However, what would be the point in opposing an incumbent if his or her terms were limited? It would be difficult to recruit outstanding candidates to run for limited terms, and why bother running against Democrats if you know their days are numbered? More likely, all incumbents would be unopposed until their limit is reached.

I believe that the issues brought up during the course of a campaign debate are an essential part of representative government and that limiting terms would discourage, rather than encourage, new people from participating in these campaigns. I also question how many outstanding persons would be willing to give up their career to run for public office if they are aware that their term in public life would be limited.

The need for term limits to bring new blood into public life is a bogus argument. In fact, less than 20 percent of today's Congress has been serving for more than 10 years, and less than 10 percent for more than 20. Would you invest in a company whose executive board had that great a turnover? wouldn't you consider that experience counts?

Over 40 years ago, a constitutional amendment was ratified which limited our President to 2 terms. many of the same arguments used in favor of term limitations today were used then to support limiting a President to two terms. It was contended that limiting terms would free our Presidents from political concerns and decrease the influence of special interest groups.

After 40 years of experience, can anyone honestly argue that President Eisenhower, President Reagan, or President Nixon performed better in their second term than in their first? Remember that it was in Reagan's second term that the Iran-Contra scandal took place, and it was in Nixon's second term that he was forced to resign under threat of impeachment. Incidentally, prior to his retirement, President Reagan stated that he had come to the conclusion that the 22d amendment was a mistake; not because he coveted a third term for himself, but because he had come to the conclusion that the people should have the right to choose whether or not to retire a President on election day.

Personally, I am gravely concerned that the day may come when our Nation is in the midst of a dire emergency and we may find ourselves forced to change Presidents at an inappropriate time. I believe that the 22d amendment to the Constitution, limiting Presidents to two terms, should be abolished.

With over half the electorate sitting at home on election day, I believe we should be more concerned about educating and encouraging the public to vote intelligently and putting into effect genuine election reform to encourage more qualified people to become involved in the political process, to participate in primary elections, and to make informed intelligent decisions on election day. Then we wouldn't need any artificial reforms like term limitations to do the job.

Today, we are being asked to turn back the clock on 210 years of progress. After 2 centuries of expanding the electorate and the rights of citizens, these amendments being proposed would restrict the rights of Americans to make free and open choices regarding their representatives, and which would absolve them of the responsibility of remaining alert and active.

Mr. Speaker, term limits are more than just a bad idea. They are a threat to our great system of a representative government. Let us reject these amendments and get on with the business of governing.

Mr. CRANE. Mr. Chairman, I rise in strong support of a constitutional amendment to establish congressional term limits. I have been a long-time advocate for term limits, in fact, long before the movement became popular. I would also like to mention a word of appreciation for perhaps the most effective voice for term limits in this Chamber, my friend from Florida, BILL MCCOLLUM. BILL has been a leader of the modern-day effort to limit terms of service for Members of Congress.

In 1985, I introduced my first proposed amendment to limit congressional service to 6 years in the House and 6 years in the Senate and I reintroduced that proposal biennially through the 104th Congress. I know that some other popular term limit proposals promote a 6-year limit, but I believe that it is important to maintain an equal number of years of service in both Houses of Congress, lest the other body gain an inordinate amount of power. However, during consideration of term limits in the last Congress, my version was not made in order by the Committee on Rules. Given that fact, and the number of proposals by members of the committee with jurisdiction, I decided not to reintroduce my term limits proposal this year.

The proliferation of term limit constitutional amendment proposals, combined with the many State initiatives, has certainly not made for a uniformly-applied term limits proposal. We can end the debate on the best way to enact term limits by marshaling all of our resources to pass a constitutional amendment.

I appreciate that honest men will have legitimate differences on this issue. Some of our colleagues oppose term limits. However, the lack of success of term limits is not the result of the battle with term limit opponents. Instead, the fratricidal battles among term limit supporters have prevented the success of the cause. Sadly, it has been the actions of one term limits group in particular, US Term Limits, which, through their stubborn and often irrational attacks on term limit supporters, have done significant harm to the movement. Indeed, given the fact that we could not gain a two-thirds majority in the last Congress, it made no sense for this group to vilify term limits supporters, when it was more important to gain more supporters.

While I have preferred the 6 and 6 proposal, I voted for many different versions of term limits last year. I believe that the goal should be to gain the necessary majority in support of some form of term limits whether it is the one I prefer or not. The consensus version may not be the favorite of all supporters, however, even a 12-year limit is obviously better than current law.

In closing, I urge my colleagues to support House Joint Resolution 2 so that the States may debate and ratify this proposed amendment.

The CHAIRMAN. All time for debate has expired.

Pursuant to the rule, the joint resolution is considered read for amendment under the 5-minute rule.

The text of House Joint Resolution 2 is as follows:

H.J. RES. 2

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years after the date of its submission for ratification:

''ARTICLE—

''SECTION 1. No person who has been elected for a full term to the Senate two times shall

be eligible for election or appointment to the Senate. No person who has been elected for a full term to the House of Representatives six times shall be eligible for election to the House of Representatives.

''SECTION 2. No person who has served as a Senator for more than three years of a term to which some other person was elected shall subsequently be eligible for election to the Senate more than once. No person who has served as a Representative for more than one year shall subsequently be eligible for election to the House of Representatives more than five times.

''SECTION 3. This article shall be inoperative unless it shall have been ratified by the legislatures of three-fourths of the several States within seven years from the date of its submission to the States by the Congress.

''SECTION 4. No election or service occurring before this article becomes operative shall be taken into account when determining eligibility for election under this article.''.

The CHAIRMAN. No amendments shall be in order except those specified in House Report 105-4, which shall be considered in the order specified, may be offered only by a Member designated in the report, may be considered notwithstanding the adoption of a previous amendment in the nature of a substitute, shall be considered read, shall be debatable for the time specified, equally divided and controlled by a proponent and an opponent, and shall not be subject to amendment. If more than one amendment is adopted, only the one receiving the greater number of affirmative votes shall be considered as finally adopted. In the case of a tie for the greater number of affirmative votes, only the last amendment to receive that number of affirmative votes shall be considered as finally adopted.

□ 1330

The Chairman of the Committee of the Whole may, one, postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and, two, reduce to 5 minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be 15 minutes.

The Chair would remind the Members that it is the intention of the Chair, should a rollcall be demanded and sustained, that the Chair will cluster the vote on these amendments. At the present time that cluster is three, three, and three.

PARLIAMENTARY INQUIRY

Mr. FRANK of Massachusetts. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. FRANK of Massachusetts. Mr. Chairman, I want to make sure I understood. So if rollcalls are requested on every one of these, and since the purpose of having them in there is so Members can be recorded, one assumes that there will be rollcalls, it is the Chair's intention to call the first set of rollcalls after the first three amendments?

The CHAIRMAN. That is the present intention, after the first three.

Mr. FRANK of Massachusetts. I thank the Chairman.

The CHAIRMAN. It is now in order to consider amendment No. 1 printed in House Report 105–4.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. HUTCHINSON

Mr. HUTCHINSON. 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. HUTCHINSON:

Strike all after the resolving clause and insert the following: That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States:

''CONGRESSIONAL TERM LIMITS AMENDMENT

''SECTION A. No person shall serve in the office of United States Representative for more than three terms, but upon ratification of the Congressional Term Limits Amendment no person who has held the office of United States Representative or who then holds the office shall serve for more than two additional terms.

''SECTION B. No person shall serve in the office of United States Senator for more than two terms, but upon ratification of the Congressional Term Limits Amendment no person who has held the office of United States Senator or who then holds the office shall serve more than one additional term.

''SECTION C. This article shall have no time limit within which it must be ratified by the legislatures of three-fourths of the several states.''.

The CHAIRMAN. Pursuant to House Resolution 47, the gentleman from Arkansas [Mr. HUTCHINSON] and a Member opposed will each control 5 minutes.

Mr. FRANK of Massachusetts. Mr. Chairman, I would claim the time in opposition.

The CHAIRMAN. The gentleman from Massachusetts will control 5 minutes.

The Chair recognizes the gentleman from Arkansas [Mr. HUTCHINSON].

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

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

Mr. HUTCHINSON. Mr. Chairman, my State of Arkansas is one of the 9 States that adopted ballot initiatives dealing with term limits this past November. On November 5 of last year, the voters of Arkansas overwhelmingly approved a ballot initiative setting forth the exact text of a proposed constitutional amendment limiting Members of Congress to three 2-year terms, for a total of 6 years, and members of the Senate to two 6-year terms for a total of 12 years.

Under this initiative a Member of Congress from Arkansas is instructed to support the exact provisions spelled out in the initiative and to vote against any inconsistent proposal. During the Committee on the Judiciary markup of House Joint Resolution 2, I offered the exact language of the Arkansas ballot initiative. Unfortunately, the amendment that I offered did not receive a majority of votes. The voters of Arkansas have specifically detailed the constitutional amendment they want, and out of respect for the people of Arkansas I am offering this substitute amendment, and out of respect for them I will also vote against any version that does not comply with the Arkansas language.

Therefore, I will vote against the bill of the gentleman from Florida [Mr. MCCOLLUM], not because I am opposed to term limits but because this particular resolution does not comply with the term limit instructions approved by the voters and the people of Arkansas. I will also vote against the other versions offered on the floor today because they too violate the Arkansas language.

As a longtime supporter of the concept of term limits, it was my intent as a new Member of this body to support and vote for all term limit measures including 6-year, 8-year, and 12-year limits so as to maximize the prospects for meaningful term limits becoming law. However, I am instructed by the Arkansas law and will vote accordingly.

Mr. Chairman, I yield 30 seconds to the gentleman from Arkansas [Mr. DICKEY].

Mr. DICKEY. I thank the gentleman from Arkansas [Mr. HUTCHINSON] for yielding me the time.

Mr. Chairman, as long as I have been here, I have supported term limits. I have never once voted against term limits at any time.

Today I have to rise in support of the Hutchinson term limits substitute and tell my constituents and this body that I am going to vote against some of the term limits. The Hutchinson amendment is the exact language that passed as an amendment to the Arkansas State Constitution in the general election this past fall, and so I am duty bound to support this. I therefore urge my colleagues to vote in favor of the Hutchinson amendment.

Mr. HUTCHINSON. Mr. Chairman, I yield 2 minutes to the gentleman from South Carolina [Mr. Inglis], a longtime and ardent supporter of congressional term limits. The gentleman from South Carolina has worked tirelessly on this issue and deserves this body's appreciation for his efforts.

Mr. INGLIS of South Carolina. I thank the gentleman for yielding me the time, and I appreciate the opportunity to stand in support of this measure.

Mr. Chairman, I think the gentleman from Arkansas has a good bill that requires a limit of three 2-year terms and

really is the preferable approach. I will be taking a slightly different approach than what he just described, in that I will be voting for every term limit bill that is on the floor today because I think that if we are not successful in getting a three 2-year term limit, it is rational then to go forward and try to get the Tillie Fowler 8-year limit, and if we fail on that, then we should go forward to try to get the Bill McCollum 12-year limit in the House and 12-year limit in the Senate. That is the approach that I will be taking. But I should point out that most of the American people seem to believe that 6 years would be the preferable limit.

As you can see here, based on surveys of the American people, three terms, three 2-year terms, 6 years, is supported by 82 percent of the American people. Six terms, or 12 years, is supported by 14 percent of the American people. So the three 2-year term bills and the various ones that will be on the floor today I think are preferable.

However, I think it is very important to point out that the goal here is to get term limits. So if we do not vote for three 2-year terms, we should then vote for TILLIE FOWLER's bill that calls for four 2-year terms. And if we are not successful there, then we fall back to the next position, which is BILL MCCOLLUM's bill calling for six 2-year terms. It seems to me that the most rational approach is to attempt to get term limits and to move through the process to see which one can garner the most votes.

I certainly hope by the end of the day that we have risen above the 227 votes that we got last time and demonstrate momentum in this matter. If we have not, then I think there is a lesson for us in the term limit effort to try to figure out how to come together on this rather than splinter and thereby divide up our vote. I rise in support of Mr. HUTCHINSON's bill. I think it would be a very preferable approach, and I certainly hope that it passes.

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

Mr. Chairman, this is a new experience for us. I have seen many rules in the 17 years I have, I blush to admit, served in this body, sinking no doubt deeper into the morass of special interestism with each passing year, but I have never before seen a rule where the governing principle was alphabetical order. We are being presented with amendments today, as one of the members of our staff said, it is the rollcall of the States. The order, if Members will look at it, you are getting it in alphabetical order. When the majority has to resort to alphabetical order to bring some structure to the chaos they have brought to the floor, I think that is an indication of some intellectual weakness.

I also have a proposal, I am tempted but probably prohibited by the germaneness rule to offer a recommittal motion, which says that there will be a test for the Members on the seven amendments issued by each State to see what the differences are. I have to say that asking people what are the real differences among the seven separate amendments is of such arcane proportions that it would probably be ruled inappropriate to put on the Scholastic Aptitude Test as too trivial. We are going to be taking the time of the House to vote on seven variants.

People talk about term limits as an antidote to incumbent protection. Here we have term limits as a form of incumbent protection. Every State's Members get to vote on their State's term limits so they make them feel better and they do not get the scarlet letter.

I think this is a problem which indicates the fundamental weakness at the core of this. Where you have a principle that rises to the level of constitutional relevance, you do not have to do it in alphabetical order. You do not have to bend over backwards so people will know the difference between you and Hester Prynne. You do not have to introduce into the House a degree of parliamentary flip-flops and hair splitting that is unbecoming.

But there is also a fundamental intellectual problem here for the supporters of term limits. Some are going to vote for 6 and not 12, some are going to vote for 12 and not 8, some are going to vote for 8 and not 6. I do have a parenthetical question, Mr. Chairman: Whatever happened to 10? We have 6 and we have 8 and we have 12. Apparently there is some numerological fettish on the majority side which makes 10 terra infirma because we get 6 and we get 8 and we get 12. I cannot find any logical principle to overlook 10.

But there is this dilemma. Members on the majority side who favor this and some on the minority side who favor it have invoked the referendum. What they have said is you must be for this because there is a referendum. But we have all these different referenda and if you live by the referendum, you die by the referendum. If in fact we are as a body to be governed by the referendum, then this fails, because there is no 38-State mandate. That is your problem.

There is also one other problem with the referendum that I want to address now, although I will have a chance to address it when variant plus-and-minus and up-and-down and when we get into the B's and the C's and the D's and the S's. The problem we have is this. What about the argument that while it is a democratic right to elect your Representatives, in some States the people have voted to do away with a democratic right?

I think the answer is very clear. My right as a citizen to go to the polls every 2, 4, and 6 years and have my vote counted is my right and it is not at the service of some majority that is willing to do less. Voters, and we have the paradox, as I said we had it in Algeria, we have had it elsewhere, where majorities may be prepared to vote away their rights. The majority has no right to vote to diminish the democratic ballot right of any individual. My right as a citizen and, more importantly, the people in my district and elsewhere who as citizens want the unrestricted freedom to vote for whoever they think is best every 2 years, no matter what, ought not to be constrained because the majority do not want to exercise that right. If you in the majority do not want to exercise your right, do not exercise it. But it is not democratic theory to empower a majority to vote to diminish the votes of a minority.

The right of the people every 2 years for the House, every 6 years for the Senate, to go to the polls and pick the individual that they wish to see elected ought to be unconstrained. I do have to say in closing, Mr. Chairman, that I am struck, and I appreciated my friend from Florida, who as I said is a man of remarkable consistency and has been for a 12-year term limit in each of the 17 years he has served here. Of course, he is not up to the gentleman from South Carolina in the other body who for 50 some odd years has been for a 12-year term limit, I gather, or maybe he is for a 6-year term limit. Maybe he is showing his fealty to the principle nine times over, because the Senator from South Carolina is now in his ninth 6-year term limit.

I think we ought to, Mr. Chairman, vote all these down so the right of the voters to untrammeled democracy remains unchallenged.

Mr. HUTCHINSON. Mr. Chairman, may I inquire concerning time remaining?

The CHAIRMAN. The gentleman from Arkansas [Mr. HUTCHINSON] has 30 seconds remaining, and the time of the gentleman from Massachusetts [Mr. FRANK] has expired.

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

Mr. Chairman, in response to the gentleman from Massachusetts, I believe that what the Arkansas voters have done is the essence of democracy. They have demonstrated themselves at the ballot box, they have indicated they want to instruct their congressional leaders in this regard, and my vote today and my actions today are not because of any supposed scarlet letter, but my actions are out of respect for the voters of Arkansas who have given these instructions, and for that reason I have offered this amendment and will cast my vote today.

Mr. CONYERS. Mr. Chairman, I rise in opposition to efforts to limit Representatives to a mere 6 years—or three terms—in office. The proposal, like all of the other State-inspired substitutes, would make it impossible to run this institution in an orderly and intelligent fashion.

If a 6-year limit had been law, none of the leaders selected by the Republican Party—not Majority Leader ARMEY, not Speaker GINGRICH, and indeed not a single Republican committee chair—would have been eligible for office, let alone to assume their leadership roles this Congress.

And if 6-year limits are such a good idea, why didn't the Republicans choose any committee chairs from among those Members serving in their first three terms? I think the answer is obvious—a 6-year term limit does not make sense. It would severely distort and disfigure the legislative process and recast our two-century-old Constitution so significantly that its authors would no longer recognize the first branch of Government. The jockeying for power that would occur in this place under a three-term cap would be unprecedented.

A six-year limit would create a Congress of lame ducks and lead to an even greater proliferation of wealthy candidates who could afford to abandon their business careers for a few years. And the few Members who were not independently wealthy would be forced to spend most of their time currying favor with special interests so that they could further their postcongressional career opportunities.

This proposal would severely limit the Members' opportunity to garner the experience needed to master the many important substantive areas of Federal legislation. Issues relating to civil rights, intellectual property, Federal procurement, communications, intelligence, labor, and income tax policy—to name a few—are all highly complex and sensitive. A 6-year term limit would significantly diminish the ability and incentives for Members to understand and positively influence legislation in these areas.

The Members would have no choice but to turn to career staffers and bureaucrats. The result would be a massive shift of power from elected officials to unelected legislative and executive branch staffers and lobbyists.

I urge the Members to reject this ill-considered proposal.

The CHAIRMAN. The question is on the amendment in the nature of a substitute offered by the gentleman from Arkansas [Mr. HUTCHINSON].

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

Mr. HUTCHINSON. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Pursuant to House Resolution 47, further proceedings on the amendment in the nature of a substitute offered by the gentleman from Arkansas [Mr. HUTCHINSON] will be postponed.

The point of no quorum is considered withdrawn.

It is now in order to consider amendment No. 2 printed in House Report 105–4.

PARLIAMENTARY INQUIRY

Mr. FRANK of Massachusetts. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. FRANK of Massachusetts. Would it be in order for the Chair to explain the difference between amendment No. 1 and amendment No. 2?

The CHAIRMAN. That is not a proper parliamentary inquiry. The Chair does not interpret the substance of amendments and would advise the gentleman to listen to the debate.

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AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. MCINNIS

Mr. MCINNIS. 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. MCINNIS:

Strike all after the resolving clause and insert the following:

That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States:

''ARTICLE—

''SECTION 1: No person shall serve in the office of United States Representative for more than three terms, but upon ratification of this amendment no person who has held the office of United States Representative or who then holds the office shall serve for more than two additional terms.

''SECTION 2: No person shall serve in the office of United States Senator for more than two terms, but upon ratification of this amendment no person who has held the office of United States Senator or who then holds the office shall serve for more than one additional term.

''SECTION 3: This amendment shall have no time limit within which it must be ratified to become operative upon the ratification of the legislatures of three-fourths of the several States.''.

The CHAIRMAN. Pursuant to House Resolution 47 the gentleman from Colorado [Mr. MCINNIS] and a Member in opposition, the gentleman from Massachusetts [Mr. FRANK], will each control 5 minutes.

The Chair recognizes the gentleman from Colorado [Mr. MCINNIS]

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

Mr. Chairman, from the State of Colorado and in alphabetical order on November 5, 1996, the voters of Colorado approved a ballot initiative which signified their support for an exact, and I stress the word exact, that is in the constitutional amendment congressional term limit amendment; they wanted to see added to the State of Colorado's constitution and then in subsequent steps to the U.S. Constitution. Furthermore, voters, Colorado voters, stated unequivocally; that is, the voters, the majority of the voters that voted, that if a Member of Congress from Colorado failed to vote against any change; any change is the words used; addition or modification to the exact congressional term limit amendment, that the Secretary of State should determine that that Member of Congress had disregarded voters' instruction on term limit. Following Colorado voters' call to action, i.e., those voters who voted and those voters who voted in the majority, I am offering an amendment which mirrors the exact text of the Colorado congressional term limits amendment.

Mr. Chairman, I insert for the RECORD the language of the Colorado ballot initiative as well as a letter dated February 12, 1997, from the attorney general of the State of Colorado a paragraph of which in particular is pertinent which says:

Our opinion is that amendment No. 12, speaking of this particular amendment, does not allow our delegation, speaking of the Colorado delegation, to vote for minor modifications, nor does it allow for a, quote, substantial compliance, unquote. Section 1 of amendment 12 states that, quote, the exact language for addition to the U.S. Constitution follows, unquote. The terms, quote, exact language, unquote, are seldom used in constitutional or statutory drafting. They unambiguously require strict compliance.

So, with that, I submit both of these documents for the RECORD.

The documents referred to are as follows:

STATE OF COLORADO, DEPARTMENT OF LAW, OFFICE OF THE ATTORNEY GENERAL,
Denver, CO, February 12, 1997.

Re Colorado's ''Amendment 12,'' Colorado Voter Instructions on Term Limits.

Hon. DAN SCHAEFER,
Rayburn House Office Bldg.,
Washington, DC.
Hon. SCOTT MCINNIS,
Cannon House Office Bldg.,
Washington, DC.
Hon. BOB SCHAFFER,
Cannon House Office Bldg.,
Washington, DC.

DEAR CONGRESSMEN: I understand there has been some disagreement over the interpretation of Colo. Const. art. XVIII, §12 (''Amendment 12''), Colorado's voter instructions to state and federal legislators concerning a federal constitutional amendment on term limits. Specifically, the issue is whether our congressional delegation can vote for ''minor'' modifications to the ''Congressional Term Limits Amendment'' contained in section 1 of Amendment 12 and avoid the designation ''Disregarded Voter Instruction Term Limits.''

Our opinion is that Amendment 12 does not allow our delegation to vote for minor modifications, nor does it allow for ''substantial compliance.'' Section 1 of Amendment 12 states that ''[t]he exact language for addition to the United States Constitution follows. . . .'' The terms ''exact language'' are seldom used in constitutional or statutory drafting. They unambiguously require strict compliance.

In addition, Section 5(b) establishes the mechanism by which ''[n]on-compliance with voter instruction is demonstrated.'' Among other things, non-compliance occurs if a member of our delegation ''fails to vote against any change, addition or modification.'' Again, this language unambiguously requires strict compliance.

Lastly, Section 5(a) demonstrates that strict compliance is required by effectively creating a presumption that the ''Disregarded Voter Instruction Term Limits'' ''shall appear'' unless compliance is established by ''clear and convincing evidence.''

While Attorney General Norton and I are strong supporters of term limits, it is our opinion that Amendment 12 requires strict adherence and that substantial compliance is unacceptable.

If you have any other questions, please do not hesitate to call me.

Sincerely,

RICHARD A. WESTFALL,
Solicitor General.

___

STATE OF COLORADO, DEPARTMENT OF LAW, OFFICE OF THE ATTORNEY GENERAL,
Denver, CO, February 12, 1997.

Fax Transmission

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

Mr. FRANK of Massachusetts. Mr. Chairman, in the spirit of bipartisanship, I yield 1 minute to the gentleman from Florida [Mr. CANADY], the Chairman of the subcommittee.

Mr. CANADY of Florida. I thank the gentleman from Massachusetts for yielding this time to me.

There is one point I want to bring out about this amendment and all of the first eight amendments that we will be considering. That is that they have no time limit on the period for ratification. All of the first seven amendments provide explicitly that there is no time limit within which the States must ratify them.

Throughout this century there has been a practice of establishing a 7-year time limit for the ratification of amendments on the theory that there should be a contemporaneous approval of an amendment to the Constitution from the States, and something should as a general rule not be allowed to be proposed to the States and remain there accumulating States over the centuries.

Now I think that it would be a very bad precedent for this Congress to propose an amendment to the State for no time limits, and I would simply bring that to the Members' attention.

Mr. McINNIS. Mr. Chairman, I yield 2 minutes to my colleague, the gentleman from Colorado [Mr. BOB SCHAEFER], my colleague.

Mr. BOB SCHAFFER of Colorado. Mr. Chairman, Thomas Jefferson, who is quoted an awful lot today in describing his devotion to the will of the people, was fond of saying the voice of the people is the voice of God. Except in the late 1770's and early 1780's he was more eloquent and more romantic; he said: ''Vox Populi, Vox Dei.''

In Colorado the people have spoken clearly. In fact they spoke first and forcefully on the matter of term limits. Their proposal is before us now, embodied in the amendment that the gentleman from Colorado [Mr. MCINNIS] and I were instructed, by those same people, at the polls, to offer for your consideration today.

Mr. Chairman, I urge my colleagues' support for this proposal, and in doing so ask that they consider one more factor that has yet to be featured in today's debate.

By this vote, we impose nothing, no term limits, we impose nothing. Instead, we are considering whether to refer a measure back to our State legislatures for their consideration in 50 States, other elected officials who are perhaps more skilled than we are to define their relationship in their State with the Federal Government.

More than any other configuration, three terms in the House, two terms in the Senate, has been suggested by the States. That is something I think we ought to take firm note of here today, that, yes, it is correct, those who have said that there has been no clear mandate as to what the proper period of time ought to be more than any other configuration, three terms in the House, two terms in the Senate has been suggested by more States.

It is entirely appropriate for us to adopt this amendment, turn the question back over to the States, as we ought to and have been requested to do, and allow the States to decide what our terms ought to be here. Three terms in the House, two terms in the Senate is sufficient time to get the work done here in the U.S. Congress.

Mr. McINNIS. Mr. Chairman, I reserve the balance of my time. I only have one speaker remaining.

Mr. FRANK of Massachusetts. Mr. Chairman, I have the right to close, and I only have one speaker remaining.

The CHAIRMAN. The gentleman from Colorado is recognized for 1 minute.

Mr. McINNIS. Mr. Chairman, I just want to go over very briefly what this requires us to do in Colorado.

If we follow the requirement of the Colorado proposition, that amendment in Colorado, it requires that we vote on the exact language that the Colorado voters, the people that voted and those who voted in the majority required. That language includes in part a restriction that we cannot vote on any other type of language regarding term limits. So even if we have the ideal term limit bill sitting in front of us, and frankly I have been a strong supporter of national term limits, uniform term limits across the country for all States, not one State standing alone but all States, and I think we got some good propositions to vote for, but this specific language requires that I vote against that. The only vote that I can make in the affirmative today under the requirements of this provision as forwarded by U.S. Term Limits is a vote in favor of this amendment.

In regard to that and in due respect to the voters who voted, I will follow those instructions.

The CHAIRMAN. The time of the gentleman from Colorado [Mr. MCINNIS] has expired.

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

Mr. Chairman, I was instructed by the second speaker who said the voice of the people is the voice of God. Well apparently God speaks with a different voice in Colorado, from Nebraska, from Nevada. Apparently we are not just amending the Constitution here, we are amending the Bible, and polytheism is now coming in. I mean if it is Vox Populi, Vox Dei, why do we have a different ''vox'' when you cross the river between Nebraska and Colorado? I must say so circumscribing it, and it is one thing to circumscribe the right of the people, but when you begin to circumscribe the jurisdiction of the Almighty, it seems to me there is an overreach.

Now, I do not want to think we are using the time of the House very well, so I looked at the differences. I mean, why one amendment not the other? Why do we have to do them? Well, there are some very important differences here.

One might think that it is unimportant that they are exactly the same substantively, they both have the same limits. But for instance in Arkansas it is section A, B and C, whereas in Colorado it is section 1, 2 and 3. Certainly the gentleman from Colorado would not want to betray the voice of God in Colorado by adopting the voice of God in Arkansas because apparently God says A, B, C in Arkansas and God says 1, 2, 3 in Colorado. Now, religious wars have been fought over less, so I understand the gentleman's scrupulosity of instruction.

There are also some other differences. For instance, in Arkansas the voice of God says of the congressional term limits amendment, but in Colorado, in a major theological difference—maybe we will get a new religion out of this or at least a new synagogue in my tradition—it does not say of the congressional term limits; it says of this amendment. And certainly we would not want to confuse the people that God meant of the amendment in the one place and the congressional term limits in another.

In another place he says four more than one additional term in Colorado, but he just says more than one additional term in Arkansas.

Now understand Members are coming before us, and they are saying I invoke the most powerful doctrines around democracy and the voice of God to say that I cannot vote for A, B, C because I am committed to vote for 1, 2, 3.

Never mind that 1, 2, 3 means exactly the same thing as A, B, C in most places.

Mr. Chairman, I have not previously talked about trivialization. I do not think this trivializes the Constitution. I think the fundamental principle restricts the Constitution in a nontrivial way. But when Members come here and say I am honor bound to vote for 1, 2, 3, and I ask my colleagues to join me in rejecting A, B, C, I think we have reached a level that is inappropriate for the House to be spending a lot of time on. And to make my contribution towards diminishing that, I yield back the balance of my time.

The CHAIRMAN. All time has expired.

The question is on the amendment in the nature of a substitute offered by the gentleman from Colorado [Mr. MCINNIS].

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

Mr. MCINNIS. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Pursuant to House Resolution 47 further proceedings on the amendment offered by the gentleman from Colorado (Mr. MCINNIS) will be postponed.

The point of no quorum is considered withdrawn.

It is now in order to consider amendment No. 3 printed in House Report No. 105–4.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. CRAPO

Mr. CRAPO. 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. CRAPO:

Strike all after the resolving clause and insert the following:

That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States:

''ARTICLE—

''SECTION A. No person shall serve in the office of the United States Representative for more than three (3) terms, but upon ratification no person who has held the office of United States Representative or who then holds the office shall serve for more than two additional terms.

''SECTION B. No person shall serve in the office of the United States Senator for more than two (2) terms, but upon ratification, no person who has held the office of the United States Senator or who then holds the office shall serve for more than one additional term.

''SECTION C. This article shall have no time limit within which it must be ratified to become operative upon the ratification of the legislatures of three-fourths of the several States.''.

The CHAIRMAN. Pursuant to House Resolution 47, the gentleman from Idaho [Mr. CRAPO] and a Member in opposition will each control 5 minutes.

The Chair recognizes the gentleman from Idaho [Mr. CRAPO] for 5 minutes

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

Mr. Chairman, I appreciate the opportunity to stand with my colleague from Idaho [Mrs. CHENOWETH] to offer this amendment, which has been an amendment that is required by the vote of the people of Idaho in the last election.

This amendment is in the exact language as passed by the people of Idaho in the State initiative on the ballot in November of 1996. The amendment sets the terms for Members in the House of Representatives at three and Members in the Senate at two. These limits are not retroactive. The amendment does not require a constitutional convention, and it does not set a year limit for ratification.

In the past I have supported a different term limits measure, one which had a 12-year term limit for the House and a 12-year term limit for the Senate. However, the voting by the people of Idaho as passed this year has declared their will that we as their Representatives in Congress put forward this amendment and the gentlewoman from Idaho [Mrs. CHENOWETH] and I are doing as instructed by the law of the State of Idaho.

Last Congress I supported the McCollum term limits bill that, as I said, supported a 12-year term limit. However, in this Congress I must oppose this bill because of the initiative passed by the people of the State of Idaho which requires me to oppose any term limits measure that does not have the same set of term limit conditions that are included in the initiative that was passed in the State.

I am concerned that that might ultimately result in less votes for a term limit measure that may pass the House, and I am concerned and hopeful that the people of not only the State of Idaho but across the Nation will focus on the differences that may be present among us now because of different term limits measures and initiatives that are passed. Hopefully, this problem may not be something that will cause more difficulty for enacting term limits in this Congress.

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

Mr. FRANK of Massachusetts. Mr. Chairman, I claim the 5 minutes in opposition, and I have only one speaker, Mr. Chairman, because God has not spoken to us so we only have one. So I will reserve my right to close.

Mr. CRAPO. Mr. Chairman, I yield the balance of my time to the gentlewoman from Idaho [Mrs. CHENOWETH].

Mrs. CHENOWETH. Mr. Chairman, I would like to thank my colleague, the gentleman from Idaho [Mr. CRAPO] for yielding this time to me.

Mr. Chairman, term limits are what we need to give government back to the people. Limiting the service of Members of Congress will result in new people with better and more innovative ideas who have been out in the real world working hard and providing for their families. I believe so strongly in the value of citizen legislators over career politicians that I have imposed a three-term term limit on myself. And I mean it.

□ 1400

It is important to know that many of our Founding Fathers extolled the virtues of a limited Government service. In the Federalist Papers, James Madison wrote, ''It is essential to such a Government that it be derived from the great body of the society and not from an inconsiderable proportion or a favored class of it.''

I believe that the best way to achieve this goal of a citizen-led Government is to draw from the citizenry on a very regular basis, and the way to create more opportunities for citizen legislators is to discourage people from building careers out of public service.

When our Founding Fathers initiated our system of Government, they did not intend to create career politicians. A constitutional amendment for term limits will stop career politicians by restoring the power to the people of this great country. Thomas Jefferson said, ''We must chain the government and free the people,'' and I believe now, more than ever, that this must happen at this time.

Unbridled, personal political ambition ultimately enslaves the citizens of this country. The amendment that the gentleman from Idaho [Mr. CRAPO] and I are offering will put an end to career politicians by limiting Members of the House of Representatives to three terms, and if a Member is in House when this amendment is ratified, they are allowed to serve two more additional terms.

The amendment also limits Senators to two terms and allows Senators to serve only one more additional term if they hold office at the time of ratification. Finally, no time limit is placed upon when the amendment must be ratified.

Mr. Chairman, term limits for Members of Congress are what we need to bring in fresh, new ideas and to put an end to out-of-touch politicians, regardless of whether they are conservative or liberal, Democrat or Republican. The citizens of the State of Idaho and America have spoken, and they want term limits. Please let us respect their wishes today by passing a meaningful term limits constitutional amendment.

Mr. Chairman, I urge passage of this substitute.

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

Mr. Chairman, I bring reassurance. As I said before, there was a therological difference in that the first amendment talked about A, B; no C, I correct myself; and this one is 1, 2, and

3. The people of the letters who fear that they had been abandoned by the Almighty for the doctrine of numbers can take heart, because the A, B, C variants have returned.

So the difference is the first amendment was A and B; the second one was 2 and 3; and the third one was A, B and C. Of such triviality I suppose our careers are construct.

Now, when we talk about careers, the gentleman from Idaho [Mr. CRAPO] has made a variant of the striking historical point that the Founding Fathers were great supporters of term limits, even though they rejected the concept. The notion that the Founding Fathers forgot to put term limits in the Constitution is rather more unkind than I think they deserve. They not only rejected term limits; they were, many of them, career politicians.

James Madison, whom the gentlewoman just cited, was one of the most distinguished career politicians in America, and I ask the gentlewoman to look up the career of James Madison, look up the career of James Monroe, look up the career of Benjamin Franklin, of Thomas Jefferson himself. Tammany Hall goes back, the Democratic Party goes back, Thomas Jefferson and James Madison go back to the leaders of Tammany. They were part of a political deal. They were people who were very political.

It was through John Adams, one of the most distinguished of them, who wrote a famous passage in which he said, I have to be a career politician. I hope we will have so solved the problems. He said, I studied politics in war, and he saw depression so that his great, great grandchildren could deal with painting and the fine arts. But he was a career politician, he acknowledged that, and he said he had to be a career politician because these were difficult times. He thought allowing people of the first rank to abandon a career in politics was a luxury to be left to later times when the Nation was more strongly developed.

Now, I think it is admirable to talk about the Founding Fathers, but it would be equally admirable to read what they said and read about them. Anyone who reads about Benjamin Franklin and Thomas Jefferson, et cetera, and does not see in them career politicians is missing the point.

George Washington I did not mention. George Washington was much more reluctant a public servant. George Washington can legitimately be cited as someone whose preference was not for public life, but Franklin and Madison and Jefferson, and then to go on, as others have said, Webster and Clay, John C. Calhoun, these were not people who spent most of their time in what someone referred to as the real world.

I must say, until recently, I would reject the notion that there was something unreal about our world. But I will have to concede, when we are debating A, B versus 1, 2, 3 versus A, B, C, and invoking God's authority to tell us to pick one or the other, then I suppose an element of unreality has come in, but I do not think those who have rejected the unreality are entitled to cite it. I think that there is a rule of equity that ought to be abided by here.

Let me close with this, Mr. Chairman. The notion that a continuation in public service is corrupting can only mean one thing, that you think the public constitutes a bad influence on politicians, because what differentiates a career-elected official from someone else? It is that the career public official has decided to dedicate himself or herself to constant scrutiny of the public. That career is dependent on a renewal of the approval of the public.

What my colleagues must be saying is it is the only logical explanation when you denigrate people who make a career out of public service, the voters are on the whole a bad influence, and the way to improve things is in fact substantially diminished by amending the Constitution and changing what the Founding Fathers thought, substantially diminishing the extent to which the public can be such a bad influence.

I do not think that is a good idea, and I hope, once again, that all of these amendments are defeated in all of their various numerological, graphological, and other permutations.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time has expired.

The question is on the amendment in the nature of a substitute offered by the gentleman from Idaho [Mr. CRAPO].

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

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

The CHAIRMAN. Pursuant to House Resolution 47, further proceedings on the amendment in the nature of a substitute offered by the gentleman from Idaho [Mr. CRAPO] will be postponed.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to House Resolution 47, proceedings will now resume on those amendments in the nature of a substitute on which further proceedings were postponed in the following order: Amendment No. 1 in the nature of substitute offered by the gentleman from Arkansas [Mr. HUTCHINSON]; amendment No. 2 in the nature of a substitute offered by the gentleman from Colorado [Mr. MCINNIS]; and amendment No. 3 in the nature of a substitute offered by the gentleman from Idaho [Mr. CRAPO].

AMENDMENT NO. 1 IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. HUTCHINSON

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment in the nature of a substitute offered by the gentleman from Arkansas [Mr. HUTCHINSON] on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment in the nature of a substitute.

The Clerk redesignated the amendment in the nature of a substitute.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 85, noes 341, not voting 7, as follows:

[Roll No. 11]

AYES—85

Armey	Emerson	McCrery
Baldacci	Ensign	McIntosh
Barcia	Forbes	McNulty
Bartlett	Fox	Meehan
Bass	Franks (NJ)	Metcalf
Bilbray	Furse	Minge
Blunt	Ganske	Myrick
Bono	Gibbons	Neumann
Bryant	Gillmor	Ney
Burr	Goode	Paul
Cannon	Gordon	Peterson (MN)
Chabot	Goss	Riley
Chenoweth	Graham	Rohrabacher
Christensen	Hall (TX)	Royce
Coble	Harman	Salmon
Coburn	Herger	Sanford
Combest	Hill	Shadegg
Condit	Hilleary	Smith (MI)
Cook	Hutchinson	Spence
Cooksey	Inglis	Talent
Cramer	Jones	Tauzin
Crane	Kim	Thornberry
Crapo	Klug	Thune
Cubin	Largent	Wamp
Danner	Lewis (KY)	Watts (OK)
DeFazio	LoBiondo	Weldon (FL)
Deutsch	Lucas	Whitfield
Dickey	Maloney (CT)	
Dunn	McCarthy (MO)	

NOES—341

Abercrombie	Castle	Foglietta
Ackerman	Chambliss	Foley
Aderholt	Clayton	Ford
Allen	Clement	Fowler
Andrews	Clyburn	Frank (MA)
Archer	Collins	Frelinghuysen
Bachus	Conyers	Frost
Baesler	Costello	Gallegly
Baker	Cox	Gejdenson
Ballenger	Coyne	Gekas
Barr	Cummings	Gephardt
Barrett (NE)	Cunningham	Gilchrest
Barrett (WI)	Davis (FL)	Gilman
Barton	Davis (IL)	Gonzalez
Bateman	Davis (VA)	Goodlatte
Becerra	Deal	Goodling
Bentsen	DeGette	Granger
Bereuter	Delahunt	Green
Berman	DeLauro	Greenwood
Berry	DeLay	Gutierrez
Bilirakis	Dellums	Gutknecht
Bishop	Diaz-Balart	Hall (OH)
Blagojevich	Dicks	Hamilton
Bliley	Dingell	Hansen
Blumenauer	Dixon	Hastert
Boehlert	Doggett	Hastings (FL)
Boehner	Dooley	Hastings (WA)
Bonilla	Doolittle	Hayworth
Bonior	Doyle	Hefley
Borski	Dreier	Hefner
Boswell	Duncan	Hilliard
Boucher	Edwards	Hinchey
Boyd	Ehlers	Hinojosa
Brady	Ehrlich	Hobson
Brown (CA)	Engel	Hoekstra
Brown (FL)	English	Holden
Brown (OH)	Eshoo	Hooley
Bunning	Etheridge	Horn
Burton	Evans	Hostettler
Buyer	Everett	Houghton
Callahan	Ewing	Hoyer
Calvert	Farr	Hulshof
Camp	Fattah	Hunter
Campbell	Fawell	Hyde
Canady	Fazio	Istook
Capps	Filner	Jackson (IL)
Cardin	Flake	

Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
Livingston
Lofgren
Lowey
Luther
Maloney (NY)
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (NY)
McCollum
McDade
McDermott
McGovern
McHale
McHugh
McInnis
McIntyre
McKeon
McKinney
Meek
Menendez
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Mink
Moakley
Molinari
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Nadler
Neal
Nethercutt
Northup
Norwood
Nussle
Oberstar
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paxon
Payne
Pease
Pelosi
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Riggs
Rivers
Roemer
Rogan
Rogers
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Rush
Ryun
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schaefer, Dan
Schaffer, Bob
Schiff
Schumer
Scott
Sensenbrenner
Serrano
Sessions
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spratt
Stabenow
Stark
Stearns
Stenholm
Stokes
Strickland
Stump
Stupak
Sununu
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thurman
Tiahrt
Tierney
Torres
Towns
Traficant
Turner
Upton
Velazquez
Vento
Visclosky
Walsh
Waters
Watkins
Watt (NC)
Waxman
Weldon (PA)
Weller
Wexler
Weygand
White
Wicker
Wise
Wolf
Woolsey
Wynn
Yates
Young (FL)

NOT VOTING—7

Carson
Clay
Kanjorski
Obey
Richardson
Scarborough
Young (AK)

☐ 1427

Messrs. Greenwood, Boehner, Barton of Texas, Nadler, and Dan Schaefer of Colorado changed their vote from ''aye'' to ''no.''

Messrs. Deutsch, Hall of Texas, Combest, Goss, Tauzin, and Bartlett of Maryland changed their vote from ''no'' to ''aye.''

So the amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 2 IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. MCINNIS

The CHAIRMAN. The pending business is the request for a recorded vote on the amendment in the nature of a substitute offered by the gentleman from Colorado [Mr. MCINNIS] 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 87, noes 339, not voting 7, as follows:

[Roll No. 12]

AYES—87

Armey
Baldacci
Barcia
Bartlett
Bass
Bilbray
Blunt
Bono
Bryant
Burr
Cannon
Chabot
Chenoweth
Christensen
Coble
Coburn
Combest
Condit
Cook
Cooksey
Cramer
Crane
Crapo
Cubin
Danner
DeFazio
Deutsch
Dickey
Dunn
Emerson
Ensign
Forbes
Fox
Franks (NJ)
Furse
Ganske
Gibbons
Gillmor
Goode
Goss
Graham
Hall (TX)
Harman
Hefley
Herger
Hill
Hilleary
Inglis
Jones
Kim
Klug
Largent
Lewis (KY)
LoBiondo
Lucas
Maloney (CT)
McCarthy (MO)
McCrery
McInnis
McIntosh
McNulty
Meehan
Metcalf
Minge
Myrick
Neumann
Ney
Paul
Peterson (MN)
Petri
Riley
Rohrabacher
Royce
Salmon
Sanford
Schaefer, Dan
Schaffer, Bob
Shadegg
Smith (MI)
Talent
Tauzin
Thornberry
Thune
Wamp
Watts (OK)
Weldon (FL)
Whitfield

NOES—339

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Bachus
Baesler
Baker
Ballenger
Barr
Barrett (NE)
Barrett (WI)
Barton
Bateman
Becerra
Bentsen
Bereuter
Berman
Berry
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Boehlert
Boehner
Bonilla
Bonior
Borski
Boswell
Boucher
Boyd
Brady
Brown (CA)
Brown (FL)
Brown (OH)
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Capps
Cardin
Castle
Chambliss
Clayton
Clement
Clyburn
Collins
Conyers
Costello
Cox
Coyne
Cummings
Cunningham
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeGette
Delahunt
DeLauro
DeLay
Dellums
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Edwards
Ehlers
Ehrlich
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Filner
Flake
Foglietta
Foley
Ford
Fowler
Frank (MA)
Frelinghuysen
Frost
Gallegly
Gejdenson
Gekas
Gephardt
Gilchrest
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hamilton
Hansen
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefner
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
Livingston
Lofgren
Lowey
Luther
Maloney (NY)
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (NY)
McCollum
McDade
McDermott
McGovern
McHale
McHugh
McIntyre
McKeon
McKinney
Meek
Menendez
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Mink
Moakley
Molinari
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Nadler
Neal
Nethercutt
Northup
Norwood
Nussle
Oberstar
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paxon
Payne
Pease
Pelosi
Peterson (PA)
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Riggs
Rivers
Roemer
Rogan
Rogers
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Rush
Ryun
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schiff
Schumer
Scott
Sensenbrenner
Serrano
Sessions
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Stabenow
Stark
Stearns
Stenholm
Stokes
Strickland
Stump
Stupak
Sununu
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thurman
Tiahrt
Tierney
Torres
Towns
Traficant
Turner
Upton
Velazquez
Vento
Visclosky
Walsh
Waters
Watkins
Watt (NC)
Waxman
Weldon (PA)
Weller
Wexler
Weygand
White
Wicker
Wise
Wolf
Woolsey
Wynn
Yates
Young (FL)

NOT VOTING—7

Carson
Clay
Obey
Richardson
Scarborough
Spratt
Young (AK)

☐ 1437

So the amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 3 IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. CRAPO

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment in the nature of a substitute offered by the gentleman from Idaho [Mr. CRAPO] on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment in the nature of a substitute.

The Clerk redesignated the amendment in the nature of a substitute.

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 85, noes 339, not voting 9, as follows:

[Roll No. 13]

AYES—85

Armey	Emerson	McNulty
Baldacci	Ensign	Meehan
Barcia	Forbes	Metcalf
Bartlett	Fox	Minge
Bass	Franks (NJ)	Myrick
Bilbray	Furse	Neumann
Blunt	Ganske	Ney
Bono	Gibbons	Paul
Bryant	Gillmor	Peterson (MN)
Burr	Goode	Reyes
Cannon	Goss	Riggs
Chabot	Graham	Riley
Chenoweth	Hall (TX)	Rohrabacher
Christensen	Harman	Royce
Coble	Herger	Salmon
Coburn	Hill	Sanford
Combest	Hilleary	Shadegg
Condit	Inglis	Smith (MI)
Cook	Jones	Talent
Cooksey	Kim	Tauzin
Cramer	Klug	Thornberry
Crane	Largent	Thune
Crapo	Lewis (KY)	Wamp
Cubin	LoBiondo	Watts (OK)
Danner	Lucas	Weldon (FL)
DeFazio	Maloney (CT)	White
Deutsch	McCarthy (MO)	Whitfield
Dickey	McCrery	
Dunn	McIntosh	

NOES—339

Abercrombie	Clement	Frost
Ackerman	Clyburn	Gallegly
Aderholt	Collins	Gejdenson
Allen	Conyers	Gekas
Andrews	Costello	Gephardt
Archer	Cox	Gilchrest
Bachus	Coyne	Gilman
Baesler	Cummings	Gonzalez
Baker	Cunningham	Goodlatte
Ballenger	Davis (FL)	Goodling
Barr	Davis (IL)	Gordon
Barrett (NE)	Davis (VA)	Granger
Barrett (WI)	Deal	Green
Barton	DeGette	Greenwood
Bateman	Delahunt	Gutierrez
Becerra	DeLauro	Gutknecht
Bentsen	DeLay	Hall (OH)
Bereuter	Dellums	Hamilton
Berman	Diaz-Balart	Hansen
Berry	Dicks	Hastert
Bilirakis	Dingell	Hastings (FL)
Bishop	Dixon	Hastings (WA)
Blagojevich	Doggett	Hayworth
Bliley	Dooley	Hefley
Blumenauer	Doolittle	Hefner
Boehlert	Doyle	Hilliard
Boehner	Dreier	Hinchey
Bonilla	Duncan	Hinojosa
Bonior	Edwards	Hobson
Borski	Ehlers	Hoekstra
Boswell	Ehrlich	Holden
Boucher	Engel	Hooley
Boyd	English	Horn
Brady	Eshoo	Hostettler
Brown (CA)	Etheridge	Houghton
Brown (FL)	Evans	Hoyer
Brown (OH)	Everett	Hulshof
Bunning	Ewing	Hunter
Burton	Farr	Hutchinson
Buyer	Fattah	Hyde
Callahan	Fawell	Istook
Calvert	Fazio	Jackson (IL)
Camp	Filner	Jackson-Lee (TX)
Campbell	Flake	Jefferson
Canady	Foglietta	Jenkins
Capps	Foley	John
Cardin	Ford	Johnson (CT)
Castle	Fowler	Johnson (WI)
Chambliss	Frank (MA)	Johnson, E. B.
Clayton	Frelinghuysen	Johnson, Sam
Kanjorski	Moran (VA)	Serrano
Kaptur	Morella	Sessions
Kasich	Murtha	Shaw
Kelly	Nadler	Shays
Kennedy (MA)	Neal	Sherman
Kennedy (RI)	Nethercutt	Shimkus
Kennelly	Northup	Shuster
Kildee	Norwood	Sisisky
Kilpatrick	Nussle	Skaggs
Kind (WI)	Oberstar	Skeen
King (NY)	Olver	Skelton
Kingston	Ortiz	Slaughter
Kleczka	Owens	Smith (NJ)
Klink	Oxley	Smith (OR)
Knollenberg	Packard	Smith (TX)
Kolbe	Pallone	Smith, Adam
Kucinich	Pappas	Smith, Linda
LaFalce	Parker	Snowbarger
LaHood	Pascrell	Snyder
Lampson	Pastor	Solomon
Lantos	Paxon	Souder
Latham	Payne	Spence
LaTourette	Pease	Spratt
Lazio	Pelosi	Stabenow
Leach	Peterson (PA)	Stark
Levin	Petri	Stearns
Lewis (CA)	Pickering	Stenholm
Lewis (GA)	Pickett	Stokes
Linder	Pitts	Strickland
Lipinski	Pombo	Stump
Livingston	Pomeroy	Stupak
Lofgren	Porter	Sununu
Lowey	Portman	Tanner
Luther	Poshard	Tauscher
Maloney (NY)	Price (NC)	Taylor (MS)
Manton	Pryce (OH)	Taylor (NC)
Manzullo	Quinn	Thomas
Markey	Radanovich	Thompson
Martinez	Rahall	Thurman
Mascara	Ramstad	Tiahrt
Matsui	Rangel	Tierney
McCarthy (NY)	Regula	Torres
McCollum	Rivers	Traficant
McDade	Roemer	Turner
McDermott	Rogan	Upton
McGovern	Rogers	Velazquez
McHale	Ros-Lehtinen	Vento
McHugh	Rothman	Visclosky
McInnis	Roukema	Walsh
McIntyre	Roybal-Allard	Waters
McKeon	Rush	Watkins
McKinney	Ryun	Watt (NC)
Menendez	Sabo	Waxman
Mica	Sanchez	Weldon (PA)
Millender-McDonald	Sanders	Weller
Miller (CA)	Sandlin	Weygand
Miller (FL)	Sawyer	Wicker
Mink	Saxton	Wise
Moakley	Schaefer, Dan	Wolf
Molinari	Schaffer, Bob	Woolsey
Mollohan	Schiff	Wynn
Moran (KS)	Schumer	Yates
Morella	Scott	Young (FL)
Murtha	Sensenbrenner	
Nadler	Serrano	

NOT VOTING—9

Carson	Obey	Towns
Clay	Richardson	Wexler
Meek	Scarborough	Young (AK)

□ 1548

So the amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. It is now in order to consider amendment No. 4 printed in House Report 105–4.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. BLUNT

Mr. BLUNT. 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. BLUNT:

Strike all after the resolving clause and insert the following:

That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States:

''ARTICLE—

''(a) No person shall serve in the office of United States Representative for more than three terms, but upon ratification of this amendment no person who has held the office of United States Representative or who then holds the office shall serve for more than two additional terms.

''(b) No person shall serve in the office of United States Senator for more than two terms, but upon ratification of this amendment no person who has held the office of United States Senator or who then holds the office shall serve in the office for more than one additional term.

''(c) Any state may enact by state constitutional amendment longer or shorter limits than those specified in section 'a' or 'b' herein.

''(d) This article shall have no time limit within which it must be ratified to become operative upon the ratification of the legislatures of three-fourths of the several States.''.

The CHAIRMAN. Pursuant to House Resolution 47, the gentleman from Missouri [Mr. BLUNT] will be recognized for 5 minutes in support of the amendment, and a Member in opposition to the amendment, the gentleman from Virginia [Mr. SCOTT], will be recognized for 5 minutes.

The Chair now recognizes the gentleman from Missouri [Mr. BLUNT].

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

I am pleased to have the opportunity to offer an amendment to House Joint Resolution 2. I want to express my appreciation to the gentleman from Florida, [Mr. MCCOLLUM], for his commitment to term limits and for the amendment that he has offered and his consistent stand for term limits over the years.

As the Secretary of State in Missouri a number of years ago, I was the first State official in our State to support term limits and, in fact, our State, 10 years ago, adopted term limits as an amendment to our constitution. We were one of the first States to do that. As we know, Mr. Chairman, eventually 23 States adopted term limits as part of their State constitution, and the Supreme Court, by a 5 to 4 vote, determined that States on their own did not have the ability to establish that requirement for membership in the Congress.

In the last election, Missourians again voted to adopt an amendment to our constitution that called for even a stricter limit on the terms a person can serve in the House. Our first amendment was 8 years in the House and 12 years in the Senate, with the caveat that half of the States would have to have term limits before our term limits would come to pass.

In the last election, Missourians again showed that they were in the mainstream of thinking in the country, where 80 percent of the voters in the country consistently, and generally voters who do not agree on any other

topic, agreed that term limits is a reform that would be a beneficial reform for the Congress and would ensure a different kind of decisionmaking in the Congress; would assure that people come more frequently and from different perspectives as to what the government needs to do.

We also, in our amendment and in the amendment that I am proposing today, gave leeway to the States that I think is unique in this debate. What the amendment that I am proposing does, Mr. Chairman, is it establishes a maximum amount of time that can be spent in the House of three terms, a maximum amount of time that can be spent in the Senate of two terms, but allows the States on their own to change their constitution in ways different than that if they choose to do so.

I think this differs from a proposal that would just say let us leave this totally up to the States, because it does set a limit if a State has not chosen to deal with this on its own. It also allows the States at a later time, and as the thinking on this concept of term limits would mature and develop over time, to, on a one-by-one basis, decide that a different limit other than 6 years in the House and 12 years in the Senate had merit.

Certainly I can see a scenario where people might decide that 6 years was not quite enough, but they would then by an individual State basis have the ability to go to 8 years or 10 years or even 12 years in the House, or more.

It also, conversely, would allow voters in States that had decided that 6 years was just right to also decide that 6 years was just right for the Senate and to adopt a limit for the Senate of only one term.

So we are proposing, I and others of my colleagues from Missouri, in exact compliance with the express direction of Missouri voters in the last election, that the Constitution be amended to allow a limit of 6 years in the House, a limit of 12 years in the Senate, but to give the States flexibility as to how they would deal with that in the future.

I appreciate the opportunity that has been provided to offer certain amendments to House Joint Resolution 2.

I request your support for an amendment that I have offered for consideration by the House. For purposes of clarification and identification, I will refer to it as the Missouri Amendment.

It is my belief that term limits must reflect the desire of the American public to change the system under which this institution operates. Clearly, the public holds the opinion that fewer terms are better than more. Recent polling confirms that an overwhelming majority of voters believe that six terms for a member of the House is too long. Over 80 percent of the voting public prefers a three-term limit.

As a former county elections official and as the former chief election officer for the State of Missouri, I have studied this issue and listened to the voters. The voters of Missouri have twice had the opportunity for a statewide vote relative to term limits. They have made their viewpoint known.

Consistent with those views and my own, I was the first Missouri statewide official to endorse term limits. I have offered a bill, House Joint Resolution 42, to limit terms to three in the House and two in the Senate.

In November 1996, state constitutional amendments were passed in nine States, including Missouri, as a result of grassroot initiative efforts.

Those State constitutional amendments instruct members of the State's congressional delegation to work for the adoption of a U.S. Constitutional amendment establishing Congressional term limits. The initiatives also included very specific voter instructions to incumbents and candidates. Failure to comply with these instructions trigger language to be placed by the name of candidates on future ballots which read either ''Disregarded Voters' Instruction on Term Limits'' or ''Declined to Support Term Limits.'' Thus, becoming known as the scarlet letter provision.

Many members of Congress support the adoption of term limits. As you are aware, there is much debate over the specific number of terms to be adopted. The situation now occurs which a member of one of the nine States who supports term limits but votes for House Joint Resolution 2, may fail the test and have triggered the scarlet letter provision.

In the nine States, the final determination as to whether or not a member followed voter instructions rests with the Secretary of State. The Secretary of State may determine that, in order to avoid failing the ''Voter Instruction'' test, a member may be required to vote for language that is absolutely identical and verbatim to that which passed in his or her home State. Therefore, it may be necessary for each of those nine States' delegation to have an opportunity to vote for term limit language unique to their State. House Leadership has expressed concern that such an opportunity be made available.

To that end, to ensure that members of the Missouri delegation have the ability to vote for language that meets a verbatim test of Missouri Amendment 9, I am offering the Missouri amendment.

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

Mr. SCOTT. Mr. Chairman, I yield myself 30 seconds.

Mr. Chairman, of all of the amendments, this is the least bad, but not good, so I still oppose it. However, it does allow the States the option, if one State finds itself with a horrible delegation, of wiping it clean with some term limits, but the other States would not be so affected.

So although it is the least bad, it is still not good and I have to oppose it. But I thank the gentleman for offering us this opportunity.

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

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

I want to say I think this is an idea whose time will come. It may not come today, but I believe that term limits will be a reform that comes in this House. I think it can come with some flexibility.

I appreciate my colleague from Virginia at least recognizing my amendment as the least bad of the amendments that has been offered today.

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

Mr. SCOTT. Mr. Chairman, I yield 2 minutes to the gentlewoman from Texas, Ms. SHELIA JACKSON-LEE.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank my colleague for his leadership and for yielding me this time.

It would appear that my position in this House is to try to be as consistent and as pure and as well focused on the issues as one could possibly be. I have already made the statement that this Constitution is secure and that the people can ratify those of us who run for this office every 2 years. But I must say to the gentleman from Missouri [Mr. BLUNT] that I am interested in his particular amendment inasmuch as it tracks, albeit in a limited fashion, my commitment to States' rights on this issue.

□ 1500

I am hearing all of the discord and discussion about the people speaking. At least Mr. BLUNT's amendment has a provision that suggests that if the States do not act or if they do not act, it then falls to three terms for the House and two terms for the Senate, but that it has a provision that the States can act, and that means that Indiana can act, that Texas can act, that New York can act, that Virginia can act on their accord as the people would so speak.

So I would simply raise this amendment up for its consideration. I speak to it so that I can be consistent on my persistent point that this belongs, if anywhere, with the States, not with those of us in the U.S. Congress that would do damage to the Constitution that has been framed very well, that allows the people to speak every 2 years.

Mr. SCOTT. Mr. Chairman, I yield 2 minutes to the gentleman from Indiana [Mr. ROEMER].

Mr. ROEMER. Mr. Chairman, I think that many of the problems in America today are not necessarily going to be solved by people in Washington today. As we debate term limits here, saying that term limits are going to solve problems, to finance the budget, to change Washington, to invest in our children, I think that is absolutely the wrong approach to take.

The answers to America lie within the American people. If we can encourage people to vote in our home constituencies, if we can encourage people to be responsible citizens and act through the ballot box, then we will solve so many of the problems that are bothering this great and wealthy Nation today.

In Indiana, where I am from, we have seven Members that are new to our delegation since 1990. Seven out of ten are new, and we do not have term limits. The people of Indiana are voting to send new people to Washington, D.C.

When we look at amending the Constitution, I think it is very important to read what some of the Federalist Papers have said to us. They have said, by Alexander Hamilton in Paper No. 71, ''Deprive the new government of experienced officials and reduce the incentives for political accountability.''

James Madison in No. 53 writes, ''The greater the proportion of new Members, the more apt they will be to fall into the snares that might be laid for them.''

I was a new Member, and I think we need fresh faces and new ideas here, but they should come from our individual constituencies and from our people voting, not from a gimmick like term limits.

Finally, Mr. Chairman, let me just say that I feel very strongly about this. I feel that we can inspire people to vote, and we need to run positive campaigns and not mud sling at one another. We need to run bipartisan legislation here. We need to reform our campaign laws. That will encourage people to vote.

Mr. SCOTT. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time has expired.

The question is on the amendment in the nature of a substitute offered by the gentleman from Missouri [Mr. BLUNT].

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

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

The CHAIRMAN. Pursuant to House Resolution 47, further proceedings on the amendment in the nature of a substitute offered by the gentleman from Missouri [Mr. BLUNT] will be postponed.

It is now in order to consider Amendment No. 5 printed in House Report 105–4.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. CHRISTENSEN

Mr. CHRISTENSEN. 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. CHRISTENSEN:

Strike all after the resolving clause and insert the following:

That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States:

''ARTICLE—

''SECTION 1. No person shall serve in the office of United States Representative for more than three terms, but upon ratification of this amendment no person who has held the office of United States Representative or who then holds the office shall serve for more than two additional terms.

''SECTION 2. No person shall serve in the office of United States Senator for more than two terms, but upon ratification of this amendment no person who has held the office of United States Senator or who holds the office shall serve more than one additional term.

''SECTION 3. This article shall have no time limit within which it must be ratified to become operative upon the ratification of the legislatures of three-fourths of the several states.''.

The CHAIRMAN. Pursuant to House Resolution 47, the gentleman from Nebraska [Mr. CHRISTENSEN] and the gentleman from Virginia [Mr. SCOTT] will each control 5 minutes.

The Chair recognizes the gentleman from Nebraska [Mr. CHRISTENSEN].

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

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

I thank the Chairman for allowing me to speak on an issue that is so important to the majority of Americans, and that is the issue of term limits. Americans unequivocally support the concept of term limits. Poll after poll will reflect this. But this past fall, voters across the country approved term limit amendments to their State constitutions, giving further credence to what we already know to be true.

Americans are demanding term limits. The people of my State have now spoken three times on this issue. In 1992, Nebraskans passed a term-limits amendment to our State constitution, only to have it thrown out by the State supreme court on a ballot requirement technicality. Undaunted, the voters of Nebraska passed another term-limits amendment by an even greater margin 2 years ago. This amendment was later invalidated by the U.S. Supreme Court.

This past November, Nebraska and eight other States adopted term-limit amendments to their respective constitutions by overwhelming margins; 61 percent of the voters in my district approved term limits last fall. Nebraskans feel very strongly that term limits are a necessary step in returning our Government to the people.

I do agree with my friend from Indiana that the answers to America's problems do not lie in Washington, but I believe until we fully get to that step, we need to continue toward what the people want. The people of Nebraska ask strongly, and with a 61-percent approval, to make sure that we had an opportunity to offer this today.

During my first campaign for Congress, I pledged I would serve no more than four terms. That was in accordance with Nebraska term-limits law at the time. I did so because I believed that a citizen legislature, a citizen Congress, that was originally founded by our Founding Fathers, was what their intent was to be, and to follow that direction. But yet America has gone away from that, and I believe that there are too many people that are making this into a career.

I ask you today how anyone who spends over 30 years here, how they can identify with that farmer, that entrepreneur, that individual who is out there each day in the working world trying to make a living. I believe that people here in Congress should be sent and are sent to represent and not rule over the people.

Mr. Chairman, it is clear that what we need to do today is to enact term limits so that Nebraskans and other States like Nebraska who have overwhelmingly asked for this type of initiative, be put into law. I ask Members therefore to join me today in supporting the Christensen amendment, which is a 6-year, 12-year type of approach with a beginning of this year.

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

Mr. SCOTT. Mr. Chairman, I yield myself such time as I may consume, and I rise in opposition to the legislation.

Mr. Chairman, there is an old congressional adage that all that needs to be said has already been said but all that need to say it have not already said it.

This substitute is virtually identical to several that have been defeated previously by margins of greater than 3 to 1. This amendment refers to the legislation as an amendment and has a perfecting paragraph; the Arkansas amendment refers to legislation as the congressional term-limits amendment; the Colorado amendment referred to it as an amendment; the Idaho amendment referred to it as an article; the Missouri amendment referred to it as an amendment; the next amendment we will consider refers to it as an amendment, but substantively they are all identical. So we will just incorporate by reference all of the arguments against this amendment that have previously been made and have been very successful in defeating it.

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

Mr. CHRISTENSEN. Mr. Chairman, I yield myself such time as I may consume. This amendment does parallel exactly word for word the ballot initiative 409 in the State of Nebraska. I greatly respect my friend from Virginia.

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

Mr. SCOTT. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment in the nature of a substitute offered by the gentleman from Nebraska [Mr. CHRISTENSEN].

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

Mr. CHRISTENSEN. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Pursuant to House Resolution 47, further proceedings on the amendment in the nature of a substitute offered by the gentleman from Nebraska [Mr. CHRISTENSEN] will be postponed.

The point of no quorum is considered withdrawn.

It is now in order to consider amendment No. 6 printed in House Report 105–4.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. ENSIGN

Mr. ENSIGN. 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. ENSIGN:

Strike all after the resolving clause and insert the following:

That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States:

''CONGRESSIONAL TERM LIMITS AMENDMENT

''SECTION 1. No person shall serve in the office of the United States Representative for more than three terms, but upon ratification of this amendment no person who has held the office of United States Representative or who then holds the office shall serve for more than two additional terms.

''SECTION 2. No person shall serve in the office of United States Senator for more than two terms, but upon ratification of this amendment no person who has held the office of United States Senator or who then holds the office shall serve for more than one additional term.

''SECTION 3. This article shall have no time limit within which it must be ratified by the legislatures of three-fourths of the several States.''.

The CHAIRMAN. Pursuant to House Resolution 47, the gentleman from Nevada [Mr. ENSIGN] and the gentleman from Virginia [Mr. SCOTT] will each control 5 minutes.

The Chair recognizes the gentleman from Nevada [Mr. Ensign].

Mr. ENSIGN. Mr. Chairman, I yield 2 minutes to the gentleman from Nevada [Mr. GIBBONS].

Mr. GIBBONS. I thank the gentleman from Nevada [Mr. ENSIGN] for yielding me this time.

Mr. Chairman, I am a strong believer in term limits for Members of Congress. I am very excited that as a freshman Member and a Representative, I have taken an active involvement in such an important debate.

As my colleague the gentleman from Nevada [Mr. ENSIGN] has stated, a majority of Nevada voters have mandated that we support three two-year terms for Representatives and two 6-year terms for Senators. Our amendment reflects these limits and sets no time limit for ratification. Our amendment also does not apply to terms retroactively. It just states that upon ratification, incumbent Representatives may serve no more than 2 additional terms and incumbent Senators no more than 1 additional term.

If I may characterize, Mr. Chairman, the reasons that the question of term limits was put on the 1996 Nevada ballot was that the voters, and I feel across America as well as in Nevada, are deeply troubled by Congress and their continuing disregard for their desire for term limits. The voters are concerned that there is a conflict of interest whereby Congress has ignored the voice of the people and failed to pass term limits. They are concerned that without term limits, the effort to get reelected seriously dilutes the effectiveness of Congress. They are concerned that career politicians will perpetuate their dominion over Congress. But most of all they are concerned that the lack of term limits denies the will of our Founding Fathers, that this branch of government remain closest to the people.

Nevada has joined the ranks of 23 other States which support term limits. By the terms of the Nevada constitution, the State amendment initiative to support term limits must be approved by the voters in two general elections. Although neither Representative ENSIGN nor I are standing before you today for any other reason, we are representing the spirit of our voters.

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

We have heard previous speakers talk about trivializing the constitution. I think the exercise we are going through now points out how trivial some of this exercise is. This amendment is virtually identical to several that we have previously defeated, as I said, by margins of 3, almost 4 to 1. There is a difference in this one. The title of the thing is Congressional Term Limits Amendment. The title listed in others was, quote, Article. We use 1, 2, and 3 to designate the sections rather than A, B, and C. It is substantively identical to several we have already considered. Again, we will incorporate by reference the arguments that had those other amendments defeated.

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

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

Mr. Chairman, I want to address a few of the points that have been brought up here today on the House floor. First of all, yes, we are pretty assured that we are not going to win this term limits battle today. But it is important that we do have this vote, for the will of the American people is to have term limits and the only way that they know whether or not their Member represents them the way that they want is to have recorded votes. That is why I applaud the leadership in the House of Representatives for not only bringing this to the floor today but also in the last Congress. The reason that I believe so strongly in term limits are several reasons. One is the power of incumbency. People say, ''Well, you have term limits at the ballot booth.'' Mr. Chairman, nothing could be further from the truth simply because of the power of incumbency. Challengers in no way can have the same kind of name recognition unless they raise so much money or have incredible personal wealth, because incumbents get on the radio whenever they want, they get on television whenever they want, they go to our plants whenever they want, and these same opportunities are not afforded to challengers.

□ 1515

The other things that have been brought up on the floor today address turnover. We have had a tremendous turn over the last few years. Well, those have been extraordinary circumstances. One is we had a campaign finance reform bill where Members of Congress had to retire if they wanted to take their campaign money with them. We look at several of the other things that have happened: There have been extraordinary circumstances of why we have had tremendous turnover. This is not normal. We also look at the statistics: Incumbents have a huge advantage on being reelected, and a lot of good people do not run for office because if one is faced with a 20 or 30 to 1 chance of winning against an incumbent, they do not want to have their family's name drug through the mud, they do not want their own good name drug through the mud after a successful career, and a lot of good people are not coming to this body in America because of the power of incumbency.

I believe very strongly that we need a blend of fresh ideas coming in constantly with some wisdom that is built up, and the only way to do that is with term limits.

We also hear a lot about campaign finance reform, and frankly I think that the prospects for that this year are pretty dim myself, just talking with the competing forces. I hope it comes about. I think we desperately need it. But there is no better campaign finance reform than term limits. The power of the incumbency can only be negated by term limits.

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

Mr. SCOTT. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment in the nature of a substitute offered by the gentleman from Nevada [Mr. ENSIGN].

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

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

The CHAIRMAN. Pursuant to House Resolution 47, further proceedings on the amendment in the nature of a substitute offered by the gentleman from Nevada [Mr. ENSIGN] will be postponed.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to House Resolution 47, proceedings will now resume on those amendments on which further proceedings were postponed, in the following order: amendment No. 4 offered by the gentleman from Missouri [Mr. BLUNT], amendment No. 5 offered by the gentleman from Nebraska

[Mr. CHRISTENSEN], and amendment No. 6 offered by the gentleman from Nevada [Mr. ENSIGN].

AMENDMENT NO. 4 IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. BLUNT

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment in the nature of a substitute offered by the gentleman from Missouri [Mr. BLUNT] on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment in the nature of a substitute.

The Clerk redesignated the amendment in the nature of a substitute.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 72, noes 353, not voting 8, as follows:

[Roll No 14]

AYES—72

Armey	Emerson	Maloney (CT)
Baldacci	Ensign	McCarthy (MO)
Barcia	Forbes	McIntosh
Bartlett	Fox	McNulty
Bass	Franks (NJ)	Meehan
Bilbray	Ganske	Metcalf
Blunt	Gibbons	Minge
Bono	Gillmor	Myrick
Bryant	Goode	Neumann
Burr	Goss	Ney
Cannon	Graham	Paul
Chabot	Hall (TX)	Peterson (MN)
Clement	Harman	Rohrabacher
Coble	Herger	Royce
Coburn	Hill	Salmon
Combest	Hilleary	Sanford
Condit	Inglis	Shadegg
Cook	Jackson-Lee (TX)	Smith (MI)
Cooksey	Jones	Talent
Cramer	Kim	Thornberry
Crane	Klug	Wamp
Danner	Largent	Watts (OK)
DeFazio	Lewis (KY)	Whitfield
Deutsch	LoBiondo	
Dunn		

NOES—353

Abercrombie	Brown (OH)	Dickey
Ackerman	Bunning	Dicks
Aderholt	Burton	Dingell
Allen	Buyer	Dixon
Andrews	Callahan	Doggett
Archer	Calvert	Dooley
Bachus	Camp	Doolittle
Baesler	Campbell	Doyle
Baker	Canady	Dreier
Ballenger	Capps	Duncan
Barr	Cardin	Edwards
Barrett (NE)	Castle	Ehlers
Barrett (WI)	Chambliss	Ehrlich
Barton	Chenoweth	Engel
Bateman	Christensen	English
Becerra	Clayton	Eshoo
Bentsen	Clyburn	Etheridge
Bereuter	Collins	Evans
Berman	Conyers	Everett
Berry	Costello	Ewing
Bilirakis	Cox	Farr
Bishop	Coyne	Fattah
Blagojevich	Crapo	Fawell
Bliley	Cubin	Fazio
Blumenauer	Cummings	Filner
Boehlert	Cunningham	Flake
Boehner	Davis (FL)	Foglietta
Bonilla	Davis (IL)	Foley
Bonior	Davis (VA)	Ford
Borski	Deal	Fowler
Boswell	DeGette	Frank (MA)
Boucher	Delahunt	Frelinghuysen
Boyd	DeLauro	Frost
Brady	DeLay	Furse
Brown (CA)	Dellums	Gallegly
Brown (FL)	Diaz-Balart	Gejdenson
Gekas	Manton	Rush
Gephardt	Manzullo	Ryun
Gilchrest	Markey	Sabo
Gilman	Martinez	Sanchez
Gonzalez	Mascara	Sanders
Goodlatte	Matsui	Sandlin
Goodling	McCarthy (NY)	Sawyer
Gordon	McCollum	Saxton
Granger	McCrery	Schaefer, Dan
Green	McDade	Schaffer, Bob
Greenwood	McDermott	Schiff
Gutierrez	McGovern	Schumer
Gutknecht	McHale	Scott
Hall (OH)	McHugh	Sensenbrenner
Hamilton	McInnis	Serrano
Hansen	McIntyre	Sessions
Hastert	McKeon	Shaw
Hastings (FL)	McKinney	Shays
Hastings (WA)	Meek	Sherman
Hayworth	Menendez	Shimkus
Hefley	Mica	Shuster
Hefner	Millender-McDonald	Sisisky
Hilliard	Miller (CA)	Skaggs
Hinchey	Miller (FL)	Skeen
Hinojosa	Mink	Skelton
Hobson	Moakley	Slaughter
Hoekstra	Molinari	Smith (OR)
Holden	Mollohan	Smith (TX)
Hooley	Moran (KS)	Smith, Adam
Horn	Moran (VA)	Smith, Linda
Hostettler	Morella	Snowbarger
Houghton	Murtha	Snyder
Hoyer	Nadler	Solomon
Hulshof	Neal	Souder
Hunter	Nethercutt	Spence
Hutchinson	Northup	Spratt
Hyde	Norwood	Stabenow
Istook	Nussle	Stark
Jackson (IL)	Oberstar	Stearns
Jefferson	Olver	Stenholm
Jenkins	Ortiz	Stokes
John	Owens	Strickland
Johnson (CT)	Oxley	Stump
Johnson (WI)	Packard	Stupak
Johnson, E. B.	Pallone	Sununu
Johnson, Sam	Pappas	Tanner
Kanjorski	Parker	Tauscher
Kaptur	Pascrell	Tauzin
Kasich	Pastor	Taylor (MS)
Kelly	Paxon	Taylor (NC)
Kennedy (MA)	Payne	Thomas
Kennedy (RI)	Pease	Thompson
Kennelly	Pelosi	Thune
Kildee	Peterson (PA)	Thurman
Kilpatrick	Petri	Tiahrt
Kind (WI)	Pickett	Tierney
King (NY)	Pitts	Torres
Kingston	Pombo	Towns
Kleczka	Pomeroy	Traficant
Klink	Porter	Turner
Knollenberg	Portman	Upton
Kolbe	Poshard	Velazquez
Kucinich	Price (NC)	Vento
LaFalce	Pryce (OH)	Visclosky
LaHood	Quinn	Walsh
Lampson	Radanovich	Waters
Lantos	Rahall	Watkins
Latham	Ramstad	Watt (NC)
LaTourette	Rangel	Waxman
Lazio	Regula	Weldon (FL)
Leach	Reyes	Weldon (PA)
Levin	Riggs	Weller
Lewis (CA)	Riley	Wexler
Lewis (GA)	Rivers	Weygand
Linder	Roemer	White
Lipinski	Rogan	Wicker
Livingston	Rogers	Wise
Lofgren	Ros-Lehtinen	Wolf
Lowey	Rothman	Woolsey
Lucas	Roukema	Wynn
Luther	Roybal-Allard	Yates
Maloney (NY)		Young (FL)

NOT VOTING—8

Carson	Pickering	Smith (NJ)
Clay	Richardson	Young (AK)
Obey	Scarborough	

□ 1536

Messrs. Thune, Torres, and White changed their vote from ''aye'' to ''no.''

So the amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. PICKERING. Mr. Chairman, on roll call no. 14, I was unavoidably detained. Had I been present, I would have voted ''no.''

PERSONAL EXPLANATION

Mr. SMITH of New Jersey. Mr. Chairman, on roll call no. 14, I was unavoidably detained. Had I been present, I would have voted ''no.''

AMENDMENT NO. 5 IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. CHRISTENSEN

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment in the nature of a substitute offered by the gentleman from Nebraska [Mr. CHRISTENSEN] on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment in the nature of a substitute.

The Clerk redesignated the amendment in the nature of a substitute.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 83, noes 342, not voting 8, as follows:

[Roll No. 15]

AYES—83

Armey	Emerson	McCrery
Baldacci	English	McIntosh
Barcia	Ensign	McNulty
Bartlett	Forbes	Meehan
Bass	Fox	Metcalf
Bilbray	Franks (NJ)	Minge
Blunt	Furse	Myrick
Bryant	Ganske	Neumann
Burr	Gibbons	Ney
Cannon	Gillmor	Paul
Chabot	Goode	Peterson (MN)
Chenoweth	Goss	Petri
Christensen	Graham	Riley
Coble	Hall (TX)	Rohrabacher
Coburn	Harman	Royce
Combest	Herger	Salmon
Condit	Hill	Sanford
Cook	Hilleary	Shadegg
Cooksey	Inglis	Smith (MI)
Cramer	Jones	Talent
Crane	Kim	Tauzin
Crapo	Klug	Thornberry
Cubin	Largent	Thune
Danner	Lewis (KY)	Wamp
DeFazio	LoBiondo	Watts (OK)
Deutsch	Lucas	Weldon (FL)
Dickey	Maloney (CT)	Whitfield
Dunn	McCarthy (MO)	

NOES—342

Abercrombie	Bonilla	Costello
Ackerman	Bonior	Cox
Aderholt	Borski	Coyne
Allen	Boswell	Cummings
Andrews	Boucher	Cunningham
Archer	Boyd	Davis (FL)
Bachus	Brady	Davis (IL)
Baesler	Brown (CA)	Davis (VA)
Baker	Brown (FL)	Deal
Ballenger	Brown (OH)	DeGette
Barr	Bunning	Delahunt
Barrett (NE)	Burton	DeLauro
Barrett (WI)	Buyer	DeLay
Barton	Callahan	Dellums
Bateman	Calvert	Diaz-Balart
Becerra	Camp	Dicks
Bentsen	Campbell	Dingell
Bereuter	Canady	Dixon
Berman	Capps	Doggett
Berry	Cardin	Dooley
Bilirakis	Castle	Doolittle
Bishop	Chambliss	Doyle
Blagojevich	Clayton	Dreier
Bliley	Clement	Duncan
Blumenauer	Clyburn	Edwards
Boehlert	Collins	Ehlers
Boehner	Conyers	Ehrlich

Engel
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Filner
Flake
Foglietta
Foley
Ford
Fowler
Frank (MA)
Frelinghuysen
Frost
Gallegly
Gejdenson
Gekas
Gephardt
Gilchrest
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hamilton
Hansen
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
Livingston
Lofgren
Lowey
Luther
Maloney (NY)
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (NY)
McCollum
McDade
McDermott
McGovern
McHale
McHugh
McInnis
McIntyre
McKeon
McKinney
Meek
Menendez
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Mink
Moakley
Molinari
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Nadler
Neal
Nethercutt
Northup
Norwood
Nussle
Oberstar
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paxon
Payne
Pease
Pelosi
Peterson (PA)
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Riggs
Rivers
Roemer
Rogan
Rogers
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Rush
Ryun
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schaefer, Dan
Schaffer, Bob
Schiff
Schumer
Scott
Sensenbrenner
Serrano
Sessions
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Stokes
Strickland
Stump
Stupak
Sununu
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thurman
Tiahrt
Tierney
Torres
Towns
Traficant
Turner
Upton
Velazquez
Vento
Visclosky
Walsh
Waters
Watkins
Watt (NC)
Waxman
Weldon (PA)
Weller
Wexler
Weygand
White
Wicker
Wise
Wolf
Woolsey
Wynn
Yates
Young (FL)

NOT VOTING—8

Bono
Carson
Clay
Obey
Richardson
Scarborough
Smith (NJ)
Young (AK)

□ 1548

So the amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. BONO. Mr. Chairman, on rollcall No. 15, I was unavoidably detained. Had I been present, I would have voted ''yes''.

PERSONAL EXPLANATION

Mr. SMITH of New Jersey. Mr. Chairman, on rollcall No. 15, I was unavoidably detained. Had I been present, I would have voted ''no''.

AMENDMENT NO. 6 IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. ENSIGN

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment in the nature of a substitute offered by the gentleman from Nevada [Mr. ENSIGN], on which further proceedings were postponed and on which the noes prevailed by a voice vote.

The Clerk will redesignate the amendment in the nature of a substitute.

The Clerk redesignated the amendment in the nature of a substitute.

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 85, noes 339, not voting 9, as follows:

[Roll No. 16]

AYES—85

Armey
Baldacci
Barcia
Bartlett
Bass
Bilbray
Blunt
Bono
Bryant
Burr
Cannon
Chabot
Chenoweth
Christensen
Coble
Coburn
Combest
Condit
Cook
Cooksey
Cramer
Crane
Crapo
Cubin
Danner
Davis (VA)
DeFazio
Deutsch
Dickey
Dunn
Emerson
English
Ensign
Forbes
Fox
Franks (NJ)
Furse
Ganske
Gibbons
Gillmor
Goode
Goss
Graham
Hall (TX)
Harman
Herger
Hill
Hilleary
Inglis
Jones
Kim
Klug
Largent
Lewis (KY)
LoBiondo
Lucas
Maloney (CT)
McCarthy (MO)
McCrery
McIntosh
McNulty
Meehan
Metcalf
Minge
Myrick
Neumann
Ney
Paul
Peterson (MN)
Radanovich
Riley
Rohrabacher
Royce
Salmon
Sanford
Shadegg
Smith (MI)
Talent
Tauzin
Thornberry
Thune
Wamp
Watts (OK)
Weldon (FL)
Whitfield

NOES—339

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Bachus
Baesler
Baker
Ballenger
Barr
Barrett (NE)
Barrett (WI)
Barton
Bateman
Becerra
Bentsen
Bereuter
Berman
Berry
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Boehlert
Boehner
Bonilla
Bonior
Borski
Boswell
Boucher
Boyd
Brady
Brown (CA)
Brown (FL)
Brown (OH)
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Capps
Cardin
Castle
Chambliss
Clayton
Clement
Clyburn
Collins
Conyers
Costello
Cox
Coyne
Cummings
Cunningham
Davis (FL)
Davis (IL)
Deal
DeGette
Delahunt
DeLauro
DeLay
Dellums
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Edwards
Ehlers
Ehrlich
Engel
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Filner
Flake
Foglietta
Foley
Ford
Fowler
Frank (MA)
Frelinghuysen
Frost
Gallegly
Gejdenson
Gekas
Gephardt
Gilchrest
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hamilton
Hansen
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Latham
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
Livingston
Lofgren
Lowey
Luther
Maloney (NY)
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (NY)
McCollum
McDade
McDermott
McGovern
McHale
McHugh
McInnis
McIntyre
McKeon
McKinney
Meek
Menendez
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Mink
Moakley
Molinari
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Nadler
Neal
Nethercutt
Northup
Norwood
Nussle
Oberstar
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paxon
Payne
Pease
Pelosi
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Rahall
Ramstad
Rangel
Regula
Reyes
Riggs
Rivers
Roemer
Rogan
Rogers
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Rush
Ryun
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schaefer, Dan
Schaffer, Bob
Schiff
Schumer
Scott
Sensenbrenner
Serrano
Sessions
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Stokes
Strickland
Stump
Stupak
Sununu
Tanner
Tauscher
Taylor (MS)
Thomas
Thompson
Thurman
Tiahrt
Tierney
Torres
Towns
Traficant
Turner
Upton
Velazquez
Vento
Visclosky
Walsh
Waters
Watkins
Watt (NC)
Waxman
Weldon (PA)
Weller
Wexler
Weygand
White
Wicker
Wise
Wolf
Woolsey
Wynn
Yates
Young (FL)

NOT VOTING—9

Carson	Obey	Smith (NJ)
Clay	Richardson	Taylor (NC)
LaTourette	Scarborough	Young (AK)

☐ 1557

Mrs. Kennelly changed her vote from ''aye'' to ''no.''

So the amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. SMITH of New Jersey. Mr. Chairman, on roll call no. 16, I was unavoidably detained.

Had I been present, I would have voted No.

The CHAIRMAN. It is now in order to consider amendment No. 7 printed in House Report 105–4.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. THUNE

Mr. THUNE. 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. THUNE:

Strike all after the resolving clause and insert the following: That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States:

''ARTICLE—

''(a) No person shall serve in the office of the United States Representative for more than three terms, but upon ratification of this amendment no person who has held the office of United States Representative or who then holds the office shall serve for more than two additional terms.

''(b) No person shall serve in the office of United States Senator for more than two terms, but upon ratification of this amendment no person who has held the office of United States Senator or who then holds the office shall serve more than one additional term.

''(c) This article shall have no time limit within which it must be ratified by the legislatures of three-fourths of the several states.''.

Mr. CHAIRMAN. Pursuant to House Resolution 47, the gentleman from South Dakota [Mr. THUNE] and the gentleman from Virginia [Mr. SCOTT] each will control 5 minutes.

The Chair recognizes the gentleman from South Dakota [Mr. THUNE].

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

I appreciate the opportunity to address this issue today. I want to add to the menu of options that is available for those who support term limits. I would like today, Mr. Chairman, to vote in favor of the McCollum amendment, the Fowler amendment, but frankly the voters of South Dakota have spoken as well. We have a specific provision in our law now, and I must rise to offer an amendment which is consistent with that provision.

Frankly, it has been my long-held belief that our country and this Congress would be well served by term limits. So I have consistently throughout the last year as I have campaigned across the State of South Dakota supported term limits.

In fact, I have committed to support the most restrictive version that would be enacted by the House of Representatives. But today the amendment that I offer would comply with the State law, and the State of South Dakota has been clear in the message that they have sent to us, in 1992. Over 63 percent of the voters in our State approved an amendment to the State Constitution that restricted the service of South Dakota's congressional delegation and of the State legislature.

While a decision of the U.S. Supreme Court rendered the law invalid as it applies to Members of Congress, South Dakotans still believe strongly in limiting congressional service. A more recent vote affirmed that belief. That last November almost 68 percent of the voters approved another term limits measure. The measure, now part of South Dakota codified law, provides that any Member of Congress representing the State of South Dakota must work to enact a constitutional term limits amendment.

The law explicitly enumerates what actions a Member of the U.S. House or U.S. Senate may take in order to enact the measure. The law also explicitly defines a term limits amendment to the U.S. Constitution. Those terms are outlined verbatim in my version of the amendment. If a Member of the South Dakota delegation fails to follow the directions of that law, a notation stating ''disregarded voters' instructions on term limits'' would appear next to that person's name on the ballot.

To say the least, that notation would be undesirable to any candidate. As a strong proponent of term limits, that statement would not accurately reflect my position on this issue.

The amendment I offer today would conform with South Dakota law. The Thune amendment allows for no more than three terms in the U.S. House of Representatives and no more than two terms in the U.S. Senate.

Upon ratification, an individual holding office of either House may serve no more than two terms in that respective House. I respectfully request my colleagues to vote in favor of the amendment I am offering. At the same time, I realize there are similar measures that would work toward the same purpose.

In fact, I was an original cosponsor of the McCollum resolution, House Joint Resolution 2. While my cosponsorship did not change my self-imposed three term limit commitment, I realized that cosponsoring that resolution likely would have forced a negative message next to my name on the 1998 ballot. Therefore, on February 4, I had my name removed as a cosponsor of House Joint Resolution 2.

Because I am so committed to the concepts of term limits, I would urge my colleagues to vote in favor of some amendment today, some version, some approach that we can put on the ballot and get a serious vote. Frankly, I would hate to see this issue go down because we continually use a shotgun approach and give us a range of options rather than dealing with one particular version that could be enacted and passed by the two-thirds that are necessary in the House and the Senate.

Mr. Chairman, I yield 1 minute to the distinguished gentleman from the State of South Carolina [Mr. SANFORD].

Mr. SANFORD. Mr. Chairman, I rise in support of this amendment because it seems to me that fewer years yields more in the way of benefits when it comes to term limits. I say that for a couple of different reasons.

First, it is consistently what I hear about from my constituents back home. They do not say more or longer terms. They say shorter terms.

Second, it seems to be the will of the Founding Fathers, when they talked about our Congress, this institution, they talked about a citizens Congress, and fewer years would yield that.

Last, I think that fewer years would yield more in the way of benefit in terms of cutting our Nation's debt and deficit. The National Taxpayers Union did a study. What they found was that there was direct correlation between the length of time in office and propensity to spend taxpayer money. This amendment would make a difference on that front. For that reason, I support it.

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

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

As I understand this amendment, it provides for three House terms, two Senate terms and is substantively identical to five earlier versions that we have considered. It is my understanding that the only difference between this amendment and other amendments is the fact that the sections are numbered 1, 2 and 3. And instead of using 1, 2 and 3 and capital A and capital B and capital C, this one designates the sections using small A, small B, and small C.

Mr. Chairman, I would yield to the sponsor of the amendment to explain to me if there are any other differences between this and other amendments that we have been defeating by margins of three and four to one. If there are any differences other than the designation 1, 2, 3, capital A, B and C and the small letters A, B and C, I yield to the gentleman to respond.

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

Mr. SCOTT. I yield to the gentleman from South Dakota.

Mr. THUNE. Mr. Chairman, I thank the gentleman from Virginia for the question.

There are no substantive material differences between this and other proposals that have been voted on here

today. However, in fairness to the people, the voters of our State, we chose to have the exact language as adopted verbatim by the voters of South Dakota as an option to vote on this afternoon.

Mr. SCOTT. Mr. Chairman, we have already spoken about the trivializing of the Constitution. Obviously this process suggests that we are involved in a very trivial situation right now, voting on separate amendments where the only difference is whether sections are 1, 2, 3, capital A, B and C or small A, B and C and taking separate votes on each one. I will incorporate by reference the substantive arguments that have been made heretofore that have resulted in the defeat of amendments by margins of three and four to one or worse.

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

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

I would simply respond to the gentleman from Virginia by saying that I think most on the floor this afternoon who have suggested that it is trivializing to have these different amendments available probably come from States who have not been directed by their voters to have that. I think it is very important to all of us who have offered such amendments, as a result of such language being adopted by the voters of their State. In compliance with and at the direction of their will, we have the opportunity to vote on these amendments.

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

The CHAIRMAN. The question is on the amendment in the nature of a substitute offered by the gentleman from South Dakota [Mr. THUNE].

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

Mr. THUNE. Mr. Chairman, I demand a recorded vote and, pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Pursuant to House Resolution 47, further proceedings on the amendment in the nature of a substitute offered by the gentleman from South Dakota [Mr. THUNE] will be postponed.

The point of no quorum is considered withdrawn.

It is now in order to consider amendment No. 8 printed in House Report 105–4.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MRS. FOWLER

Mrs. FOWLER. 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 Mrs. FOWLER:

Strike all after the resolving clause and insert the following:

That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years after the date of its submission for ratification:

''ARTICLE—

''No person may serve more than four consecutive terms as Representative or two consecutive terms as Senator, not counting any term that began before the adoption of this article of amendment.''

The CHAIRMAN. Pursuant to House Resolution 47, the gentlewoman from Florida [Mrs. FOWLER] and the gentleman from Virginia [Mr. SCOTT] each will control 5 minutes.

The Chair recognizes the gentlewoman from Florida [Mrs. FOWLER].

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

My amendment is very simple. No bells, no whistles, no hidden meaning, just straight term limits, eight consecutive years for House Members, 12 consecutive years for Senators.

It is the only one offered today that is not a lifetime ban. My amendment is based on the initiative passed by my State's voters in 1992. The Eight is Enough term limits initiative garnered 77 percent of the vote in Florida, the highest percentage for term limits in any State.

Although the Supreme Court decision struck down those term limits for Members of Congress, they are still in effect by our State legislature and State cabinet officers. Like many other States, our Governor was already term limited. Six, eight, twelve, there is really no magic number when it comes to term limits. Those of us who really support term limits do so because we subscribe to the notion that rotation in office is a good thing. It keeps officeholders close to the people.

I think these goals are realized with any term limits, 12 years or under. That is why I will support the will of the House and vote for final passage no matter which version makes it.

Because there is no magic number, I urge all my fellow term limit supporters to vote for my amendment. About 2 years ago, a certain unyielding term limits group started shifting the debate from distinguishing between term limits supporters and term limits opponents to distinguishing between supporters of 6-year limits and supporters of 12-year limits. That is when I nicknamed my bill the Goldilocks bill. If you think 6 years is too short and you think 12 years is too long, then you might think 8 years is just right, just like the porridge in that famous nursery tale. I think an 8-year limit is an effective compromise that accomplishes all the goals we espouse as term limits advocates.

Prior to the Supreme Court decision in 1995, Florida, Ohio, Massachusetts, and Missouri had passed 8-year term limits; 8-year term limits were supported by 9 million voters in those States. I urge my colleagues to join those citizens in saying eight is enough and vote for passage of this amendment.

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

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

This one has an actual substantive difference from some of the others we have considered, having a lifetime of 8 years. With 8 years, it is 2 years less worse than the rest we have considered, which were defeated by margins of 4 to 1.

Obviously, the fact that this is on the floor suggests that the committee did not offer any arguments as to why this is any better or worse than any of the others we have considered. I think the Goldilocks rationale probably is about the most substantive rationale for this that I have seen.

Mr. Chairman, I would respectfully ask that the committee treat this the same way they have treated the others. Without prolonging the triviality, Mr. Chairman, I would just refer to the arguments that have resulted in defeat of the others.

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

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

I would like to make one final point today. My amendment is the only one that limits consecutive service in either body. It is not a lifetime ban. This last election we have elected several former Members of Congress back to Congress. I think they really bring a unique perspective to this institution. I would urge my colleagues to support my amendment.

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

The CHAIRMAN. The question is on the amendment in the nature of a substitute offered by the gentlewoman from Florida [Mrs. FOWLER].

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

Mrs. FOWLER. Mr. Chairman, I demand a recorded vote and, pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Pursuant to resolution 47, further proceedings on the amendment in the nature of a substitute offered by gentlewoman from Florida [Mrs. FOWLER] will be postponed.

The point of no quorum is considered withdrawn.

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The CHAIRMAN. It is now in order to consider amendment No. 9 printed in House Report 105–4.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. SCOTT

Mr. SCOTT. 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. SCOTT.

Strike all after the resolving clause and insert the following:

That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States:

''ARTICLE—

''SECTION 1. No person who has been elected for a full term to the Senate two times shall be eligible for election or appointment to the Senate. No person who has been elected for a full term to the House of Representatives six times shall be eligible for election to the House of Representatives.

''SECTION 2. No person who has served as a Senator for more than three years of a term to which some other person was elected shall subsequently be eligible for election to the Senate more than once. No person who has served as a Representative for more than one year shall subsequently be eligible for election to the House of Representatives more than five times.

''SECTION 3. This article shall be inoperative unless it shall have been ratified by the legislatures of three-fourths of the several States within seven years from the date of its submission to the States by the Congress.

''SECTION 4. No election or service occurring before this article becomes operative shall be taken into account when determining eligibility for election under this article.

''SECTION 5. A State may enact a term limit less than that provided in this article.''.

The CHAIRMAN. Pursuant to House Resolution 47, the gentleman from Virginia [Mr. SCOTT] and the gentleman from Florida [Mr. MCCOLLUM] will each control 5 minutes.

The Chair recognizes the gentleman from Virginia [Mr. SCOTT].

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

Mr. Chairman, as the Subcommittee on the Constitution heard with term limits, we heard testimony that several States have either enacted or are considering enacting term limits of less than 12 years. If we are going to have term limits, I believe, Mr. Chairman, that the States ought to have that option.

As I have said, personally I think it is unnecessary and unwise to limit the terms. The voters can limit those terms when they see fit. Judging from the turnover in Congress in recent years, more than 70 percent of the House has turned over since 1990. So the voters seem to be doing a pretty good job.

Mr. Chairman, if this resolution passes without my amendment, it would have the incredible effect of setting aside the expressed representations of many States. It is obvious from this exercise that we have been going through that many States expect to be heard in this debate. So if we are to ever have any finality on this, we have to allow States to express their views and adopt limits less than 12 years.

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

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

I have to rise in opposition to this amendment because what it does is to create havoc out there and a hodgepodge system. If it were to be adopted, every State could adopt whatever it wants in the way of term limits up to the 12 years. We would wind up with some States having 12 years, I am sure forever, and other States having 4, 6, 8, who knows, for the House, and who knows for the Senate?

The net result of that, I think, would be bad government for our country. There would not be any uniformity. All the power would flow to those States that were the 12-year States.

The proponents of this say that is fine; it is the problem of the States, if they make that decision, who choose the lesser number. But I would suggest it is easier to say that than in practice to live it.

In reality, many residents of those States that do not choose to maintain the higher limits, the 12 years, which is the number of years for the House and Senate in the underlying bill I have offered, are going to suffer. They are going to suffer because the structure in some of those States, by initiative process and so forth, is such that they may never overcome or repeal or change those initiatives once they have adopted them for the lesser number of years.

I do not think that is good. I do not think our Founding Fathers, as much as they overlooked the term limits issue itself, would ever want that much lack of symmetry.

They envisioned a House and Senate that were pretty equally balanced in power; the States being represented by the Senators, who had the ability to take care of the small States because they were two from every State, regardless, and the House, which was more of a populace-based body. They did not envision this breakdown into compartments that I have described, that would allow power to flow to States for other types of reasons, reasons that are far beyond the scope of the original creators and founders of this Nation.

So I believe this is a very bad amendment. It is disingenuous. I know that the gentleman from Virginia, Mr. SCOTT, believes in offering it for the reasons he has stated. I do not want to derogate his personal views on this but, generally speaking, those who do not favor term limits would be the ones who most likely would want to support this amendment. Those who favor it, and want to really get term limits out of here ultimately and have it passed, ought to be supporting the underlying bill and should let us go forward and get to that vote after we finish voting on all the variations of the 6 and 8 years.

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

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

I would point out that the exercise that we have been through would suggest that if an amendment ever passed that did not allow the States to reduce the time, we would be back here year after year after year.

We have seen amendments presented where if we did not accept exactly the State language, not only the State language but the State designation of the sections, using a capital ''A'' rather than a small ''a'' or a number 1 rather than an A or a B, that they will be back. So if we want any finality to this, this amendment is absolutely essential.

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

Mr. MCCOLLUM. Mr. Chairman, I yield myself the balance of my time, and I urge in the strongest of terms a ''no'' vote on the Scott amendment.

I believe it is a very ingenious amendment, but it is very destructive to the term-limits process for those who support term-limits. If it were to pass, it would be much more difficult for us to ever achieve a term limits passage through this body and through the Senate.

So for those of us who support term limits, and many of us do in some form or another, this vote should be ''no'' on the Scott amendment regardless of our views on other matters.

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

Mr. HILLEARY. Mr. Chairman, I rise in strong support of the Scott Amendment.

Thousands of dedicated individuals gathered signatures on petitions in parking lots across the country. Twenty-five million people have cast ballots in favor of imposing term limits on Members of Congress from the States.

This amendment is very similar to the Hilleary Amendment which was voted on in the 104th Congress. My version recognized the Federal term limits statutes that had passed in several States. My amendment was the only one which clearly protected the hard work and wishes of these people.

Unfortunately, after the vote on the Hilleary Amendment, the U.S. Supreme Court struck down all of those State laws as unconstitutional.

While the Scott Amendment will not bring those State laws back to life, it will allow those States to have the opportunity to enact term limits that they feel is right for their federally elected officials.

I support States' rights and I support the Scott Amendment.

I urge all of my colleagues to support final passage.

The CHAIRMAN. The question is on the amendment in the nature of a substitute offered by the gentleman from Virginia [Mr. SCOTT].

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

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

The CHAIRMAN. Pursuant to House Resolution 47, further proceedings on the amendment in the nature of a substitute offered by the gentleman from Virginia [Mr. SCOTT] will be postponed.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to House Resolution 47, proceedings will now resume on those amendments on which further proceedings were postponed in the following order: Amendment No. 7 offered by the gentleman from South Dakota [Mr. THUNE]; amendment No. 8 offered by the gentlewoman from Florida [Ms. FOWLER]; and amendment No. 9 offered by the gentleman from Virginia [Mr. SCOTT].

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 7 IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. THUNE

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment in the nature of a substitute offered by the gentleman from South Dakota [Mr. THUNE] on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment in the nature of a substitute.

The Clerk redesignated the amendment in the nature of a substitute.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 83, noes 342, not voting 8, as follows:

[Roll No. 17]

AYES—83

Armey
Baldacci
Barcia
Bartlett
Bilbray
Blunt
Bono
Bryant
Burr
Cannon
Chabot
Chenoweth
Christensen
Coble
Coburn
Combest
Condit
Cook
Cooksey
Cramer
Crane
Crapo
Cubin
Danner
Davis (VA)
DeFazio
Deutsch
Dickey
Dunn
Emerson
Ensign
Forbes
Fox
Franks (NJ)
Furse
Ganske
Gibbons
Gillmor
Goode
Goss
Graham
Hall (TX)
Harman
Herger
Hill
Hilleary
Inglis
Jones
Kim
Klug
Largent
Lewis (KY)
LoBiondo
Lucas
Maloney (CT)
McCarthy (MO)
McCrery
McIntosh
McNulty
Meehan
Metcalf
Minge
Myrick
Neumann
Ney
Paul
Peterson (MN)
Radanovich
Riley
Rohrabacher
Royce
Salmon
Sanford
Shadegg
Smith (MI)
Talent
Tauzin
Thornberry
Thune
Wamp
Watts (OK)
Weldon (FL)
Whitfield

NOES—342

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Bachus
Baesler
Baker
Ballenger
Barr
Barrett (NE)
Barrett (WI)
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman
Berry
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Boehlert
Boehner
Bonilla
Bonior
Borski
Boswell
Boucher
Boyd
Brady
Brown (CA)
Brown (FL)
Brown (OH)
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Capps
Cardin
Castle
Chambliss
Clayton
Clement
Clyburn
Collins
Conyers
Costello
Cox
Coyne
Cummings
Cunningham
Davis (FL)
Davis (IL)
Deal
DeGette
Delahunt
DeLauro
DeLay
Dellums
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Edwards
Ehlers
Ehrlich
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Filner
Flake
Foglietta
Foley
Ford
Fowler
Frank (MA)
Frelinghuysen
Frost
Gallegly
Gejdenson
Gekas
Gephardt
Gilchrest
Gilman
Gonzalez
Goodlatte
Gordon
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hamilton
Hansen
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
Livingston
Lofgren
Lowey
Luther
Maloney (NY)
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (NY)
McCollum
McDade
McDermott
McGovern
McHale
McHugh
McInnis
McIntyre
McKeon
McKinney
Meek
Menendez
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Mink
Moakley
Molinari
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Nadler
Neal
Nethercutt
Northup
Norwood
Nussle
Oberstar
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paxon
Payne
Pease
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Rahall
Ramstad
Rangel
Regula
Reyes
Riggs
Rivers
Roemer
Rogan
Rogers
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Rush
Ryun
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schaefer, Dan
Schaffer, Bob
Schiff
Schumer
Scott
Sensenbrenner
Serrano
Sessions
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Stokes
Strickland
Stump
Stupak
Sununu
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thurman
Tiahrt
Tierney
Torres
Towns
Traficant
Turner
Upton
Velazquez
Vento
Visclosky
Walsh
Waters
Watkins
Watt (NC)
Waxman
Weldon (PA)
Weller
Wexler
Weygand
White
Wicker
Wise
Wolf
Woolsey
Wynn
Yates
Young (FL)

NOT VOTING—8

Carson
Clay
Goodling
Obey
Pelosi
Richardson
Scarborough
Young (AK)

Messrs. SAXTON, HEFNER, and LATHAM changed their vote from ''aye'' to ''no.''

Mr. JONES changed his vote from ''no'' to ''aye.''

So the amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MRS. FOWLER

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment in the nature of a substitute offered by the gentlewoman from Florida [Mrs. FOWLER] on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment in the nature of a substitute.

The Clerk redesignated the amendment in the nature of a substitute.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 91, noes 335, not voting 7, as follows:

[Roll No. 18]

AYES—91

Armey
Barcia
Bartlett
Bass
Bilbray
Bilirakis
Blagojevich
Bonilla
Bono
Bryant
Burr
Callahan
Canady
Cannon
Chabot
Coble
Coburn
Combest
Condit
Cook
Cooksey
Cramer
Crane
Cubin
Danner
Davis (VA)
Deutsch
Dunn
Emerson
English
Ensign
Foley
Forbes
Fowler
Fox
Franks (NJ)
Furse
Ganske
Gibbons
Gillmor
Goode
Goss
Graham
Hall (TX)
Harman
Herger
Hilleary
John
Jones
Kim
Klug
Largent
LaTourette
Lewis (KY)
LoBiondo
Lucas
Maloney (CT)
McNulty
Meehan
Metcalf
Minge
Myrick
Nethercutt
Neumann
Ney
Norwood
Paul
Peterson (MN)
Pryce (OH)
Radanovich
Reyes
Riggs
Riley
Rohrabacher
Ros-Lehtinen
Royce
Sanford
Shadegg
Shaw
Sherman
Smith (MI)
Smith, Linda
Talent
Taylor (NC)
Thornberry
Traficant
Wamp
Weldon (FL)
White
Whitfield
Young (FL)

NOES—335

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Bachus
Baesler
Baker
Baldacci
Ballenger
Barr
Barrett (NE)
Barrett (WI)
Barton
Bateman
Becerra
Bentsen
Bereuter
Berman
Berry
Bishop
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonior
Borski
Boswell
Boucher
Boyd
Brady
Brown (CA)
Brown (FL)
Brown (OH)
Bunning
Burton
Buyer
Calvert
Camp
Campbell
Capps
Cardin
Castle

Chambliss
Chenoweth
Christensen
Clayton
Clement
Clyburn
Collins
Conyers
Costello
Cox
Coyne
Crapo
Cummings
Cunningham
Davis (FL)
Davis (IL)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dellums
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Edwards
Ehlers
Ehrlich
Engel
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Filner
Flake
Foglietta
Ford
Frank (MA)
Frelinghuysen
Frost
Gallegly
Gejdenson
Gekas
Gephardt
Gilchrest
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hamilton
Hansen
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Hill
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Latham
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
Livingston
Lofgren
Lowey
Luther
Maloney (NY)
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McDermott
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
Meek
Menendez
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Mink
Moakley
Molinari
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Nadler
Neal
Northup
Nussle
Oberstar
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paxon
Payne
Pease
Pelosi
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Quinn
Rahall
Ramstad
Rangel
Regula
Rivers
Roemer
Rogan
Rogers
Rothman
Roukema
Roybal-Allard
Rush
Ryun
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schaefer, Dan
Schaffer, Bob
Schiff
Schumer
Scott
Sensenbrenner
Serrano
Sessions
Shays
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Stokes
Strickland
Stump
Stupak
Sununu
Tanner
Tauscher
Tauzin
Taylor (MS)
Thomas
Thompson
Thune
Thurman
Tiahrt
Tierney
Torres
Towns
Turner
Upton
Velazquez
Vento
Visclosky
Walsh
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (PA)
Weller
Wexler
Weygand
Wicker
Wise
Wolf
Woolsey
Wynn
Yates

NOT VOTING—7

Carson
Clay
Duncan
Obey
Richardson
Scarborough
Young (AK)

□ 1649

Mr. INGLIS of South Carolina and Mrs. CHENOWETH changed their vote from ''aye'' to ''no.''

So the amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. SCOTT

The CHAIRMAN. The pending business is a demand for a recorded vote on the amendment in the nature of a substitute offered by the gentleman from Virginia [Mr. SCOTT] on which further proceedings were postponed and on which the noes prevailed by a voice vote.

The Clerk will redesignate the amendment in the nature of a substitute.

The Clerk redesignated the amendment in the nature of a substitute.

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 97, noes 329, not voting 7, as follows:

[Roll No. 19]

AYES—97

Armey
Barcia
Bartlett
Barton
Bilbray
Bilirakis
Blagojevich
Brady
Bryant
Burr
Calvert
Canady
Cannon
Chabot
Coburn
Combest
Condit
Cook
Cooksey
Cramer
Crane
Danner
Davis (VA)
Deal
DeFazio
Deutsch
Dunn
Emerson
English
Ensign
Etheridge
Forbes
Fowler
Fox
Franks (NJ)
Furse
Ganske
Gibbons
Gillmor
Goode
Goodlatte
Gordon
Goss
Graham
Hall (TX)
Harman
Hayworth
Herger
Hill
Hilleary
Inglis
Jones
Kim
Kind (WI)
Largent
Lazio
Lewis (KY)
LoBiondo
Luther
Maloney (CT)
Manzullo
McIntosh
McKeon
McNulty
Meehan
Metcalf
Minge
Moran (VA)
Myrick
Neumann
Ney
Paul
Peterson (MN)
Poshard
Pryce (OH)
Radanovich
Ramstad
Riggs
Rogan
Rohrabacher
Royce
Salmon
Sanford
Schiff
Scott
Shadegg
Sherman
Smith (MI)
Smith, Linda
Talent
Thornberry
Tiahrt
Wamp
Weller
White
Whitfield
Young (FL)

NOES—329

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Bachus
Baesler
Baker
Baldacci
Ballenger
Barr
Barrett (NE)
Barrett (WI)
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman
Berry
Bishop
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brown (CA)
Brown (FL)
Brown (OH)
Bunning
Burton
Buyer
Callahan
Camp
Campbell
Capps
Cardin
Castle
Chambliss
Chenoweth
Christensen
Clayton
Clement
Clyburn
Coble
Collins
Conyers
Costello
Cox
Coyne
Crapo
Cubin
Cummings
Cunningham
Davis (FL)
Davis (IL)
DeGette
Delahunt
DeLauro
DeLay
Dellums
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Edwards
Ehlers
Ehrlich
Engel
Eshoo
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Filner
Flake
Foglietta
Foley
Ford
Frank (MA)
Frelinghuysen
Frost
Gallegly
Gejdenson
Gekas
Gephardt
Gilchrest
Gilman
Gonzalez
Goodling
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hamilton
Hansen
Hastert
Hastings (FL)
Hastings (WA)
Hefley
Hefner
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
Livingston
Lofgren
Lowey
Lucas
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McDermott
McGovern
McHale
McHugh
McInnis
McIntyre
McKinney
Meek
Menendez
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Mink
Moakley
Molinari
Mollohan
Moran (KS)
Morella
Murtha
Nadler
Neal
Nethercutt
Northup
Norwood
Nussle
Oberstar
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paxon
Payne
Pease
Pelosi
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Quinn
Rahall
Regula
Reyes
Riley
Rivers
Roemer
Rogers
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Rush
Ryun
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schaefer, Dan
Schaffer, Bob
Schumer
Sensenbrenner
Serrano
Sessions
Shaw
Shays
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Stokes
Strickland
Stump
Stupak
Sununu
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thune
Thurman
Tierney
Torres
Towns
Traficant
Turner
Upton
Velazquez
Vento
Visclosky
Walsh
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Wexler
Weygand
Wicker
Wise
Wolf
Woolsey
Wynn
Yates

NOT VOTING—7

Carson	Rangel	Young (AK)
Clay	Richardson	
Obey	Scarborough	

□ 1658

So the amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. It is now in order to consider amendment No. 10 printed in House Report 105–4.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. BARTON OF TEXAS

Mr. BARTON of Texas. 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. BARTON of Texas:

Strike all after the resolving clause and insert the following:

That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years after the date of its submission for ratification:

''ARTICLE —

''SECTION 1. No person who has been elected to the Senate two times shall be eligible for election or appointment to the Senate. No person who has been elected to the House of Representatives six times shall be eligible for election to the House of Representatives.

''SECTION 2. This article shall be inoperative unless it shall have been ratified by the legislatures of three-fourths of the several States within seven years from the date of its submission to the States by the Congress.

''SECTION 3. Election as a Senator or Representative before this Article is ratified shall be taken into account for purposes of section 1.''.

The CHAIRMAN. Pursuant to House Resolution 47, the gentleman from Texas [Mr. BARTON] and a Member opposed will each control 15 minutes.

The Chair recognizes the gentleman from Texas [Mr. BARTON].

Mr. BARTON of Texas. Mr. Chairman, I ask unanimous consent that the gentleman from Michigan [Mr. DINGELL] and myself, who are proponents of the amendment, each control 7½ minutes, and the gentleman from Florida [Mr. CANADY] and a Member of the minority party in opposition, control their 15 minutes and be permitted to yield blocks of time.

Mr. CANADY of Florida. Mr. Chairman, reserving the right to object, I will claim the time in opposition to the amendment, and I will be happy to yield to those who wish to participate. I have no objection to the allocation of the time between the two proponents.

Mr. BARTON of Texas. Mr. Chairman, if the gentleman would yield, I am more than willing to yield all the time in opposition for the gentleman to control. I thought perhaps there might be a member of the minority that also wanted to control some of that time, but if obviously there is not, it is his time.

The CHAIRMAN. Does the gentleman from Texas want to revise his unanimous-consent request?

Mr. BARTON of Texas. Yes, Mr. Chairman. I would revise my unanimous-consent request and ask unanimous consent that the gentleman from Michigan [Mr. DINGELL] control 7½ minutes and yield as he sees fit; that I control 7½ minutes in support of the amendment and yield as I see fit; and that the gentleman from Florida [Mr. CANADY] control the 15 minutes in opposition.

The CHAIRMAN. The gentleman from Florida already has his time.

Is there objection to the request of the gentleman from Texas?

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from Texas [Mr. BARTON].

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

The CHAIRMAN. The Chair recognizes the gentleman from Michigan [Mr. DINGELL].

PARLIAMENTARY INQUIRY

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

The CHAIRMAN. The gentleman will state it.

Mr. DINGELL. Mr. Chairman, prior to yielding myself time, I would inquire who is it that has the right, under the rule, to close?

The CHAIRMAN. The gentleman from Florida [Mr. CANADY] has the right to close.

Mr. DINGELL. Mr. Chairman, I yield myself 2 minutes.

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

Mr. DINGELL. Mr. Chairman, if Members believe in term limits, this is the amendment for them. Our existing system of term limits works splendidly. They are called elections and have resulted in a 75-percent turnover since 1990.

With the Committee on the Judiciary reporting House Joint Resolution 2 without recommendation, it is clear that there is no consensus as to how we should amend the Constitution, but a number of people, inside and outside the Congress, are in a desperate rush to see that such is done.

The House, under their fiat, shall amend the Constitution, do so quickly, without regard to the wide differences which exist amongst even the supporters of term limits.

There is a gigantic quibble taking place amongst the traditional supporters of term limits. They cannot decide whether it should be 6, 8, or 12 years for Members of the House. Should it be uniform amongst the States, or should the States choose for themselves? Should it include partial terms? Most importantly, should term limits count the service of those who have already served in Congress?

I would think that we should count current and past service. That is why I have offered a bipartisan amendment with my good friend, the gentleman from Texas [Mr. BARTON]. I want to salute him and commend him as not only a loyal friend, but as a vigorous and able proponent of this amendment.

The amendment would apply term limits immediately; not retroactively, but immediately, with regard to the service which Members have committed, and it would count every partial election. It would ensure that the turnover desired by term-limit proponents is given them now.

If this amendment is not passed, the proposal before us assures that the 7 years which it takes for ratification, plus the 12 years which is in the proposal, will give each Member 19 additional years, enough to qualify for their pension.

Now, why make term limits immediate? If the American people are angry at legislators, they are angry at today's legislators, not tomorrow's, and changing House Resolution 2 to make term limits immediate should make sure that we are not going to hold future legislators to higher standards than those to which we hold ourselves.

Our existing system of term limits all ready works quite well. They are called elections, which have resulted in a 75-percent turnover rate since 1990.

With the Judiciary Committee reporting House Joint Resolution 2 without recommendation, it is clear that there is no clear consensus on how to amend the Constitution to put term limits in place. Instead this effort seems driven by outside forces—which have determined that the House shall vote to amend the Constitution, do so quickly, and without regard to the wide differences that exist even among supporters of term limits.

There is a gigantic quibble taking place between the traditional proponents of term limits * * * shall they be 6 years, 8 years, or 12 years? Should they be uniform among all States, or should we let the States choose for themselves? Should they count partial terms?

And, most importantly, should term limits count the service of those of us who have already served in Congress?

I think we should count current and past service. That's why I have offered a bipartisan amendment with the gentleman from Texas that would:

Apply term limits immediately, not in a couple of decades.

Count every partial election.

Ensure that the turnover desired by term limits proponents is given to them now, not in as long as two decades.

Why make term limits immediate?

The American people are angry at today's legislators, not tomorrow's. Changing House Joint Resolution 2 to make term limits immediate will make sure that we do not hold future legislators to a higher standard than ourselves.

Opponents of immediate term limits say they fear the massive turnover. I suspect what they really fear is being part of that massive turnover. In fact, if term limits were effective for the 106th Congress, at least 123 Members would automatically be disqualified from service.

Among this list of 123—besides myself—are 19 cosponsors of House Joint Resolution 2,

who themselves will have served an average of 18 years—50 percent longer than they would allow future legislators to stay.

Without immediate term limits, all current Members can serve almost 20 more years, when you include up to 7 years for ratification by the States.

If we are for term limits, let's have them now. Vote "yes" on Dingell-Barton.

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

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

As currently drafted, House Joint Resolution 2 is prospective only. That is, service occurring prior to ratification of the amendment is not counted toward the 6-term limit. It is ironic that for the most part this amendment is held more dear by opponents of term limits than by supporters of term limits.

The gentleman from Michigan and the gentleman from Texas have been very candid in expressing their opposition to the concept of term limits. I appreciate their candor on this. But anyone who supports term limits should understand that this amendment is being offered by those who are opposed to term limits. I would ask the Members to consider that fact and to make their judgment accordingly.

With this amendment, we are far less likely to have an orderly process of transition in which people can adjust their expectations and move forward. In fact, this amendment that is being offered by the gentleman from Texas and the gentleman from Michigan has the prospect for causing enormous confusion.

Now, personally, the adoption of this amendment would not affect me in the least. I have imposed a limit on myself, and I will be gone from here in 4 years. While I am here, however, I am committed to passing term limits and moving to final passage on the measure that I believe can garner the most votes and that can be adopted by the States.

The amendment that is now before the House is being offered as an amendment that would detract from that effort. It is an amendment that is offered I think quite clearly with the purpose of derailing the effort to establish term limits for Members of Congress.

Now, it is instructive in weighing this amendment to examine how this issue has been dealt with by the 23 States that have imposed term limits on their congressional delegations prior to the Supreme Court decision in U.S. Term Limits versus Thornton. None, none of those laws counted service in Congress prior to the effective date of the State law in determining the number of additional terms that a Member could serve.

In 1991, the voters of Washington State defeated a ballot initiative that included a retroactive term limits provision. But in 1992, they approved a new term limits measure that would not apply retroactively.

Congress and the courts generally oppose retroactive legislation because it tends to create instability. It tends to deprive individuals and parties of reasonable notice and protection for their reasonable expectations.

The Constitution reflects this bias against retroactive laws by prohibiting both the Congress and the States from enacting any ex post facto laws. We need to keep in mind that we are amending the document which sets forth the basic framework of our government. History teaches us that ratifications become a permanent part of that document.

Under the Constitution, I think it is also important for us to understand, and under this proposal that is being considered now, 7 years is a maximum time period for ratification by the States. That is contained within the gentleman's proposal. Once the amendment is approved by the Congress and sent to the States, ratification may take place as little as 2 years from now, or it may never be ratified at all. Conceivably, it could be ratified in less than 2 years. Once ratified by the States, the amendment goes into effect and the 12-year clock begins to particular.

In other words, the time limit in the underlying text, like the time limit in all of the State-passed time provisions prior to the Thornton decision takes effect upon enactment. If it is ratified by the States in 2 years, it takes effect in 2 years. If it is ratified in 5 years, it takes effect in 5 years, and so on.

The argument that has been made here assumes that the full 7-year period that is allowed in the underlying amendment will be utilized. Well, that could happen, but that is not necessarily the case.

Mr. Chairman, I would urge Members to oppose this amendment and would again point out to all of the Members, if you are for term limits, you should not vote for this amendment. This is an amendment that is designed to derail the effort to enact meaningful term limits.

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

Mr. BARTON of Texas. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, the gentleman from Florida mischaracterizes my position. I am not an opponent of term limits. I have opposed the provisions that restrict the House to three 2-year terms. I am a proponent of six 2-year terms, and I am also a proponent of letting the States take different positions, but I am not an opponent of the six 2-year terms. So he mischaracterizes my position. I would not be a supporter of this amendment if I did not believe in term limits.

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

Mr. DINGELL. Mr. Chairman, I yield 1½ minutes to the gentleman from Michigan [Mr. CONYERS], my good friend, the ranking minority member of the committee.

Mr. CONYERS. Mr. Chairman, we have now come to a very curious part in the proceedings for today. All the term limits have been voted down overwhelmingly, and now this one is now presented by the Dean of the House, and we are told now that if Members are for term limits, then vote this one down too.

The gentleman says, this one should go down because it is retroactive, but if I heard Chairman DINGELL correctly, he said that it took effect immediately and is not retroactive. So I think that we should get this terminology straight now.

Now, why is this amendment derailing to the process of the people that support term limits? Can somebody explain that to me? That because the Dingell amendment suggests that it take effect immediately, that that is thought to be in bad faith? Why?

□ 1715

Perhaps, Mr. Chairman, the reason that the gentleman from Florida [Mr. CANADY] suggests that this is a derailing amendment is that many of the people who are supporting the base amendment, their time will have expired. Is that the reason we are accusing this amendment as being in bad faith? I do not quite follow this.

This amendment is, I think, issued in good faith. The only difference is that term limits would begin immediately, and not prospectively. I urge the Members' careful thinking and consideration.

Mr. DINGELL. Mr. Chairman, I yield myself 30 seconds, just to respond to what the gentleman from Florida had to say.

Mr. Chairman, term limits; if Members are for term limits and they really mean it and they want it to take effect immediately, this amendment is for them. If Members want term limits to take place in 19 years, 7 years for ratification, 12 years following, so that they can have a secure and happy career in this institution, then by all means oppose the amendment and by all means support the resolution as it is drawn.

Mr. Chairman, this is a real test of the sincerity of those who say they are for term limits. If Members are sincere, support the amendment. If they are not, oppose it.

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

Mr. Chairman, I would just point out the gentleman's amendment, the amendment we are considering now, might not be ratified for 7 years. So the idea that if we pass this here and they pass it in the Senate, all of a sudden we are going to have term limits, that is not so. It could take 7 years for that. That is just part of the process.

I have a question, Mr. Chairman. Let me ask the gentleman this. If the House and Senate propose this and send it to the States in the form the Members are suggesting, and the

States are considering it, and then on September 1 in the year 2000, when the 38th State ratifies your amendment, what would happen? What would happen?

We would have a situation in which elections had been taking place, primaries had gone on, qualifying and close, in the vast majority of the States, and candidates would be running for office. Your amendment would come into effect and there would be absolute chaos. Can the gentlemen tell me why that is not a prospect of what would happen under this amendment?

Mr. BARTON of Texas. Mr. Chairman, will the gentleman yield?

Mr. CANADY of Florida. I yield to the gentleman from Texas.

Mr. BARTON of Texas. Mr. Chairman, first I would point out to the gentleman that under our amendment, retroactivity means that whenever—

Mr. CANADY of Florida. Reclaiming my time, Mr. Chairman, I would be happy to yield to the gentleman to explain the scenario I have just outlined and why that is not a problem. If he has a response on that, I am happy to yield to him.

Mr. BARTON of Texas. If the gentleman will yield, I will give him an explicit response. The term they are then serving would count, plus any prior terms would count. If that term you were in plus prior terms equaled six terms, you would not be eligible for reelection. You would be able to serve out that term.

Mr. CANADY of Florida. So, under that scenario, Mr. Chairman, individuals who had qualified under the laws of their States, individuals who had been nominated by their parties to stand for election, would stand disqualified as of that date, and there would be a wild scramble all over the country to fill in those slots. I do not think that is an orderly way to go about business. That is a flaw in the amendment that I suggest has not been adequately considered.

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

Mr. BARTON of Texas. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Illinois [Mr. POSHARD].

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

Mr. Chairman, I rise in support of the amendment offered by the gentleman from Michigan [Mr. DINGELL]. I have taught history and government, and I have, perhaps, a different perspective on the stance of our forefathers. I believe when we take into consideration the totality of their beliefs, they unquestionably believed in the concept of the citizen legislator. I believe they felt we should train ourselves for a profession, we should leave that profession for a time and serve in the national assembly, and then we should exit here, allowing other people with different backgrounds, different experiences, different problem-solving skills, to bring that experience to the problem-solving of the Nation.

Because I believe in this concept so strongly, in 1988 when I ran for Congress, I said to those whom I sought to serve, if I am fortunate enough to be elected for five terms in the national assembly, I will at that point in time quit. This is my last term in the national assembly. I am thankful to have served here for five times.

But let me deal with this idea of experience, because I have heard it mentioned here on the floor several times today. Experience one gains here as a Member of this august body is certainly important, but the experience one brings here from one's chosen profession and experience is equally important. It is the latter experience that perhaps needs to be infused into this assembly on a more frequent basis than our present system allows.

Notwithstanding the wisdom of the author of this amendment and the great contribution that he has made to this assembly because of his experience, I believe, on balance, that our Government would better be served by a reasonable limit upon our service here, along the same lines we have chosen to limit other offices at both the State and Federal levels.

Mr. Chairman, I rise in support of the legislation before us to limit the terms of Members of the U.S. House and Senate.

I know this position puts me at odds with many of the very distinguished Members of this body, Members whose service has been very meaningful for our Nation. But as a former civics teacher who spent hours at the blackboard talking with my students about our system of government, I am convinced that our Founding Fathers had a citizen-legislature in mind when they designed our system. And they meant for us to be citizen-legislators, who would leave our profession for a time to serve in the national body, then return home as someone else made their contribution.

When I first decided to run for Congress, I decided that if the people of Illinois were willing to allow me to serve for five terms, or 10 years, that would be the limit of my service. I established a self-imposed 10-year term limit, and I will be leaving the Congress at the end of this session. I will miss serving the people here in Congress, but I am absolutely convinced it is the right decision for me, and the right decision for our system.

We need to make sure the system is open to teachers, small business owners, police officers, and retired folks who want to run for office and make a difference. Currently, with our fatally flawed system of financing campaigns, and with the advantages of incumbency, we draw from a very narrow pool of people who can realistically make a run for office. You either have to spend years working in the party structure, or else have a lot of your own money to spend, if you are serious about making a run for office. That is not the way it was meant to be.

Limiting the terms of Members will help us restore the concept of a citizen-legislature. Reforming our campaign finance system will be another step in returning the process to the people. Done in tandem, we just might be able to reverse the growing trend of cynicism regarding this great and honorable institution.

Voluntary term limits works for me, and I would encourage my colleagues to take a look at how that notion works within their own thoughts regarding service in the Congress. But until that becomes the rule rather than the exception, I believe we must act to constitutionally limit our terms.

Mr. BARTON of Texas. Mr. Chairman, I yield 1 minute to the gentleman from Oregon [Mr. BLUMENAUER].

Mr. BLUMENAUER. Mr. Chairman, I strongly object to the characterization of this bill as an effort to derail term limits. My goodness, nobody could derail term limits more than the so-called proponents have done today. Item after item after item has bit the dust. This is the one chance to pass a piece of legislation that will in fact provide term limits.

There will be no chaos. We will have 2, 3, 4, 5, 7 years before it goes into effect, and then it will only impact people who have been here a dozen years, plenty of time for grown-ups to manage a transition. What this is about is to avoid the game playing that we have seen.

If Members believe in term limits, come forward with the distinguished gentleman from Michigan, vote for this, put it out, get rid of the professional politicians, and find out if that is what the American people want, find out if that is what the people here want. But for heaven's sakes, stop the game playing. Vote for the antihypocrisy amendment that is before us now. I strongly urge Members' support.

Mr. DINGELL. Mr. Chairman, I yield 1 minute to the gentleman from New York [Mr. ENGEL].

Mr. ENGEL. Mr. Chairman, I rise today in support of the Dingell-Barton amendment, not as an ardent supporter of term limits, but as a supporter of fairness and truth and honesty. If we are going to pass a constitutional amendment on term limits for future Members of Congress, let us make sure it also covers current Members. Let it be immediate.

Some of my colleagues here in the House have had the opportunity to serve this body for 20 years or more. Many of them will be voting for a term limits amendment today, but not the Dingell-Barton amendment. Mr. Chairman, I ask these long-serving Members, if they believe in term limits why have they served for so long? Why do they not want this to apply to them? Why do you want it to apply only to the next generation?

Many proponents of other term limits amendments describe those of us who did not support those amendments with words such as ''arrogance'' and ''hypocrisy.'' I would say to them that the true arrogance is in support of term limits which are not applied immediately, and will allow them to serve 12 or 19 extra years on top of the 20 or so they have already served. If six terms is appropriate for future Members, then it must be applicable to those of us who are currently serving.

If we are to limit the fundamental rights of all Americans to elect their representatives, we should do it without a hint of the hypocrisy that suggests that term limits are good, but not now, and only for the next generation of Congress Members.

Mr. BARTON of Texas. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, I am a little bit puzzled, as we get into this debate, about the use of the word ''hypocrisy.'' I am a sincere supporter of term limits. I think the Dingell-Barton amendment is the closest to the spirit of the people. In my town meetings and in my public meetings with constituents, they are very adamant that the problem they are attempting to solve is the problem of entrenched incumbency, especially Congressmen and Congresswomen who serve a long tenure in Washington and are out of touch with their constituencies.

The way to address that is through a retroactivity clause. Members can argue whether they want three 2-year terms in the House or six 2-year terms, or two 4-year terms, but I do not think they can argue this. If they support term limits, they should support that they be retroactive, so we can go at the problem immediately, which is incumbents who are out of touch. The Dingell-Barton amendment does that.

If it were to pass and be ratified, whenever it was ratified, anybody who had served 6 years prior to their current term or were in their sixth term would not be eligible for reelection immediately. It is that simple. It is a sincere attempt to address the problem the people want addressed, which is removing an entrenched incumbency that is out of touch in Washington, DC.

I believe that this amendment has an excellent chance to get a majority. I would encourage all my Republican friends who voted for the other term limit amendments to vote for this one, and I would encourage my friends on the Democratic side to support the dean of the delegation of the House of Representatives, the gentleman from Michigan [Mr. DINGELL] and support this.

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

Mr. DINGELL. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Texas, [Mr. BENTSEN].

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

Mr. BENTSEN. Mr. Chairman, two things. First of all, the gentleman from Florida characterized this amendment as being antiterm limit. To the 2 million people who live in the city of Houston, the fourth largest city in our Nation, retroactive term limits or term limits which are effective immediately are term limits. That is what they voted for in 1991. We have not seen the city of Houston fall into chaos as a result of it. The city of Houston is getting along just fine, thank you.

Second of all, if we look at the facts of the situation, the American people are already utilizing what is available to them. More than half of the Members of the House have served 6 years or less. Less than half of the Members have served more than 6 years, and a third of the Members have served more than 12 years, so every other bill we have voted on today would give Members a minimum of 13 years more. That is subterfuge. That is a fraud on the American people. This is the only bill that says we will have real term limits, that we will have them right now. That is what we ought to vote for.

If Members are for term limits, vote for the Barton-Dingell bill. If they are against term limits, then Members can vote for all the other bills.

Mr. BARTON of Texas. Mr. Chairman, I yield 1 minute of my remaining 2 minutes to my distinguished friend and colleague, the gentleman from the great State of Texas and the city of Houston [Mr. GENE GREEN].

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

Mr. Chairman, I am proud to support this bipartisan amendment. I served 20 years in the legislature in Texas and only 13 in the State house and 7 as a State senator, but every election since I have been in Congress I have had an opponent, so I am not going to stand here and say that I think term limits are something that are that important, because I think the voters have a shot at us every time.

But if we are going to do it, let us be intellectually honest and say it ought to cover GENE GREEN on my 2 terms I have already served. If 12 years is a magic number, then I should only be able to serve 8 more years, if the voters continue to send me back.

□ 1730

That is why I think the Barton-Dingell substitute is the only one that is really intellectually honest, Mr. Chairman.

I would hope that a lot of Members would recognize that, along with the people out in the countryside who feel like term limits are necessary, that they would say, if 12 years is magic, in 12 years you should go home and do your job, something else, then that should apply to those of us who have served here 2 terms, three terms or 10 terms, and that way it would cover it. That is why I am proud to support the Barton-Dingell amendment.

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

Mr. Chairman, I want to show my respects to the gentleman from Illinois [Mr. HYDE], the full committee chairman, and to the gentleman from Florida [Mr. CANADY], subcommittee chairman, for their efforts to bring some focus to this debate. I recognize the gentleman from Michigan [Mr. DINGELL], my good friend, for cosponsoring the amendment.

There is nothing magic about this. It is pretty straightforward. Term limits main purpose is to get entrenched incumbents out of office as quickly as possible so that there is turnover.

There is one better way to do that. That is to support retroactivity. If my colleagues support what their people support, vote for Dingell-Barton retroactive term limits and let us send it to the States for ratification, if the Senate goes along and sends it out with a two-thirds vote and the House of Representatives.

This is not a sham amendment. It is a serious amendment. It is a chance to get a majority vote, to be the vote on final passage. We need everybody who is for term limits to vote for it, and then we will beat the requirement for two-thirds on final passage.

I want to thank the Chair for his excellent handling of the proceedings in this part of the debate, also, the gentleman from Nebraska.

Mr. DINGELL. Mr. Chairman, I yield myself 1½ minutes.

I want to utter great respect for the distinguished gentleman from Florida who has handled this bill. I want to express my personal sorrow that he finds so few who are ready to stand with him in opposition to this amendment.

The amendment is very simple. It says that term limits take place immediately upon ratification of the States, not 19 years later. I believe that that is the way it should be. If we are really for term limits, then let us have term limits immediately. Let us not allow ours to remain around here in some cynicism, building our seniority, collecting seniority and eligibility for pensions. Let us just simply say that, if the people wanted term limits and they wanted them now, they should have them now.

I think that there is some arrogance on the part of any Member to go home and say how he is for term limits when in fact he is for term limits 19 years in the future, as it is under the legislation before us. Let us have term limits immediately. Let us not debase the proposition of term limits by deceiving the people that in fact there is going to be term limits but at some distant and indefinable future time. Let us have it immediately.

If term limits are good, they should in fact go into effect at the earliest possible time. That is the proper and the responsible vote. Vote for term limits now. Do not vote for term limits in the future. If we are really for term limits, let us have them now, not at some distant and obscure time in the foggy future.

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

Mr. Chairman, I will not utilize all the time because I think we have exhausted this. I will note that there have not been many Members who have spoken against this amendment, but there were 287 Members who voted against this amendment in the last Congress. I fully expect that we will have about that many voting against it. We will find out in a few moments.

The vote on the amendment in the last Congress was 135 in favor and 287 against. I think that is some indication that this may not be the most viable means for actually moving forward with term limits.

It might be desirable to move up the effective date, concede that argument to the gentleman. I do not think that is necessarily true. Certainly the way this amendment is formulated it will cause great, potentially great confusion because we could have a situation in which the amendment was ratified and became effective right in the middle of an election cycle when candidates who had already been nominated for office when qualifying had closed, those candidates would be thrown out as candidates, the whole electoral system would be up in the air.

That has happened to a certain extent in certain States because of things Federal courts have done. I do not think that is the kind of confusion that we should allow for in a constitutional amendment. I think that is a serious flaw of this amendment.

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

Mr. CANADY of Florida. I yield to the gentleman from Texas.

Mr. BENTSEN. Mr. Chairman, let me assure the gentleman that he can survive the confusion when the courts do it.

Mr. CANADY of Florida. Reclaiming my time, Mr. Chairman, the other point that I will make is that, when the people in the States have dealt with this issue, they have not seen fit to impose this sort of requirement that the sponsors of this amendment seek to impose. As a matter of fact, as I said earlier, when this issue was dealt with by the 23 States that imposed term limits on their congressional delegations prior to the Supreme Court decision in U.S. Term Limits versus Thornton, none of those States counted service in Congress prior to the effective date of the State law in determining the number of additional terms that a Member could serve.

The fact that the people in those States did not view this as such an overwhelming issue, I think, is instructive to us. I think the people in their wisdom understood that it would take some time to make adjustments and to not disrupt the legitimate expectations of people so that we could have an orderly process of transition. That is what the people have done.

I would simply suggest again that, although I respect the intention of the gentlemen who are offering this amendment, I think it is unfortunate that the word ''hypocrisy'' has been bandied about out here. That is not a word I would use with respect to any proposal or certainly any Member. I think the intention of the gentleman from Michigan and the gentleman from Texas is very honorable. But I believe that the way we are going to move forward with enacting term limits is not through this amendment.

I believe that the adoption of this amendment would effectively derail this effort. The fact of the matter is, that is shown by the vote in the House 2 years ago when only 135 Members supported this amendment. So if Members are serious about term limits, they should focus on these facts and seriously consider what will be effective and what will work.

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

Mr. CANADY of Florida. I yield to the gentleman from Michigan.

Mr. CONYERS. Mr. Chairman, is the gentleman suggesting in his recent discourse that most of the voters that want term limits would be unhappy with the immediacy provision that the Dingell amendment provides?

Mr. CANADY of Florida. Reclaiming my time, Mr. Chairman, I think that the voters would not be pleased with the potential disruption and disorder that could be caused by the adoption of this amendment. Again, I point to the experience in the States where, in the initiative process, where the people were deciding in many cases the form of the amendment that they would place on the ballot in those individual States, they did not provide for the sort of retroactivity that is provided for in this amendment.

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

Mr. CANADY of Florida. I yield to the gentleman from Michigan.

Mr. DINGELL. Mr. Chairman, I thank the gentleman for yielding. He has been very gracious in conducting a very fine debate here.

I would just observe that during the time that the States prepared their ratification, Members could, of course, prepare for the consequences of the amendment on which we are now voting. In other words, if it took 7 years for the States to ratify, Members could have 7 years during which they could run, during which they could make arrangements to seek other office, during which they could make arrangements for their retirement. There is no disorder here. We have the period between the time that the House and the Senate passed the legislation and the time that it is ratified by the States.

Mr. CANADY of Florida. Reclaiming my time, Mr. Chairman, I will knowledge that Members could adjust their expectations based on the possible adoption of the amendment. The fact of the matter is, this amendment could be ratified in the middle of an election season and cause disruption because if it went to the States, the disposition in the States would remain uncertain for a period of time, I would expect. Once ratified, it would become effective immediately and candidates who had been nominated, who had qualified, were standing for office, would be thrown out of contention for office and the whole electoral process could be thrown up into question.

Quite frankly, I do not think that is the sort of result that the gentleman from Michigan would intend, but the amendment is not drafted in a way that takes that possibility into account. I think it is flawed in that regard. But, again, I make the point that when the people have considered this issue in the various States, they have not adopted a provision such as that as suggested today. I believe that the purpose of advancing term limits will be advanced by the rejection of this amendment.

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

Mr. CANADY of Florida. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Chairman, my friend from Florida, who has been very responsible here, has one error in his reasoning. He keeps averring to the fact that the public in their referenda rejected this. But the public in their referenda have generally voted for 6 years so the gentleman, if he is going to invoke the moral influence of the referenda, then he cannot argue for his 12-year position. It is true, referenda have said, do not make it retroactive, but they have also said overwhelmingly 6 years. What is the referendum, something you can turn on and off like a faucet?

Mr. CANADY of Florida. Reclaiming my time, Mr. Chairman, the States have adopted different limits in different States. In my own State of Florida it was 8 years and 12 years. I voted for it. I voted for the 8 year and the 12 year. I have supported that throughout the process.

Mr. FRANK of Massachusetts. Mr. Chairman, if the gentleman will continue to yield, he is speaking in favor of a 12-year limit.

Mr. CANADY of Florida. Reclaiming my time, Mr. Chairman, I think it is apparent that this is not an amendment that is going to be effective in advancing the movement to establish term limits. I will not talk about Members' motivation. I think that the effect of this is what we should be concerned about. That effect is obvious.

Mr. FRANK of Massachusetts. Mr. Chairman, if the criterion is who is being ineffective in advancing term limits, the gentleman's side wins.

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

Mr. CANADY of Florida. I yield to the gentleman from Florida.

Mr. MCCOLLUM. Mr. Chairman, the bottom line is that a vote for this amendment is going to get us less votes on final passage for term limits. It is going to set back the cause of term limits. There are going to be fewer Members voting for it and a no vote is what we should have.

Ms. JACKSON-LEE of Texas. Mr.Chairman, earlier today we heard arguments from Members of Congress from Arkansas, from Colorado, from Idaho, from Missouri, from Nebraska, from Nevada, and from South Dakota. Each of the Members from these States made passionate arguments of why we should adopt their individual States' versions of term limits.

They each asked us to adopt these individual versions so that they would not have to go

back to their States and tell their constituents that they did not support the version of term limits that the people of their State required them to support.

It is evident that we can not adopt all of these different versions of an amendment to the Constitution.

Mr. Chairman, I have a compromise that will not only satisfy the concerns of Arkansas, Colorado, Idaho, Missouri, Nebraska, Nevada, and South Dakota. My compromise amendment speaks to the concerns of all Americans who either support or do not support term limits.

We can send to the States a single amendment in the form of a resolution which would satisfy the concerns of each of the States.

Mr.Chairman, this motion to recommit, House Joint Resolution 2, allows each State of the people thereof, to proscribe the maximum number of terms to which a person may be elected to the Senate or House of Representatives.

It is an amendment which gives power to the States from which each of us comes, to decide for themselves whether they want to limit the number of terms that a Member of Congress may serve and if so, what the maximum number of terms the States want to prescribe.

There is no doubt that we should not be in the business of limiting the choice of the American people. We should be inclusive and not place limitations on the ability of the American people to vote for the Congressperson of their choice.

However, if there is to be a decision as to who will prescribe the maximum number of terms which a person from a particular State may serve in the House or Senate, then the States are in a better position to make this decision on behalf of the residents of that State. The States must decide for themselves the maximum number of terms that a Member of Congress from that particular State should serve, not Congress. This fundamental change in the framework of the Constitution must come from the individual States that combine to make the United States of America. Our ''more perfect Union'' is a Union of the States, not a Union of the Congress.

The Supreme Court, in U.S. Term Limits, Inc. versus Thorton, has made it clear that, without an amendment to the Constitution, the States do not have the authority to impose term limits on Members of Congress. Consequently, now that we are in the amendment phase of crafting a solution to the issue of term limits, the argument can be made that this is a power that should be given to the States because of the inherent local interest of the people in a particular State to have effective representation.

Currently, the States are prepared to make this decision. No less than 23 States passed proposals affecting the terms of Members. It is evident that the people of these States know what the best course of action for their State.

If we are to have an amendment which limits the terms of Members of Congress,then we should allow the States to be equal partners in that decisionmaking process. While we are a body of national sovereignty, the sovereignty of the States must not be ignored. We must not dictate to the States the parameters by which elected officials in each State will serve their constituency. The sovereignty of each individual State cries out to be included in this fundamental process of representation.

I urge my colleagues to support this amendment in the nature of a substitute to House Joint Resolution 2 and allow the States to decide the maximum number of terms that a Member in the House or Senate may serve.

Mr. PORTER. Mr. Speaker, I rise in opposition to the resolution and the amendments thereto.

I do so because I believe that term limits are a poor substitute for real solutions to the problem of noncompetitive elections. I support a number of initiatives to achieve the same goals as the amendment without limiting voters' ability to support the candidate of their choice.

I strongly support limiting the amount of time a Member may serve as a committee or subcommittee chair. I believe that congressional gridlock, porkbarrel spending, and logrolling is largely rooted in the inner power circles of the institution and the domination of the legislative process by entrenched committee and subcommittee chairmen. In the past, certain individuals have served as the head of a particular committee or subcommittee or subcommittee for decades.

At the beginning of the 103d Congress, I succeeded in having a 6-year committee and subcommittee chairmanship limitation included in the substitute House rules package proposed by the then minority Republicans. Unfortunately, this substitute was defeated on a largely party-line vote.

On the first day of the 104th Congress, however, the House passed this limitation and included an 8-year limit on the tenure of the Speaker. This rule also applies in the 105th Congress as it was retained in the package we adopted on January 7. By preventing any one individual from controlling a committee for more than 6 years, this important reform will have much the same effect as an overall term limit provision. And it has been adopted and is in effect now without amending the Constitution. It will go far to take the weight out of seniority and ensure that the committees are continually energized with new leaders and fresh ideas.

This provision will affect me personally. I became chairman of the Appropriations Subcommittee on Labor, Health and Human Services and Education at the beginning of the 104th Congress, but I will be ineligible to serve in that capacity after the 106th Congress.

In my opinion, we must also ree÷xamine the method by which we draw congressional districts in order to solve the problem of noncompetitive elections. Congressional districts are frequently drawn in order to be politically safe for one party or the other. That is, they are drawn so that they are overwhelmingly populated by either Democrats or Republicans. As a result, it is difficult for a challenger from the other party to get elected. In my opinion, our election laws should better take into account the need to encourage competitive districts.

This issue, and other problems with the electoral process, must be considered by Congress as part of a legislative and election reform package. I strongly supported the effort to enact campaign finance reform legislation during the 104th Congress and was disappointed by the failure of Congress to adopt such legislation.

Many elections have become big business for political consultants who market candidates in a way which ignores important issues and turns off large segments of the electorate. I support the enactment of legislation to curtail contributions from political action committees [PAC's], promote small instate contributions, and close numerous loopholes in current law which allow independent expenditures and the use of so-called soft money. I also believe we should strongly consider establishing campaign spending limits that are low enough to squeeze the professional marketers out of our election process and force candidates to return to elections characterized by active personal campaigning, volunteer participation, and attention to the issues.

Even in the absence of term limits, turnover in the House remains fairly high. In the past 10 years, about two-thirds of all Members of Congress have been replaced, and over half the Members of the House have served less than 5 years. I support measures to level the playing field for challengers without changing the Constitution or limiting the choices available to American voters.

The CHAIRMAN pro tempore (Mr. BARRETT of Nebraska). The question is on the amendment in the nature of a substitute offered by the gentleman from Texas, [Mr. BARTON].

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

RECORDED VOTE

Mr. BARTON of Texas. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 152, noes 274, not voting 7, as follows:

[Roll No. 20]

AYES—152

Armey	Eshoo	McCrery
Barcia	Etheridge	McHugh
Barrett (WI)	Farr	McIntosh
Bartlett	Fattah	McIntyre
Barton	Forbes	McNulty
Bentsen	Fox	Meehan
Berman	Frank (MA)	Minge
Bilbray	Franks (NJ)	Moakley
Blagojevich	Furse	Moran (KS)
Blumenauer	Ganske	Moran (VA)
Bonilla	Gekas	Myrick
Bonior	Gibbons	Neal
Boswell	Goode	Neumann
Boucher	Graham	Ney
Brady	Green	Olver
Brown (OH)	Gutierrez	Pascrell
Bryant	Hall (OH)	Paul
Burr	Hall (TX)	Peterson (MN)
Calvert	Harman	Petri
Campbell	Hefner	Pomeroy
Cannon	Hill	Poshard
Chabot	Hinchey	Pryce (OH)
Clyburn	Hoekstra	Radanovich
Coble	Holden	Reyes
Coburn	Hoyer	Rogan
Combest	Jackson-Lee (TX)	Royce
Condit	Johnson, E. B.	Sabo
Cook	Jones	Sanchez
Cooksey	Kilpatrick	Sandlin
Cox	Kim	Sanford
Cramer	Kind (WI)	Schiff
Crane	Kleczka	Scott
Cunningham	Klug	Sensenbrenner
Danner	LaFalce	Shadegg
Davis (FL)	Lampson	Sherman
Davis (VA)	Lantos	Shimkus
Deal	Largent	Sisisky
Delahunt	LaTourette	Slaughter
DeLay	Lewis (KY)	Smith (MI)
Deutsch	LoBiondo	Smith, Adam
Dingell	Lofgren	Souder
Doggett	Luther	Spratt
Ehlers	Maloney (CT)	Stearns
Emerson	Manzullo	Stupak
Engel	Markey	Talent
Ensign		Tanner

Taylor (MS)	Tierney	Weldon (FL)
Taylor (NC)	Towns	Weller
Thornberry	Turner	Wexler
Thurman	Upton	Whitfield
Tiahrt	Waxman	Wise

NOES—274

Abercrombie	Granger	Ortiz
Ackerman	Greenwood	Owens
Aderholt	Gutknecht	Oxley
Allen	Hamilton	Packard
Andrews	Hansen	Pallone
Archer	Hastert	Pappas
Bachus	Hastings (FL)	Parker
Baesler	Hastings (WA)	Pastor
Baker	Hayworth	Paxon
Baldacci	Hefley	Payne
Ballenger	Herger	Pease
Barr	Hilleary	Pelosi
Barrett (NE)	Hilliard	Peterson (PA)
Bass	Hinojosa	Pickering
Bateman	Hobson	Pickett
Becerra	Hooley	Pitts
Bereuter	Horn	Pombo
Berry	Hostettler	Porter
Bilirakis	Houghton	Portman
Bishop	Hulshof	Price (NC)
Bliley	Hunter	Quinn
Blunt	Hutchinson	Rahall
Boehlert	Hyde	Ramstad
Boehner	Inglis	Rangel
Bono	Istook	Regula
Borski	Jackson (IL)	Riggs
Boyd	Jefferson	Riley
Brown (CA)	Jenkins	Rivers
Brown (FL)	John	Roemer
Bunning	Johnson (CT)	Rogers
Burton	Johnson (WI)	Rohrabacher
Buyer	Johnson, Sam	Ros-Lehtinen
Callahan	Kanjorski	Rothman
Camp	Kaptur	Roukema
Canady	Kasich	Roybal-Allard
Capps	Kelly	Rush
Cardin	Kennedy (MA)	Ryun
Castle	Kennedy (RI)	Salmon
Chambliss	Kennelly	Sanders
Chenoweth	Kildee	Sawyer
Christensen	King (NY)	Saxton
Clayton	Kingston	Schaefer, Dan
Clement	Klink	Schaffer, Bob
Collins	Knollenberg	Schumer
Conyers	Kolbe	Serrano
Costello	Kucinich	Sessions
Coyne	LaHood	Shaw
Crapo	Latham	Shays
Cubin	Lazio	Shuster
Cummings	Leach	Skaggs
Davis (IL)	Levin	Skeen
DeFazio	Lewis (CA)	Skelton
DeGette	Lewis (GA)	Smith (NJ)
DeLauro	Linder	Smith (OR)
Dellums	Lipinski	Smith (TX)
Diaz-Balart	Livingston	Smith, Linda
Dickey	Lowey	Snowbarger
Dicks	Lucas	Snyder
Dixon	Maloney (NY)	Spence
Dooley	Manton	Stabenow
Doolittle	Martinez	Stark
Doyle	Mascara	Stenholm
Dreier	Matsui	Stokes
Duncan	McCarthy (MO)	Strickland
Dunn	McCarthy (NY)	Stump
Edwards	McCollum	Sununu
Ehrlich	McDade	Tauscher
English	McDermott	Tauzin
Evans	McGovern	Thomas
Everett	McHale	Thompson
Ewing	McInnis	Thune
Fawell	McKeon	Torres
Fazio	McKinney	Traficant
Filner	Meek	Velazquez
Flake	Menendez	Vento
Foglietta	Metcalf	Visclosky
Foley	Mica	Walsh
Ford	Millender-McDonald	Wamp
Fowler	Miller (CA)	Waters
Frelinghuysen	Miller (FL)	Watkins
Frost	Mink	Watt (NC)
Gallegly	Molinari	Watts (OK)
Gejdenson	Mollohan	Weldon (PA)
Gephardt	Morella	Weygand
Gilchrest	Murtha	White
Gillmor	Nadler	Wicker
Gilman	Nethercutt	Wolf
Gonzalez	Northup	Woolsey
Goodlatte	Norwood	Wynn
Goodling	Nussle	Yates
Gordon	Oberstar	Young (FL)
Goss		

NOT VOTING—7

Carson	Richardson	Young (AK)
Clay	Scarborough	
Obey	Solomon	

□ 1800

Mr. HERGER changed his vote from ''aye'' to ''no.''

Mr. COX of California and Mr. WAXMAN changed their vote from ''no'' to ''aye.''

So the amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

Mr. MCCOLLUM. Mr. Chairman, in order to shorten the time that we have in here, I ask unanimous consent that the gentleman from Michigan [Mr. CONYERS] and I both be permitted to strike the last word one time.

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

There was no objection.

Mr. CONYERS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I hope the Speaker is satisfied now. He promised that the first thing we would vote on would be this constitutional amendment. I trust he is satisfied that he has made us do that.

And so now we gather here this evening, the only thing left is the McCollum amendment which would allow all of us to serve for almost two decades before it would take effect. And in an amazing act of inconsistency, the term limits supporters have just voted down the Dingell amendment, the only substitute, and with that vote said that term limits should not apply to any sitting Member for about 19 years. Great work.

As it has been said eloquently so much by the chairman of Judiciary, like the famous prayer of St. Augustine who said, ''Dear God, make me pure, but not now.'' When an eight-term Member of the other body can claim to support term limits, I think we have a little problem about credibility. The proponents of this measure want it, but do not want it to apply to themselves.

So we voted down, with the highest vote of the day, by 152 votes, the one unhypocritical amendment on this subject. But we have also voted down seven of the almost same identical amendments all day long. We have made a mockery of this process.

The problem is that term limits are no longer an issue to the public. Do you not get it? Two-thirds of the Members here have not been here three terms. That is why it is not working here. That is why nobody is worried about it anywhere that used to be worried about it. In the last 6 years, we have had a nearly two-third turnover in the House. There is simply no remaining rationale for term limits.

But term limits does not create jobs, increase our standard of living, deal with the campaign finance scandal. And so if the majority, if the Speaker were really interested in dealing with the advantages of incumbency, as he says he is, we would be voting on campaign finance reform, not term limits, as the very first measure that we consider in the Congress.

I have not quoted Robert Novak recently, but he states that, you read it, ''This reveals the hypocrisy underscoring the avowed support of term limits by congressional Republicans. Like their Democratic counterparts who frankly and honestly oppose the limits, the Republicans are professional politicians who enjoy the good life in Washington.'' That is a quote.

I am still bipartisan. This proposal has not been sincere from the beginning, with supporters of it not wanting to apply it as late as the year 2016 rather than right now.

Now, me, I oppose hypocritical term limits and unhypocritical term limits. I oppose all term limits. And so I would ask that all of us here at the close of this debate join in finally rejecting the base bill that will now be voted on offered by my friend the gentleman from Florida [Mr. MCCOLLUM].

Mr. MCCOLLUM. Mr. Chairman, I move to strike the last word.

I would like to address the body about where we are at this moment. We are about to take a vote on final passage of the underlying bill, House Joint Resolution 2, and the way that is going to happen is that I am not going to offer the amendment that I have, the substitute amendment, because no amendment that was proposed today received the 218 votes to supplant the underlying bill or to require us to offer the underlying bill as an amendment. And so this is the last debate we are going to have today on the question of term limits.

What we are talking about voting upon in a moment is the one proposition that for the foreseeable future has any chance of ever becoming a part of the Constitution of the United States to limit Members of the House and Senate. It will be only the second time Members will get to cast a vote in the history of this country on term limits and have it mean something.

In the last Congress, we had this vote on this precise 12 years in the House, 12 years in the Senate, and there were 227 Members of the House who voted for it. I am a little fearful today we may not get 227 because of the State initiatives that were on the ballot in 9 States that we know resulted in a series of 7 extra votes here today.

But I think we should point out a couple of things at this point in time. Not a single proposal today on the floor of the House for 6 years or 8 years or allowing the States the option of deciding the number of years that we would have for term limits received 100 votes. Not a one got 100 votes. I believe there are far more than 200 Members, I think there are far more than 227 Members in this body who are for term limits, and if they had their free will and did not have the scarlet letters to be put beside their name in these 9 States

if they voted for this 12-year proposal on final passage, they would vote for this and we would have well over the 227, though we would fall short of the 290 supermajority required to pass a constitutional amendment.

Why is this important? It is very important because term limits is important, because better than 70 percent of the American people still believe, as they have for years, that we ought to limit the length of time Members of the House and Senate serve. It is important because they understand, as we should, that only by voting for this term limits proposal today and in the future getting it into the Constitution can we ever alter the problem that besets this body and the other of too many of our Members too often, too frequently voting because they are concerned about being reelected and because of the interests they are trying to please rather than for the deliberative process and the good of the country as a whole, which I think most of us come here with that in mind to do. It is not an affliction of each and every vote, but it is an affliction all too often.

I think it has been best described in The Last Word column that I commend to all Members to read in this week's Newsweek Magazine by George Will. It is an excellent column both on the reason why we need term limits and also on the reason why the U.S. Term Limits effort in these States' initiatives is going to cause indigestion and probable defeat for this for a long time to come if they get their way.

It is also important to respond to the critics who say, well, there are some of us who do not ever want to really see it, or we have had a lot of turnover anyway; three-quarters of the body have turned over in the last couple of years.

It is true, we have had good turnover, but the problem is that for those who stay here, the power rests with them. We all know we will always have some version of a seniority system in every legislative body and those who stay here and do not turn over are the ones who have the power as chairmen of committees and the leadership. The only way that we can limit that power, the only way that we can end the careerism that is the orientation of all too many Members who come here is by passing a constitutional amendment to limit the terms of Congressmen. And the only one that has the power and a chance of passage in this body and the other body any time into the foreseeable future is the one that I am proposing today that we are about to vote on. That is 12 years in the House and 12 years in the Senate, six 2-year terms in the House, two 6-year terms in the Senate.

□ 1815

Mr. Chairman, in the strongest of terms, if in my colleagues' conscience they can get away with it in any way to avoid those State initiatives for anyone who supports term limits, I urge them to vote for it. This should not be the last vote on term limits. History should not record that we only had two Congresses, the 104th and the 105th, that voted on it. History should record that we made progress with every Congress through the 104th, the 105th, the 106th and whatever is necessary until that 290 votes were reached in the House and 67 in the Senate and that ultimately this body and that body of the other body passed a term limits constitutional amendment and sent it to the States for ratification. It is what the public wants, it is the right thing to do, it is what our Founding Fathers, if they were here today, would want us to do to keep balance proper in this country and to let us vote our consciences the right way as the greatest deliberative body in the world.

So I urge my colleagues to vote for the term limits, 12-year provision, the underlying bill, on final passage.

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

The CHAIRMAN. There being no further amendments, under the rule the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore [Mr. UPTON] having assumed the chair, Mr. HASTINGS of Washington, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the House Joint Resolution (H.J. Res. 2) proposing an amendment to the Constitution of the United States with respect to the number of terms of office of Members of the Senate and the House of Representatives, pursuant to House Resolution 47, he reported the bill back to the House.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

The question is on engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the joint resolution.

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

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

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 217, nays 211, not voting 6, as follows:

[Roll No. 21]

YEAS—217

Aderholt	Bereuter	Bryant
Armey	Berry	Bunning
Bachus	Bilbray	Burr
Baker	Bilirakis	Burton
Ballenger	Blagojevich	Buyer
Barcia	Boehner	Callahan
Barr	Bonilla	Calvert
Barrett (NE)	Bono	Camp
Bartlett	Boswell	Campbell
Barton	Brady	Canady
Bass	Brown (OH)	Cannon
Castle	Hill	Pitts
Chabot	Hilleary	Pombo
Chambliss	Hinojosa	Portman
Coble	Hobson	Poshard
Coburn	Hoekstra	Pryce (OH)
Collins	Holden	Quinn
Combest	Horn	Radanovich
Condit	Houghton	Ramstad
Cook	Hulshof	Regula
Cooksey	Inglis	Reyes
Cox	Istook	Riggs
Cramer	Jenkins	Riley
Crane	John	Rogan
Cubin	Johnson, Sam	Rohrabacher
Cunningham	Jones	Ros-Lehtinen
Danner	Kasich	Royce
Davis (VA)	Kelly	Ryun
Deal	Kim	Salmon
DeFazio	Kind (WI)	Sanford
Deutsch	Kingston	Saxton
Diaz-Balart	Klug	Schiff
Doolittle	Knollenberg	Sessions
Doyle	Kolbe	Shadegg
Dunn	LaHood	Shaw
Ehlers	Largent	Sherman
Emerson	Latham	Shimkus
English	LaTourette	Shuster
Ensign	Lazio	Smith (MI)
Eshoo	Leach	Smith (OR)
Everett	Lewis (KY)	Smith (TX)
Ewing	Linder	Smith, Adam
Foley	LoBiondo	Smith, Linda
Forbes	Lucas	Snowbarger
Fowler	Luther	Solomon
Fox	Maloney (CT)	Souder
Franks (NJ)	Manzullo	Spence
Frelinghuysen	Mascara	Stearns
Furse	McCollum	Stump
Gallegly	McCrery	Sununu
Ganske	McIntosh	Talent
Gekas	McIntyre	Tauzin
Gibbons	McKeon	Taylor (NC)
Gilchrest	McNulty	Thomas
Gillmor	Meehan	Thornberry
Gingrich	Metcalf	Tiahrt
Goode	Mica	Traficant
Goodlatte	Miller (FL)	Turner
Goodling	Minge	Upton
Gordon	Moran (KS)	Walsh
Goss	Myrick	Wamp
Graham	Nethercutt	Watkins
Granger	Neumann	Watts (OK)
Greenwood	Ney	Weldon (FL)
Gutknecht	Norwood	Weldon (PA)
Hall (TX)	Nussle	Weller
Hansen	Packard	Wexler
Harman	Pascrell	White
Hastert	Paul	Whitfield
Hastings (WA)	Paxon	Wolf
Hayworth	Pease	Young (FL)
Hefley	Peterson (MN)	
Herger	Peterson (PA)	

NAYS—211

Abercrombie	Davis (FL)	Gutierrez
Ackerman	Davis (IL)	Hall (OH)
Allen	DeGette	Hamilton
Andrews	Delahunt	Hastings (FL)
Archer	DeLauro	Hefner
Baesler	DeLay	Hilliard
Baldacci	Dellums	Hinchey
Barrett (WI)	Dickey	Hooley
Bateman	Dicks	Hostettler
Becerra	Dingell	Hoyer
Bentsen	Dixon	Hunter
Berman	Doggett	Hutchinson
Bishop	Dooley	Hyde
Bliley	Dreier	Jackson (IL)
Blumenauer	Duncan	Jackson-Lee (TX)
Blunt	Edwards	Jefferson
Boehlert	Ehrlich	Johnson (CT)
Bonior	Engel	Johnson (WI)
Borski	Etheridge	Johnson, E. B.
Boucher	Evans	Kanjorski
Boyd	Farr	Kaptur
Brown (CA)	Fattah	Kennedy (MA)
Brown (FL)	Fawell	Kennedy (RI)
Capps	Fazio	Kennelly
Cardin	Filner	Kildee
Chenoweth	Flake	Kilpatrick
Christensen	Foglietta	King (NY)
Clayton	Ford	Kleczka
Clement	Frank (MA)	Klink
Clyburn	Frost	Kucinich
Conyers	Gejdenson	LaFalce
Costello	Gephardt	Lampson
Coyne	Gilman	Lantos
Crapo	Gonzalez	Levin
Cummings	Green	

Lewis (CA)	Olver	Shays
Lewis (GA)	Ortiz	Sisisky
Lipinski	Owens	Skaggs
Livingston	Oxley	Skeen
Lofgren	Pallone	Skelton
Lowey	Pappas	Slaughter
Maloney (NY)	Parker	Smith (NJ)
Manton	Pastor	Snyder
Markey	Payne	Spratt
Martinez	Pelosi	Stabenow
Matsui	Petri	Stark
McCarthy (MO)	Pickering	Stenholm
McCarthy (NY)	Pickett	Stokes
McDade	Pomeroy	Strickland
McDermott	Porter	Stupak
McGovern	Price (NC)	Tanner
McHale	Rahall	Tauscher
McHugh	Rangel	Taylor (MS)
McInnis	Rivers	Thompson
McKinney	Roemer	Thune
Meek	Rogers	Thurman
Menendez	Rothman	Tierney
Millender-McDonald	Roukema	Torres
	Roybal-Allard	Towns
Miller (CA)	Rush	Velazquez
Mink	Sabo	Vento
Moakley	Sanchez	Visclosky
Molinari	Sanders	Waters
Mollohan	Sandlin	Watt (NC)
Moran (VA)	Sawyer	Waxman
Morella	Schaefer, Dan	Weygand
Murtha	Schaffer, Bob	Wicker
Nadler	Schumer	Wise
Neal	Scott	Woolsey
Northup	Sensenbrenner	Wynn
Oberstar	Serrano	Yates

NOT VOTING—6

Carson	Obey	Scarborough
Clay	Richardson	Young (AK)

Mr. CAMP changed his vote from ''nay'' to ''yea.''

So (two-thirds not having voted in favor thereof), the joint resolution was rejected.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. CANADY of Florida. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on House Joint Resolution 2.

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

There was no objection.

ELECTION OF MEMBERS TO COMMITTEE ON SMALL BUSINESS

Mr. CANADY of Florida. Mr. Speaker, I offer a resolution (H. Res. 52) and I ask unanimous consent for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 52

Resolved, That the following named Members be, and they are hereby, elected to the following standing committees of the House of Representatives: Committee on Small Business: Mr. Hill, and Mr. Sununu.

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

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

CAMPAIGN FINANCE REFORM SHOULD BE A TOP PRIORITY

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

Ms. SLAUGHTER. Mr. Speaker, in this past election season spending levels for Federal elections shattered all previous records, at nearly $2 billion. The President and our leadership met yesterday and agreed on five priority items for this Congress, but guess what was missing? Campaign finance reform.

Let me make a suggestion. As David Broder noted in today's Washington Post, the reason campaigns are so expensive is because television advertising costs so much. That is why I have reintroduced H.R. 84, the Fairness in Political Advertising Act. It would reduce the cost of elections by requiring television stations to make free time available to both candidates as a condition of the stations renewing their licenses, and I urge my colleagues to join me on this bill.

I challenge the leadership to make campaign finance reform a priority and to enact the Fairness in Political Advertising Act. Democracy should not cost $2 billion.

Mr. Speaker, I am submitting the article referred to earlier for inclusion in the RECORD:

[From the Washington Post, Feb. 12, 1997]

A TV TIME BANK FOR CANDIDATES

(By David S. Broder)

When you're trying to figure out one of those interlocking wooden puzzles, sometimes it helps to turn it upside down. That is what happened to me one morning recently when I had breakfast with Reed Hundt, the chairman of the Federal Communications Commission.

The topic was campaign finance legislation—or so I thought. But when I remarked that the history of campaign finance laws and regulations was fraught with unintended consequences, Hundt immediately corrected me. ''We're not talking about campaign finance legislation.'' he said. ''We're talking about giving candidates and voters more access, and these measures have almost always succeeded. The Voting Rights Act has been a success. The provisions that allowed presidential debates have worked.''

Hundt's point was this: For decades, the campaign finance debate has focused on the source and volume of funds—the supply side of the problem. Government has attempted to regulate who could give (and who could not), the size of their contributions and, to the extent the courts allowed, the amount candidates could spend.

Hundt suggested that we turn the problem around by asking where the money goes and whether that cost can be reduced, i.e., examine the demand side of the equation.

The answer is obvious. Most of the money goes into buying television ad time. Campaigns are expensive because television costs so much.

In 1996, Hundt encouraged former Washington Post reporter Paul Taylor's foundation-financed campaign to persuade television and cable operators to make small blocks of free time available to the presidential candidates. Taylor had some success, but never got the broadcasters to agree on a single time when all viewers would find the candidates talking directly to them.

Now Hundt is promoting a radical expansion of Taylor's ''free time'' proposal. He thinks broadcasters should be required to donate almost $2 billion worth of commercial time to a ''political time bank'' that would be available free to candidates for federal and state office.

That sounds like a huge burden to impose, but Hundt points out that the estimated $1.8 billion of paid political ads in the 1995–96 election cycle was only 2.5 percent of the television ad revenue in that period.

He also noted that, under a law passed last year, the government is about to hand broadcasters a gift of incalculable value in the form of a new spectrum of digital TV channels which can be used for movie theater-quarterly programs or for a wide variety of other high-fidelity communications.

Last week, Hundt's longtime friend, Vice President Al Gore, made that point a matter of administration policy—without endorsing Hundt's specific proposal. ''Digital technology,'' Gore said, ''will greatly enhance the opportunities available to broadcasters to utilize multiple channels. The public interest obligations should be commensurate with these opportunities.''

Hundt has found one ally high up in the broadcasting industry. Barry Diller, who has been a key player for years and now heads his own company that controls a number of TV stations and the Home Shopping Network, told an industry convention in New Orleans last month that in return for the gift of the new digital TV spectrum, ''I propose that we take sole responsibility for the cost of airing all political advertising messages for all government candidates and to use this lever as the impetus to abolish all forms of the current system of political contributions.''

Diller conceded that it ''would cost us over a billion dollars in lost revenue'' in the peak year of each election cycle. ''But,'' he added, ''it would also radically change the nature of our rotten political fund-raising system.''

Advocates of some campaign finance bills are considering a way to incorporate the ''free time bank'' into their proposals. Taylor will hold a conference on the subject in Washington next month. But he and Hundt both concede this is not a panacea.

Important policy and administrative issues would remain: Could independent groups buy time for ''education'' or ''independent expenditure'' campaigns? Who would divvy up the ''time bank'' among the thousands of Democratic and Republican candidates in each election? If the national parties controlled the time, how would dissident or maverick Democrats and Republicans fare? And how would minor parties be protected in the allocation of time?

These are all important questions. But this proposal offers a way to reduce the costs of campaigns drastically by eliminating or greatly slashing the expense of television advertising. It deserves to be part of the coming debate.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. SNOWBARGER). Under the Speaker's announced policy of January 7, 1997, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

TRIBUTE TO JANE CLAYTON

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey [Mr. PAPPAS] is recognized for 5 minutes.

Mr. PAPPAS. Mr. Speaker, for the past 16 years, the residents of Monmouth County, NJ, have had the great fortune to have Jane Clayton serving as their county clerk. Day in and day out Jane has brought the highest degree of professionalism to this office. Jane's community service and involvement spans over 3 decades and has touched too many people to count. Aside from her service as county clerk, she had been a county freeholder and served on numerous boards and counsels.

It would take hours to list the numerous activities that Jane has given her time to over the past 30 years, so while I will attempt to touch upon just a few. She has served on the Monmouth County Criminal Justice Coordinating Council, County Detention Center's board, County Planning Board, County Election Commission, board of directors of the County Council of Girl Scouts, and the board of directors of the county United Way, to name just a few.

The businesslike approach to government that we in Congress strive to bring to the Federal Government, Jane Clayton has brought to the office of county clerk. To Jane, the people of the county are customers and her goal has been to bring the highest degree of service to these customers. She treats the taxpayers' money as she would her own. She has rooted out waste in her office and, by all accounts, has made it a model for others to follow. Washington could learn a lot from Jane Clayton.

Today, the public's perception of public servants has become tarnished due to scandals and back-door deals. If everyone in public office had the professionalism and high ethical standards that Jane Clayton does, I am sure that public office holders would be held with only the highest regard. She is admired and respected both as a public servant and person.

The quality of Jane's work has not gone unnoticed over the years. Several organizations have recognized her outstanding service and efforts by choosing her as their woman of the year. The March of Dimes, Zonta International, Association of Retarded Citizens, Big Brothers/Big Sisters, the County Council of Girl Scouts and the Monmouth County Fireman's Association are just a few of the groups that have recognized what so many of us see on a daily basis.

During my time as a county freeholder, I remember that Jane used to send around calendars with the history of the U.S. flag. Jane has an unyielding desire to share her knowledge with others and this was just one small example.

More than a public servant, Jane has been a devoted mother and grandmother. I often wonder how she finds all the time while doing everything so well. Often it is said that you cannot be everything to everyone, but if there was someone who came close, it would be Jane Clayton.

The legacy of Jane Clayton will not go forgotten. How appropriate that the archive record retention center in Manalapan Township which she helped create will serve as the ideal place to record her own years of service as well as the service of so many others in the county of Monmouth.

We are sad to lose Jane in the clerk's office and wish her well. The standard that she has set over the past decade and a half will be the bar for all future clerks to reach for.

I guess the greatest accomplishment that anyone in public service can have said about them is that they have made a difference. Jane, you have made a difference, in our county and in our lives.

I join the people of Monmouth County in thanking the Honorable Jane Clayton, my friend and colleague, for her service.

Mr. SMITH of New Jersey. Mr. Speaker, I rise today to honor a good friend and great public servant—Monmouth County Clerk Jane Clayton—who just recently retired from her position after 16 years of dedicated service.

Monmouth County, NJ, has had the great benefit of having Mrs. Jane Clayton as our county clerk from 1980 to just a few weeks ago. Jane took that office and transformed it into the fiscally conservative success that it is today—all the while ensuring that our rich history and record of efficient services remains intact for our children, grandchildren, and their children to enjoy.

Before serving Monmouth County as clerk, Jane was a county freeholder in the late 1970's. She has held a variety of offices before county clerk—including serving on the boards of the County Criminal Justice Coordinating Council, the County Detention Center, the County Planning Board, and the Monmouth Museum Board of Trustees.

Over the years, Jane and I have worked on countless projects together. Particularly momentous to both Jane and me was the unique effort between the county and Federal levels of government to acquire an absolutely beautiful mural of the Battle of Monmouth for the headquarters of the Monmouth County Library. This project was especially important, as the Federal Government rarely works with an individual county to provide them with such things as the artwork that we now have in Monmouth County.

Jane has also been successful in getting modern technology to improve the records system for the county archives. As Monmouth County was host to Revolutionary War Battles—such as the Battle of Monmouth—we have a wealth of history that needs to continue to be available for all who wish to learn more about our great area.

Jane has been given countless awards for her numerous years of service—including honors from the March of Dimes, the Monmouth County Fireman's Association, and the Monmouth Council of Boy Scouts and Girl Scouts. Jane has a record of excellence that many in central New Jersey are thankful for.

Monmouth County is a great area with many different communities and neighborhoods. From our part of the Jersey Shore, to towns like Millstone and Allentown, Jane pleased nearly everyone in her service as county clerk.

I'm already missing Jane Clayton, as she retired on December 31, 1996 after many years of hard work. I respect Jane for not only her topnotch performance as county clerk—but also her knowledge and involvement in Monmouth County.

We have a lot to be thankful for in Monmouth County: Great little towns, good roads, great services, excellent land management, good businesses, and a county clerk second-to-none.

Thanks again, Jane, for everything you've contributed to Monmouth County. I look forward to seeing you back home—because I know that you'll still be a staple of the Fourth District. From all of us in the Fourth District and Monmouth County—Jane—best wishes and know that your hard work is and will always be deeply appreciated.

☐ 1845

REBUILDING AMERICA'S INFRASTRUCTURE THROUGH PUBLIC-PRIVATE PARTNERSHIP

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Connecticut [Ms. DELAURO] is recognized for 5 minutes.

Ms. DeLAURO. Mr. Speaker, today I introduced four bills that I hope will add to the dialogue about the Federal Government's role in establishing public-private partnerships to leverage both public and private investment in America's infrastructure.

Congress has recognized that our Nation simply does not have the resources to fix and rebuild all of our schools, our highways, mass transit facilities, environmental infrastructure, ports and airports and other infrastructure facilities. Public-private partnerships hold great potential in helping to fill this estimated $30 billion to $80 billion in annual Federal investment, a shortfall in America's infrastructure. In the process we have the opportunity to create hundreds of thousands of new jobs.

Congress started to address the idea of leveraging both public and private investments in infrastructure during the debate over the Intermodal Surface Transportation Efficiency Act of 1991. In addition to promoting discussion about innovative financing tools, the legislation granted to States the authority to establish something called a State infrastructure bank, or an SIB, in cooperation with the Department of Transportation.

The Department of Transportation has now enabled ten States to establish the State infrastructure banks, which are intended to attract both public and private investment in transportation infrastructure. These entities, the State infrastructure banks, are funded using an allotment from the States' Federal transportation apportionments.

The success of the newly created SIB's is limited by undercapitalization and an inability to leverage projects other than highway and mass transit infrastructure. The bills that I offered today will try to provide several solutions for addressing these weaknesses in a constructive and cost-effective manner.

Building on the effectiveness of the financial mechanisms created by these State infrastructure banks, I introduced four bills that will greatly expand the role of these kinds of entities and are related to public-private partnerships.

The first bill is the State Infrastructure Bank Expansion Act, which works by studying ways to expand the use of, and to increase the capital, the money, for these State infrastructure banks.

The second bill, the National Infrastructure Development Corporation Act, creates a Federal entity that functions much like these State creations.

The third bill, the Public Benefit Bonds Innovative Financing Act, creates a new form of infrastructure bond that can be purchased by institutional investors.

The last bill, the National Infrastructure Development Act, ties the two latter vehicles together as a comprehensive approach to leveraging public and private investments in infrastructure.

The first bill, the State Infrastructure Bank Expansion Act, directs the Secretary of the Treasury, in cooperation with heads of other Federal departments, to study the way in which the State Infrastructure Banks can be expanded. The purpose of the study is to determine whether the State banks could be used to finance projects outside of the realm of transportation, so that we can include other areas that could be utilized by the State bank.

I also reintroduced the National Infrastructure Development Act. This bill uses two financing mechanisms to attract private capital. First, the National Infrastructure Development Act creates a new category of a revenue-neutral bond called a public benefit bond. These are tax-exempt bonds which can be used by investors to attract capital for infrastructure development.

The act would also create a Government-sponsored corporation that would have the same kinds of functions as a State Infrastructure Bank, but with expanded authority. The lending corporation would eventually become fully privatized once it has the capital it needs by way of returns on its infrastructure investments.

What I want to do with these bills is to open up a bipartisan discussion about the ways in which we can create the most effective financing tools for rebuilding America's infrastructure. In the era of declining Federal budgets, what we need to do in an effort to try to create jobs, we need to create these jobs and at the same time to try to save the Federal Government money. We need to have private financing tools, private investment, in investing in America's infrastructure.

Today there are many, many American corporations who are investing in infrastructure in Third World countries. What we want to do is to try to capture some of those investment funds and have them invested right here in the United States, where we can rebuild our schools, our roads, our bridges, our mass transit system, our rail system, our airports, our environmental facilities, and in the process, create hundreds of thousands of new jobs.

I urge my colleagues to study the bills over the coming weeks and months. I hope they will be able to demonstrate their support for these kinds of public-private partnerships. I thank the Members for their consideration.

HOW DO WE KEEP SOCIAL SECURITY SOLVENT?

The SPEAKER pro tempore (Mr. SNOWBARGER]. Under a previous order of the House, the gentleman from Michigan [Mr. SMITH] is recognized for 5 minutes.

Mr. SMITH of Michigan. Mr. Speaker, this is Ryan Hemker from Quincy, MI, coming in from my Michigan Seventh Congressional District as a page, so Ryan is going to help me flip these charts.

Social Security is developing into an issue which more and more people are realizing has very serious consequences. We are talking about the question now of should we continue to dip into the Social Security trust fund to use for current other Government spending. What I want to talk about is how do we keep Social Security solvent, and is there a currently a real problem with Social Security?

As we see by this first chart, Social Security is now the largest spending item in the Federal budget. This past year it was $347 billion larger than the defense bill, larger than the other 12 discretionary spending bills, of course larger than Medicaid or Medicare or the other entitlements. Interest on the public debt, and that interest includes the money that has been borrowed from the Social Security trust fund, now takes up 15 percent of the Federal budget.

Let us go to the next chart. The next chart shows part of the problem. Our birth rate is going down and people are living longer, and that means that the expense that we are paying into the cost of Social Security is going up.

Since those figures in billions are so huge, I brought it down to a minute out of every day. Right now we are spending $661,000 a minute, $661,000 a minute to pay Social Security benefits. But spending per minute in the year 2030 is going to be $5,717,000. It is going from $600,000 to over $6 million in these next few years.

That is because more and more people are living longer, the birth rate is going down, and as the next chart shows, we are seeing that for Americans, when Social Security started in 1935, the average age of death was 63 years old. Now the average age of death is 74 years old, but if you happen to reach 65 and start collecting those benefits, then the average age of death for that person that reaches 65 years old goes up to 84 years old.

As people live longer and the baby boomers retire to expand that senior population, we see the increase on this chart, that seniors are increasing at the rate of 108 percent between now and 2040, where workers that are paying in to pay for those benefits with their Social Security taxes are only increasing at the rate of 23 percent.

Let me stop and pause here a minute to stress the fact that this is a pay-as-you-go program. Current workers pay their taxes to pay the benefits for current retirees. That is the way it is now. That is the way it always has been. There is no savings account. We talk about the trust fund, but the trust fund is only the surplus in every month when those Social Security taxes come in. If you subtract the benefits that are paid out, you have a little surplus, especially since we started increasing the Social Security taxes in the last 15 years. That surplus is what goes into the Social Security trust fund. Now there is $540 billion in that trust fund, and it is a problem, because we are even using that money for other Government expenditures.

I have proposed legislation that stops the Government from using that surplus money. That is a start. As we see on the number of people, the number of workers that are working, that are paying in their taxes to support each retiree, in 1950 we had 17 workers paying in their taxes to support each retiree. In 1996 we had three workers. By the year 2029, we are only going to have two workers that are going to be asked to pay enough taxes to support each retiree.

Look, anybody under 55 years old had better seriously look at changing the Social Security system. It needs changing. Politicians can no longer bury their heads in the sand and pretend the problem does not exist.

Just let me flip through these charts. Right now we expect to take in less tax revenues than is required for the payout in 2011. However, Dorcas Hardy suggests that it could happen, and we could essentially be in bankruptcy or having less money than required for the payouts as early as 2005. We cannot wait to solve this problem. After that, the red part shows how huge the deficits are going to be, up to $400 billion a year in today's dollars.

So far we have relied on tax increases to cover the problems of Social Security, so we have gone from 2 percent of the person's payroll, and now we are up to over 12 percent. In fact, if we look at the tax increases since 1970, we have had tax increases 36 times. There has to be a change. I ask everybody to take a look at my bill. It is not the perfect solution. Let us take it up the flagpole, start shooting at it, but let us no longer ignore the real problem with Social Security.

GENERAL LEAVE

Mr. SMITH of Michigan. 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 the special order given today by the gentleman from New Jersey [Mr. PAPPAS].

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

There was no objection.

THE PRESIDENT'S OBSESSION WITH EDUCATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. GREEN] is recognized for 5 minutes.

Mr. GREEN. Mr. Speaker, earlier this week the Washington Times reported on President Clinton's obsession with education, when he was at the Maryland State Assembly earlier this week. I am happy to note that he is also obsessed with a competitive America in the future, and obsessed with giving children the opportunity for an education.

Although the Times, I think, meant it as an insult, I would be glad to accept this characterization with honor. I would hope that all Members of Congress, including my Republican colleagues, would be obsessed with education.

During the State of the Union, President Clinton set the tone for the second term by indicating that education will be his top priority. The President's education agenda is ambitious, but I believe we are up to the challenge. Two key elements of the President's plan are already part of the Democrat's family first agenda, the $10,000 tax deduction for tuition and training, and the 2-year $1,500 HOPE scholarship. I will continue to work with the President to ensure that college will be made more affordable for working families.

The President also stressed the importance of every child reading independently by the third grade and every child knowing algebra by the eighth grade. Ensuring that these goals are met requires more attention and resources focused on early childhood training and childhood education.

The President puts his money where his mouth is by proposing to expand Head Start to cover 1 million children by the year 2002. The President also recognizes the need to give disadvantaged children the help they need in order to succeed in school. Part of that effort is the President's budget would allow for $7.5 billion in requested aid for title I funding for elementary and secondary schools. This is an increase of over $347 million over the funding for 1997.

Title I supplements local school efforts to improve reading and math skills of students who are at risk of school failure. This program serves 6.8 million disadvantaged children annually, and helped the students in my 29th district, that I am honored to represent, to improve their basic skills performance.

In fact, Monday of this week, I was at a school in Galena Park School District and talked with the principal and the teachers and the students about the importance of title I funding at that particular elementary school.

Title I is successful, and even my Republican colleagues on the Committee on the Budget agree. In their analysis of the President's budget, the Committee on the Budget reports the following about title I, the Title I Program. This program, title I basic grants, is one of the most important Federal programs for local schools. I hope my colleagues remember this statement during the appropriations process.

I am especially proud that the President has chosen to use the formula that we developed in the 103d Congress to improve the way title I grants are distributed.

□ 1900

Our formula provides greater funding levels to counties with high numbers or percentages of children who are living in poverty. Texas and States like ours that have a large population of disadvantaged children will benefit from this formula.

On Tuesday, Secretary of Education Richard Riley will give his state of American education address. I am proud to participate in Houston as a host of the satellite uplink of the Secretary's speech. The fact that we will be able to watch the address via satellite at Channelview High School is a testament to the benefits of one of President Clinton's 10 points he outlined in the State of the Union Address, the value of bringing technology into our schools.

Channelview Independent School District has built a state-of-the-art high school to educate children for the 21st century. That money was local money that they voted themselves to build a state-of-the-art high school for their children to be educated for the next century.

As Americans, we are leading the way in showing how our global classroom is a better educated classroom. The Internet and satellite communications expand learning beyond the classroom, the classroom setting. In Channelview High School they have that. Every school, every room is capable of having Internet capabilities in Channelview High School.

The value of technology is best appreciated when it builds on the foundation of essential skills. I am looking forward to hearing Secretary Riley's state of the America education address and look forward to working to improve our schools based on standards of excellence to help States and school districts cope with the growing elementary and secondary enrollments and to modernize our schools for the 21st century.

Yes, we should all be obsessed with education.

The SPEAKER pro tempore (Mr. SNOWBARGER). Under a previous order of the House, the gentleman from New Jersey [Mr. SAXTON] is recognized for 5 minutes.

[Mr. SAXTON 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. LATOURETTE] is recognized for 5 minutes.

[Mr. LATOURETTE addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. FOLEY] is recognized for 5 minutes.

[Mr. FOLEY addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

EDUCATION

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from New Jersey [Mr. PALLONE] is recognized for 60 minutes as the designee of the minority leader.

Mr. PALLONE. Mr. Speaker, this evening I want to spend some time discussing the topic of education in the 105th Congress. I just heard my colleague from Texas and the emphasis he put on education, and obviously the President has stressed it as his No. 1 priority. He did so in the State of the Union Address just last week. The Democrats, of course, as part of their families first agenda that they put forth in the last Congress have continued to prioritize education as an issue that the Congress must address that in particular should be addressed as soon as possible.

The President and congressional Democrats have basically developed a very sweeping plan to make investments in every level of the Nation's education. And in so doing, Democrats have also filled the void that I think has existed since the opening days of this session.

I should say by contrast that so far we have seen very little in terms of specifics from the Republican side of the aisle. We really have no indication of whether they are going to be receptive to the President's or the Democrats' education agenda. I was certainly disappointed today when, rather than spend time on a substantive issue such as education, the Republican leadership brought forward votes on the term limits. We spent the entire day arguing over term limits.

I would say that there are many people in Congress that think term limits are important and certainly it deserves to be debated on the House floor. But I think it borders on irresponsibility to waste time examining term limits when there are issues of true importance awaiting consideration such as

the President's education agenda. Term limits do not teach children to read. They are not going to help repair our decaying schools or meet the rising cost of college.

I would also point out that hopefully we are beyond the situation that we faced in the last Congress where the Republicans were attacking Federal education with unprecedented vehemence upon assuming the majority for the first time in 40 years. Two years ago, the Speaker proposed the largest education cuts in history and voted to slash, basically put forward an agenda to slash education programs by 15 percent or $3.6 billion. Local school districts across the country braced for and eventually suffered the worst pursuant to that GOP agenda in the last Congress. They actually forced Government shutdowns that delayed the ability of school boards to plan for the coming academic year. Among the billions of dollars that the Republicans wanted to cut from longstanding and successful Federal programs in the last Congress was a $1.2 billion cut in title I, basic grants.

They of course started to receive a lot of objection from the public about those cuts. Eventually they were restored after, I think, they realized that the American people did not want, did not want to see the kinds of cuts in the title I basic grants program. I thought it was rather interesting that just recently Chairman KASICH's Committee on the Budget praised the very program it advocated gutting in 1996, noting that title I is, quote, ''One of the most important Federal programs for local schools.''

I guess we have to say at least we are happy that now we see the Republican leadership saying that these education programs are important, and hopefully the kind of cuts and the shutdowns that we saw in the last Congress are behind us.

Let me just say that the President's budget puts forth or the President puts forth a 10-point plan to invest in education, the one that he detailed in his State of the Union Address. It really looks at every aspect of education, whether it is preschool, whether it is secondary school education or college education and the cost of college education.

The new education plan essentially addresses most of the, or many of the pressing problems that face the country today in terms of our educational system. Because some 40 percent of the Nation's fourth graders are reading below the basic level, the President has proposed the America reads challenge to ensure every child can read independently by third grade. Because some 60 percent of the Nation's schools are in need of major repair or outright replacement, the President has proposed a school construction initiative. And because the cost of college continues to outpace the rate of inflation, Democrats have proposed tax breaks to help parents and students pay college tuition.

So if we look at this 10-point plan, which I will develop a little more as we go on this evening, we can see that it is an effort really to address education needs at every level.

Again, I hope that we see the Republican side of the aisle recognize that these initiatives are important, that they can make a difference and that we move forward with this education agenda. Instead, as you know, last, in the last session of Congress, we saw the GOP leadership going so far as to actually not only talk about massive cuts in education and voted for them but even talk about dismantling the Department of Education. Again, I hope that the effort to say that we do not need a Federal Department of Education goes the way of all these massive cuts that they were proposing in the last term. Instead we see some real progress in trying to move on some of these education initiatives.

I would like now, if I could, to yield to the gentleman from Massachusetts, one of the new Members from Massachusetts. I know he is very concerned about the education issue.

Mr. Speaker, I yield to the gentleman from Massachusetts [Mr. MCGOVERN].

Mr. MCGOVERN. Mr. Speaker, I want to commend the gentleman from New Jersey for his leadership and for his passion on this issue of education and for arranging this special order today. There is no issue more important facing this country than the issue of education.

I believe, as I know the gentleman from New Jersey believes, and I hope every Member of this House believes that every child in America deserves to have access to a quality education, an education that must be affordable.

Every child in America deserves to go to school in buildings that are regularly maintained and every family needs to know that when their child graduates from the third grade, he or she will be able to read. I commend the President for setting that national standard.

Every family needs to know that when their child graduates from the 8th grade, he or she will be able to do advanced math like algebra. In today's world, every child deserves to go to a school that is hooked up to the internet and has access to electronic information resources.

We are in a global economy. There is no way we are going to be the economic superpower of the 21st century unless we have a well-trained work force. That requires that we have a work force that is literate in computer technology.

Every family needs to know that when their son or daughter graduates from high school, they will be able to afford the rising costs associated with the next stage of their education.

Our President proposed real solutions to each of these challenges in his State of the Union address last week. I strongly support the President's education agenda, and I will fight, along with the gentleman from New Jersey and so many others on our side of the aisle, we will fight tooth and nail to ensure that this Congress makes that agenda its number one priority.

I want to share with you this evening why I feel so passionately about these education priorities. Education is an issue that touches me on a very personal level. My two sisters are teachers in the Worcester public school system. Through them, I have come to understand the selfless dedication that our Nation's teachers demonstrate every day of the week. I know from watching my sisters how extraordinarily hard our teachers work to keep students engaged and interested in complex subjects and how utterly devoted they are to making sure their students make the grade.

But from traveling throughout my district, I also understand that teaches and students are working against tremendous odds. I have seen teachers working to bring their students into the information age under conditions that are much closer to the stone age.

One morning I asked a teacher in my district what he could do with 20 computers in his classroom. He raised his eyebrows and turned around and looked at me and quietly pointed to the fact that he only had one electric socket in his entire classroom. Buildings in my district and buildings throughout this Nation need significant rehabilitation and in some cases complete rebuilding before our students can hope to be launched into the information superhighway.

This is one of the reasons I was so pleased to hear President Clinton announce his proposal for $5 billion in subsidies to leverage $20 billion in school construction. Every Member of this Congress knows firsthand how badly our local school districts need help in bringing our public school buildings up to power.

We cannot ask great things from our students without providing them a safe, stable environment in which to learn and grow. I want you to know that the third district of Massachusetts is blessed with many fine institutions of higher learning. We have some of the finest colleges and universities in the world located in my district. They are the greatest natural resource for both educational and economic renewal that I can imagine.

The key is to make these institutions accessible and affordable to every hard-working family in central and southern Massachusetts and throughout the country. As I have spent time talking to families throughout my district, I have come to realize the rich diversity of our area. Families of all backgrounds and all incomes, young people with every interest and talent each face a similar challenge, how do I pay for college.

Some families seek to send their kids to a four-year university, others a community college, still others a vocational or technical school. Every family I meet is gravely concerned about

the skyrocketing cost of college tuition, the shrinking amount of funds available for student aid and the intense pressure to balance the need for a college education with a host of other pressing economic needs.

I am proud to say that our President, President Clinton, must have listened to the families across this Nation because his call for action on education speaks directly to the needs I hear from the residents of Worcester and Fall River and Attleboro and Medway and Franklin and so many towns throughout my district. As I talk to Members in this Chamber, they are hearing the same message from their districts.

The President has asked Congress to increase both the number and the level of Pell grant funds and to provide tax relief to families with kids in college, either through a tax credit or a tax deduction.

Mr. Speaker, education is a very personal issue for me. It is a critically important issue in my district, and it is now a national priority of the highest order. For our children's future and for the future economic well-being of our Nation, I hope that every Member of this House, regardless of party affiliation, will support the President's call to action on education. We owe it to ourselves, we owe it to our country, and most important, we owe it to our children.

I thank the gentleman from New Jersey again for his leadership on this issue.

Mr. PALLONE. Mr. Speaker, I just want to commend the gentleman for particularly making reference to the higher education initiative that the President has put forward. Because as much as I think that all parts of his 10-point plan are significant, the higher education initiative I think is particularly important because all we hear constantly or at least I do, and I am sure you do, from our constituents is how difficult it is to afford to send their children to college, whether it is public or private school or whether it is two years or four years or a graduate or professional school.

Basically what the President is proposing here is building on existing programs like the Pell Grant Program, like the Work Study Program, like the Direct Student Loan Program, and trying to make those programs more accessible to more people, but at the same time coming up with new initiatives in terms of the tax deductions and the Hope Scholarship Program so that there are even more, if you will, opportunities, expanded opportunities to pay for higher education.

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I know that certainly in his first term, in his first 4 years as President, and obviously with the cooperation of the Congress, he was already able to make some expanded opportunities available with the AmeriCorps program, basically allowing students to work to pay back their student loans. And even with that, we constantly hear the need for more expanded opportunities for higher education.

Right now that is the education issue that I hear the most about, even though the others, I am sure, are just as important.

Mr. McGOVERN. Mr. Speaker, if the gentleman will yield, I could not agree with him more. The reality of the economy that we are faced with now is it is a global economy. We are going to need to have a work force that is well educated, that is able to take advantage of higher education, and in that spirit we must make it affordable to families and to young people and to adults who want to further their education.

I was particularly excited about the President's State of the Union Address because he said education is his No. 1 priority. Well, it is my No. 1 priority, and should be the No. 1 priority of everyone in this Congress. We will not be the economic superpower in the 21st century unless we have a well educated work force. We will not effectively combat problems like crime, we will not effectively deal with issues like welfare reform, unless we deal more effectively with the issue of education.

I think if this President's legacy is that he goes down in history as the education President, truly the education President, where he expands educational opportunities for our young people, where he improves the quality of schools at our elementary and secondary level, I think he will go down in history as one of the greatest Presidents we have had. So I am excited about his agenda.

I agree with the gentleman especially on higher education. I have talked to countless families who say to me that they have a couple of kids of college age who are looking at various colleges, and they are looking at the costs of tuition and the cost of board and the cost of books, and they cannot figure how they are going to finance it.

The gentleman knows know as well as I do there are a lot of families out there now that are just basically surviving, people working two or three jobs just to make ends meet, who do not have much of a savings, and they welcome this kind of tax relief, the grants the President has proposed. They welcome it because it will open up opportunities for their kids.

I think every parent wants the very best for their children. I think if we enact the President's agenda here, we will help a lot of families realize that dream for their kids.

Mr. PALLONE. The other two issues that I hear so much about, again from constituents, one is with regard to school construction and modernization, because there are so many schools now that really do not have the funds or they have to raise property taxes or whatever in order to pay for new construction or modernization.

We know that it is very difficult to learn if one is in a building where the infrastructure is such that the ceiling is leaking or it is not properly ventilated or whatever it happens to be. I think that the President brought forward the need for that in ways that maybe a lot of us on the Federal level have not really been aware.

Essentially what he is proposing, from what I understand, is sort of a Federal-State-local partnership so more of that modernization can be done. But I know even in my district, which is pretty much a suburban district, there are a lot of schools that have the need for upgrading and modernization and the school boards simply do not have the funds to pay for it.

Mr. McGOVERN. Absolutely. I agree with the gentleman. The fact of the matter is that when I go around talking to schools, they welcome any Federal assistance to help them recognize some of their goals, whether it be bettering the quality of the classrooms or trying to hook the schools up to the information superhighway.

I gave an example in my opening remarks of talking to a teacher who, when I asked, ''Would you like 20 computers? What would you do with them?'' he said, ''I could not use them. I do not have enough electric sockets in my classroom to be able to utilize them.''

Part of the problem is making sure we have the computer technology available so that our young people can take advantage of it, but the other part of the problem is making sure that the school building, the infrastructure, can handle it. Computers without plugs do not make much sense.

So, again, I agree with the gentleman. I think the President is doing the right thing here and, again, I do not know of a single school district in this country who would not welcome that kind of Federal assistance. It is a wise investment.

I hear a lot of people say, about investing in education, that we are trying to balance the budget; we cannot invest any more in education. Well, I say every time we have invested in education this country has been better off. Look at history. Go back to the GI Bill of Rights. It cost us a little up front to launch that program, but I do not know of a single person today who would say, well, the GI Bill of Rights was a bad idea; we should not have invested in the education of a whole generation of young people.

Likewise, I think the investments we make today, 10, 20 years from now we will look back and people will say that was a wise thing to do, that our country is going to be stronger and better off as a result of it.

Mr. PALLONE. The other thing that surprises me is we have already received some criticisms to the President's suggestion of national standards. One of the 10 points, in fact, I think it is the first of his 10 points, that we set rigorous national standards, with national tests in 4th grade reading and 8th grade math to make

sure our children master the basics, this has been criticized already, that it is a bad thing to establish Federal standards.

I think the President made it clear he was not mandating these standards. He was basically saying the Federal Government can establish these standards and create incentives, if you will, to have the schools meet those standards. Again, that is the way I see the Federal role. The Federal role can well be, let us establish the standards and then the various school districts in the States on a voluntary basis try to meet them.

I was kind of shocked to see some of our colleagues on the other side suggest that somehow that that was interference and that was a bad way to go. I really believe that, as much as the decisions about education will continue to be made and should continue to be made by the local school boards, there is nothing wrong with the Federal Government trying to help out and provide some kind of a basic standard.

Mr. McGOVERN. I agree with the gentleman. The fact of the matter is the President is not advocating the Federal Government take over the role that has historically been a local role with regard to education. He is not saying that by any means, but he is utilizing the bully pulpit, he is utilizing his position to challenge school districts, schools all across this country, to meet certain minimum standards.

I do not know how anybody could object to a national standard that by third grade every young boy and every young girl has to be able to read and write. That is certainly not a controversial goal, I think, to be set. I think it is something that we should applaud.

It should shock us all that so many of our young kids at that age cannot read or write. The President has set that goal out there, he has challenged us to meet it, and we need to find ways to meet it.

Part of his call to voluntarism is that to the extent that people can, that they volunteer to help tutor young kids so they can read or write by the time they are in third grade. This is a part of the solution, again, and I applaud that.

It is important that we do set some sort of national standards and some sort of national goals, again, not to interfere with local jurisdictions or State jurisdictions, but as a Nation we should want these things. So I applaud the President on those things.

Mr. PALLONE. If we look again at every one of the initiatives in his 10-point plan, every one of them basically is organized so that the Federal Government is basically providing an incentive to local school boards.

It is not only the national standards we talked about, but the idea of a talented and dedicated teacher in every classroom, the 100,000 master teachers through some sort of national certification, a teacher for every student to read independently and well by the end of the third grade, expand Head Start.

Head Start, I hope, has gotten to the point now where everybody on both sides of the aisle recognizes its value, but I guess like everything else it is a question of how much we will provide for it. In my district—again, I have been to many of the Head Start programs—most of them have waiting lists. Most of them have a lot of kids that really cannot take advantage of the program, and it works very well. We need to expand it.

What he is basically saying is that his budget would expand Head Start to cover one million children by 2002 so that essentially every child who is eligible would have the opportunity to participate in Head Start.

Mr. McGOVERN. And I would just add that these proposals, while I welcome them and applaud them, one could argue they are modest in some respects. Some of us wish they would go farther.

On the Pell grants, the President, to his credit, advocates increasing the maximum award to $3,000. I think they should be increased to $5,000 to reflect inflation over the years since the Pell grants were first initiated. We must make sure there are opportunities for those who are from lower income families so that they can take advantage of a college education as well. These are reasonable, modest proposals.

I want to tell you, what the President has outlined is going to test whether this Congress is truly committed to making education its No. 1 priority or whether this Congress is not. It is that simple.

I hope, anyway, that we can have some bipartisan cooperation here. The President said that education should be a nonpartisan issue. I agree with him. I hope that all of us here can join together and enact all of these proposals. Maybe we can make them a little bolder, because I think that is what is needed.

If we truly want to see this country be the economic superpower into the next century, if we truly want to make sure we are dealing with all these other social and economic problems that we debate here on this floor every single day, then education has to be a priority and we are going to have to invest in education.

So, again, I am going to do what I can to try to advance his agenda forward. I know the gentleman from New Jersey is going to do the same thing. Clearly, education is the number one priority, and the President deserves a great deal of credit for drawing the lines in his State of the Union address.

Mr. PALLONE. Mr. Speaker, I want to thank the gentleman, and I also want to say that obviously, for both of us, this is the beginning of our effort to try to continue to bring our colleagues' attention to the fact that the President's education program needs to be enacted, and that we need to move on it as quickly as possible.

Obviously, we feel very strongly that that is the case. Most of what is in the President's program was basically put forward with the Democrats' family first agenda last year. I think it is really crucial that we keep making the point that we need to move on it; that we cannot waste any time, because it really can make a difference in terms of investing in our future and that bridge that we keep talking about to the next century.

So I thank the gentleman again and yield back the balance of my time.

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PEACE FOR AFGHANISTAN

The SPEAKER pro tempore (Mr. SNOWBARGER). Under a previous order of the House, the gentleman from California [Mr. ROHRABACHER] is recognized for 5 minutes.

Mr. ROHRABACHER. Mr. Speaker, as I ran back and forth today trying to cast my votes on this very important issue of term limits, I was visited by four individuals who have trekked halfway around the world in order to visit this capital of the United States of America in an attempt to bring peace to their own country. Those individuals represent one of the factions that continue to struggle in Afghanistan. Those individuals 10 years ago were engaged in a struggle to defeat the most powerful enemy and the most powerful dictatorship in the world, the Soviet Union. The people of Afghanistan rose up against their invaders and it was their courage and their determination that helped bring an end to the cold war. Yes, it was the little Mujahedin 110-pound man with a turban on his head and a beard who jumped from behind a rock and faced a Soviet tank and said: You shall not impose your will on Afghanistan. You will not destroy our faith in God. You will stop here. You will not control my country. I will die before you succeed.

It was that bravery and that courage of that perhaps uneducated man from Afghanistan who was willing to give everything that eventually brought the expansion of the Soviet empire to an end and reversed the course of the cold war. The United States has a lot to be grateful and all the people of the free world have a lot to be grateful for to the people of Afghanistan. Yet the struggle goes on. For the last 3 hours, I have been speaking with these gentlemen who have trekked halfway around the world in order to find peace for their country, in order to find a peace for Afghanistan. The American people owe a great debt of gratitude to Afghanistan. We would still be in a cold war today. There would still be nuclear missiles aimed at the United States of America by a belligerent power from the Soviet Union had not the people of Afghanistan risked everything in order to defeat the Soviet empire and to defeat the Communist thrust into their country. For this, the entire world and

the people of the United States owe the people of Afghanistan a great debt. Yet right after the Soviet Union collapsed, the United States ran at a quick pace away from Afghanistan and never looked back. And every day, even to this day, young people in Afghanistan, children, are blown apart by land mines, some of which were provided by the United States of America. We have not done our best to try to bring peace to a country and to a people to whom we owe so much. It is my hope that, in Afghanistan, the leaders of the Taliban movement who now control much of that country and the leaders of other factions who control the northernmost regions of that country can come to an understanding that will bring peace and will bring free elections to that strife-torn country and will provide for the people of that country, those brave people of Afghanistan, who stood against Soviet tyranny and Soviet armor, will bring them at last to a time when they can rebuild their water ducts, they can rebuild their villages and mosques, they can rebuild their schools and they can begin again to have a country devoted to Islam, their religion, devoted to their families and to their honor. The United States owes it to the people of Afghanistan to do what we can to help bring peace to that country.

Tonight, as I say, I have spoken to these leaders who have trekked halfway around the world trying to seek help from the United States in bringing peace to their country. I personally believe that the King of Afghanistan represents an option that could unify all of the people of Afghanistan because they know that he will soon die, he is over 80 years old, and will pass away and thus is not a threat in the long run to any one faction. The King of Afghanistan would like to bring democracy to his country. What we have learned, if we have learned anything in these last 50 years, is that free elections bring peace. It is democracy that will bring peace to the world. When Ronald Reagan confronted the Soviet empire, he stressed our belief in freedom and the support for those who struggle for freedom around the world, and that is what changed the world and has made this a more peaceful world. Let us hope that in the years ahead, there will be a more peaceful Afghanistan and the people there can live in dignity and honor and prosperity that they have earned with their blood and their honor.

AMERICANS FOR DEMOCRATIC ACTION: 50 YEARS OF DEDICATED SERVICE TO PROGRESSIVE IDEALS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from California [Mr. FILNER] is recognized for 60 minutes.

GENERAL LEAVE

Mr. FILNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the topic of my special order.

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

There was no objection.

Mr. FILNER. Mr. Speaker, I rise today, and many of my colleagues will submit statements to the RECORD to support this special order, to commemorate the 50th anniversary of a great organization called Americans for Democratic Action, an organization we fondly call ADA, an organization that has worked tirelessly for 5 decades to improve American society.

It was on January 3, 1947, that 130 people gathered at the Willard Hotel in Washington, DC, to form Americans for Democratic Action. Included were political activists, academics, housewives, labor union leaders, and former New Dealers. They were idealists, the well-known and the unknown, all dedicated to the basic principle that government has a positive role to play in the lives of its citizens in promoting individual liberty and economic justice.

Among the founders of ADA were such well-known figures as Eleanor Roosevelt, John Kenneth Galbraith, Walter Reuther, David Dubinsky, Arthur Schlesinger, Jr., Reinhold Niebuhr, Joseph L. Rauh, Jr., and Hubert Humphrey. And because I had the opportunity to work for Senator Humphrey back in the 1970's, I was able to learn from him firsthand about the importance of the role of ADA. I truly value my membership and my current position as a member of the board.

The contributions of ADA have been many. In 1948, ADA's efforts led to the adoption of a strong civil rights plank in the Democratic Party platform which has defined our party's commitment to civil rights for over a generation. In subsequent decades, ADA has taken early principled stands on civil rights and civil liberties, nuclear arms control, apartheid in South Africa, workers rights, women's issues, and the Federal budget and tax policy. ADA was the first national organization to call for an end to the Vietnam war and the impeachment of Richard Nixon. The Humphrey-Hawkins full employment bill saw its genesis at an ADA convention.

The values and ideals of ADA members are just as relevant today. For example, the increase in the minimum wage, preservation of Medicare and the passage of health care portability can all be traced directly to the influence of the members of ADA and similarly thoughtful people. Today ADA continues to be dedicated to building a better world with rising standards of living for all. Its members, in Congress and out, work for the values of promoting basic human rights at home and abroad, ending all forms of discrimination, ensuring full employment and balanced growth and more equitably distributing our resources.

During the 105th Congress, ADA will continue to press for a national commitment to full employment, comprehensive campaign finance reform, universal and quality health care, access to a full range of reproductive health care for all, an end to discrimination, full access to quality education, a safe and healthy environment, and national economic priorities that reflect today's social and defense needs.

It is quite a list, it is quite an agenda, it is quite a full plate. But it is normal for the members of ADA to take a comprehensive approach to the problems and opportunities that we see in American society.

So I want to take this opportunity, as do many of my colleagues, to sincerely recognize and thank ADA and its members. The influence that ADA has exerted over national policy has led to several defining moments in our Nation's history. I welcome its participation in the debates of the future and wish for ADA a continued commitment and involvement worthy of its great founders.

Mrs. MALONEY of New York. Mr. Speaker, it was Eleanor Roosevelt who said, ''You gain strength, courage and confidence by every experience in which you really stop to look fear in the face * * * You must do the thing you think you cannot do.'' The Americans for Democratic Action has for 50 years been an organization that has looked the sometimes cold and heartless agenda of some in this Congress and fought it head on with its more just and compassionate ideals. The Democratic agenda has long been rooted in the principles that the ADA espouses and we are pleased that this organization reminds us of our responsibility to be tough in the face of injustice.

I rise tonight as a proud member of the Board of the Americans for Democratic Action. I am particularly privileged to stand here as a New Yorker as the ADA has an extraordinary history in the Big Apple. Founded in 1947, by David Dubinsky and the ever remarkable Eleanor Roosevelt, and ADA began as part of a labor movement and since then has developed a progressive agenda that spans from equal rights to jobs to economic justice to education. The ADA has been a strong voice for those whose voices are drowned by words of intolerance and fear.

We are truly fortunate that the ADA has not only been completely dedicated to justice within U.S. borders, but has also been instrumental in advancing human rights throughout the world. From Vietnam to Sarejevo, in its support of the United Nations, in its struggle to promote simple human dignity in the smallest villages to the most thriving cities, the ADA has reminded us that it is essential that the United States lead with more than just its own interests in mind.

The ADA is a proud and vigilant conscience of progressive causes during a time when being called a liberal is sometimes the harshest political epithet that can be hurled. There is no way to adequately thank the ADA for its 50-year fight for peace and justice. I can only say thank you for allowing me to be part of your dynamic organization and I look forward to being a part of the next 50.

Mr. NADLER. Mr. Speaker, for 50 years, Americans for Democratic Action has been a proud defender of liberal values in America, so it is with great pleasure that I rise to praise this fine organization.

As a former board member of ADA and a great admirer of its president, Jack Sheinkman, I know well the long history and tremendous accomplishments of ADA.

Founded with the help of Eleanor Roosevelt, ADA, has for decades, actively championed liberal policies that work. ADA has been a powerful force for good in Washington—fighting to increase the minimum wage, protect workers, and support valuable programs like Medicare and Medicaid. ADA has led the difficult fight on behalf of this needy; fighting to ensure that the Federal budget does not neglect those who are often overlooked or blatantly ignored.

From the beginning, ADA has been among the Nation's leaders in the fight for civil rights and racial justice. ADA members successfully worked to integrate strong civil rights protections into the 1948 Democratic platform. Working in the South in the 1950's and 1960's, ADA challenged the President and others to more closely live up to the ideals of this great Nation, to respect the rights of all people, and to tear down the segregationist laws that continued to oppress millions of Americans.

ADA has also led the way in promoting a humanitarian foreign policy. From opposing the Vietnam war to pursuing an end to apartheid in South Africa, ADA has been willing to tackle difficult issues and mobilize public opinion in extraordinary ways. ADA has fought long and hard for nuclear arms control and continues to advocate for lower levels of military spending and more restrictions on international arms sales.

ADA has often advocated ideas that were once seen as radical. From promoting civil rights, to opposing the Vietnam war, to ending segregation, ADA has often been the first to voice opinions that many, at the time, considered radical, but with hard work and active citizen education, move to become the prevailing wisdom. ADA's voice in Washington often shines like a beacon of light that cuts through of fog of misinformation that fills the air on Capitol Hill.

Through bold leadership and the strength that comes from speaking the truth, ADA has achieved enormous victories and improved the lives of people everywhere. To promote active citizen involvement in the fight for equality, justice, and peace—this is the mission that ADA has chosen, and I, for one, believe that they have succeeded tremendously in their efforts.

Now, more than ever, we see the need for grassroots activists empowered by ADA to continue to let their Representatives know what's important to them: protecting working families; helping the needy; and fighting injustice. I welcome their support in the upcoming battles of the 105th Congress, and I know that the American people appreciate their efforts to help create a more perfect Union.

Mr. STOKES. Mr. Speaker, I want to thank my colleague, the distinguished gentleman from California, Congressman BOB FILNER, for reserving this special order. We gather today to recognize the 50th anniversary of Americans for Democratic Action [ADA]. As a fellow ADA vice president, I take special pride in joining my colleagues as we mark the anniversary of an organization which has played an integral role in shaping the social and political landscape of our Nation.

Americans for Democratic Action is an independent liberal political organization founded in 1947 and committed to economic and social justice. The organization's founders include Eleanor Roosevelt, labor leader Walter Reuther, economist John Kenneth Galbraith, historian Arthur Schlesinger, Jr., theologian Reinhold Niebuhr, and former Vice-President Hubert Humphrey.

Americans for Democratic Action currently boats a membership of 30,000, the ranks of which includes members of the business community, professionals, and our Nation's labor and political leaders. ADA seeks to formulate liberal domestic and foreign policies based on the changing needs of the country.

Mr. Speaker, I am proud to note that throughout its history, Americans for Democratic Action has taken solid stands on the issues confronting our Nation. We recall that in 1948, ADA's efforts resulted in the adoption of a strong civil rights plank in the Democratic Party platform. This action has helped to define our party's commitment to civil rights for over a generation. Americans for Democratic Action was equally vocal with regard to the Vietnam war, the impeachment of President Richard Nixon, and the issue of apartheid in South Africa. In subsequent decades, ADA has led by advocating workers' rights, civil and equal rights, increases in the minimum wage, and Federal spending priorities.

Today, as I reflect upon the history of ADA, I recall my close friendship with Joseph L. Rauh, Jr., a great civil liberties attorney who was affiliated with the organization. I also recall that when my brother, the late Carl B. Stokes, sought to become the first black mayor of Cleveland, OH, Americans for Democratic Action was one of the first organizations to host a fundraiser in his behalf. This was done despite the fact that during this time, it was not popular for major organizations to support African-American candidates. With ADA's support, Carl went on to become the first black mayor of a major American city. Like many of my colleagues gathered today, I also take special pride in my annual ADA legislative voting tally.

Mr. Speaker, as Americans for Democratic Action marks 50 years of progress, I applaud the organization for its strong commitment and leadership. I am proud of my close association with ADA and I join many others in saluting its progress.

Mr. DELLUMS. Mr. Speaker, today I rise in recognition of the 50th anniversary of the Americans for Democratic Action [ADA].

Over the past 50 years, the ADA has been a champion of a liberal agenda in local and national politics for American citizens. As the base of its strong foundation, the ADA seeks economic freedom, greater individual participation in government, and constitutional, political, and administrative reforms in order to promote a stronger nation and democracy. I embrace their values which support first and foremost liberty, equality, and opportunity for individuals. The ADA believes the Constitution created a national government to serve the common good, and that the Bill of Rights should protect the freedoms of ordinary citizens. The organization is proud of President Franklin D. Roosevelt's legacy, the New Deal, which espoused dedication to economic security for all Americans, and the need for American leadership within an international community.

The ADA will continue its commitment and urges a progressive advance in the 105th Congress. It hopes to set forth a vision in the 21st century to strengthen human rights and human welfare and to assure peace and security at home and abroad for America. Throughout the tenure of the 105th Congress, the ADA will remind the general public, the Clinton administration, and the Congress that there is an indispensable rule for government in advancing the cause of freedom, dignity, and human welfare. The ADA will call for job creation leading to economic expansion so that the United States can achieve its full economic growth potential providing for a better life for the American people.

Key priorities for the ADA in 1997 include: Expansion of international human rights; opposition of any balanced budget amendments to the Constitution; protection of Medicare, Medicaid, and Social Security from privatization and cuts; jobs for all at decent pay; restoration of cuts in the food stamps program; protection of civil rights, civil liberties, and reproductive choice; protection of workers rights and pensions; protection of the environment; and campaign finance reform leading to public financing of all Federal elections.

These are the mission and goals of the Americans for Democratic Action. On the occasion of their 50th anniversary, I am proud to publicly recognize this political organization and its tireless advocacy of political freedom and constitutional guarantees on behalf of all of us.

Ms. WOOLSEY. Mr. Speaker, it is my privilege to join with my colleagues in celebrating the 50t anniversary of Americans for Democratic Action [ADA]

Americans for Democratic Action was established 50 years ago by some of the most important progressive leaders of this century including Hubert Humphrey, John Kenneth Galbraith, and one of my great role models, Eleanor Roosevelt. These great Americans came together because they believed it was time for a political action and lobbying group that looked out for the interests of the forgotten, the disenfranchised, and the most vulnerable in our society. Fifty years later, I am proud to say that Americans for Democratic Action has lived up to those noble intentions.

Americans for Democratic Action was a leader in the civil rights movement and helped define the Democratic Party's commitment to civil rights and social justice. In fact, ADA has been at the forefront of every progressive cause for the past half century, including stopping the Vietnam war, increasing public awareness of Watergate, fighting for nuclear arms control, workers' and women's rights, and ending apartheid.

As a current vice president of Americans With Democratic Action, I am awed by ADA's past accomplishments. Working with my colleagues in Congress and Americans for Democratic Action, we must follow in the footsteps of Roosevelt and Humphrey and continue to move this Nation forward without leaving anyone behind.

Mr. ENGEL. Mr. Speaker, I rise today to commemorate an important event in American political history, which may have been overlooked by many of my colleagues. On January 3, 1997, Americans for Democratic Action celebrated its 50th anniversary.

ADA has a history of which all its members can be proud. In 1947, a group of activists gathered at the Willard Hotel and pledged themselves to a liberalism which moves with the times. As an ADA vice president, I can say with certainty that ADA has lived up to its vision.

Since that day in 1947, ADA has been at the forefront of political discourse. In fact, ADA was the first national organization to call for the impeachment of Richard Nixon during the Watergate scandal. ADA has also been a leader in opposition to issues such as the Vietnam war and apartheid in South Africa.

ADA provides insightful analysis on a myriad of current issues including workers' rights, student opportunities, women's issues, health care, civil rights, the Federal budget, and defense spending. ADA's political advice and members in the field are an invaluable source of information for me and many other Members of Congress.

I am especially pleased that ADA's two top officers, Henry Berger, who chairs the national executive committee, and Jack Sheinkman, our president, are both fellow New Yorkers. ADA's New York City chapter is one of the largest and most active in the Nation.

ADA is not only one of the longest lived political organizations in this country, it also has a rich history on which it continues to build a vision for the future. I am proud to be an ADA member and look forward to working with this remarkable organization for the next 50 years.

Mr. COYNE. Mr. Speaker, I rise today to join in the special order organized by Congressman FILNER to pay tribute to the Americans for Democratic Action on this organization's 50th anniversary.

The ADA was formed at a time when this country had just emerged from a devastating depression and an all-engaging world war, and when we faced a number of wracking social changes at home and a series of demanding international challenges abroad. Notable figures like Eleanor Roosevelt, Reinhold Niebuhr, Arthur Schlesinger, Jr., John Kenneth Galbraith, Walter Reuther, Paul Douglas, and Hubert Humphrey created the ADA to provide a forum for progressives to debate pressing public policy issues and to articulate a progressive agenda for national action.

Fifty years later, we can say with some perspective that the ADA has done just that. The ADA has taken bold, principled stands on issues as diverse as civil rights and international affairs—and the organization has been the object of unfair attack and invective by some of its political enemies—but throughout it all the ADA has remained true to the ideals of a compassionate society, an activist Democratic government, and the greatest possible personal freedom and opportunity for all of the members of our society.

I want to congratulate the ADA for 50 years of contributions to a more informed public debate, and I look forward to the contributions that the ADA will make in the next 50 years.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin [Mr. NEUMANN] is recognized for 5 minutes.

[Mr. NEUMANN addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. YOUNG of Alaska (at the request of Mr. ARMEY), for today and the balance of the week, on account of a death in the family.)

Mr. SCARBOROUGH (at the request of Mr. ARMEY), for today and the balance of the week, on account of illness in the family.

Mr. CARSON (at the request of Mr. GEPHARDT), for today and the balance of the week, on account of illness.

Mr. OBEY (at the request of Mr. GEPHARDT) for today and the balance of the week, on account of recovering from surgery.

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. KILDEE) to revise and extend their remarks and include extraneous material:)

Mr. GREEN, for 5 minutes, today.

Ms. DELAURO, for 5 minutes, today.

(The following Members (at the request of Mr. BOB SCHAEFER of Colorado) to revise and extend their remarks and include extraneous material:)

Mr. SMITH of Michigan, for 5 minutes each day, today and February 13.

Mr. FOLEY, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. ROHRABACHER for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. KILDEE) and to include extraneous matter:)

Mr. TRAFICANT.
Mr. ROEMER.
Mr. RANGEL.
Mr. DELLUMS.
Mr. SKELTON.
Mr. KILDEE.
Mr. LANTOS.
Mr. BERMAN.
Mr. HAMILTON.
Mrs. MINK of Hawaii.
Mr. STOKES.
Mr. SCHUMER.
Mr. WEYGAND.
Mr. YATES.
Mr. ROTHMAN.
Mr. STARK.
Mrs. MEEK of Florida.
Mr. TORRES.
Mr. COYNE.
Ms. HARMAN.
Mr. BECERRA.
Mr. RAHALL.
Mr. SERRANO.

(The following Members (at the request of Mr. BOB SCHAFFER of Colorado) and to include extraneous matter:)

Mr. BLUNT.
Mr. ROGERS.
Mr. GINGRICH.
Mr. MCINNIS.
Mr. CRANE.
Mr. PAUL.
Mr. DUNCAN.
Mr. WELLER.
Mr. PITTS.
Mr. KNOLLENBERG in two instances.
Mr. CANADAY of Florida in two instances.
Mr. GILMAN in two instances.
Mr. SHUSTER.
Mrs. CUBIN.
Mr. INGLIS OF SOUTH CAROLINA.
Mr. LUCAS OF OKLAHOMA.
Mr. YOUNG OF ALASKA.
Mr. STUMP.
Mr. SPENCE.
Mr. GOODLATTE.
Mr. BUNNING.
Mr. ROGAN.
Ms. ROS-LEHTINEN.

(The following Member (at the request of Mr. FILNER) and to revise and extend her remarks:)

Ms. WOOLSEY.

ADJOURNMENT

Mr. FILNER. MR. SPEAKER, I MOVE THAT THE HOUSE DO NOW ADJOURN.

The motion was agreed to; accordingly (at 7 o'clock and 42 minutes p.m.), the House adjourned until tomorrow, Thursday, February 13, 1997, at 10 a.m.

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 Mrs. JOHNSON of Connecticut (for herself, Mr. SOLOMON, Ms. PRYCE of Ohio, Mr. SHAW, Mr. HERGER, Mr. MCCRERY, Ms. DUNN of Washington, Mr. SAM JOHNSON, Mr. PORTMAN, Mr. ENSIGN, Mr. ENGLISH of Pennsylvania, Mr. WELLER, Mr. HAYWORTH, and Mr. FOLEY):

H.R. 693. A bill to amend the Internal Revenue Code of 1986 to repeal the increase in the tax on Social Security benefits; to the Committee on Ways and Means.

By Mr. LATOURETTE:

H.R. 694. A bill to provide for a change with respect to the requirements for a Canadian border boat landing permit pursuant to section 235 of the Immigration and Nationality Act; to the Committee on the Judiciary.

By Mr. GOODLATTE (for himself, Ms. LOFGREN, Mr. DELAY, Mr. BOEHNER, Mr. COBLE, Mr. SENSENBRENNER, Mr. BONO, Mr. PEASE, Mr. CANNON, Mr. CONYERS, Mr. BOUCHER, Mr. GEKAS, Mr. SMITH of Texas, Mr. INGLIS of South Carolina, Mr. BRYANT, Mr. CHABOT, Mr. BARR of Georgia, Ms. JACKSON-LEE, Ms. WATERS, Mr. ACKERMAN, Mr. BAKER, Mr. BARTLETT of Maryland, Mr. CAMPBELL, Mr. CHAMBLISS, Mr. CUNNINGHAM, Mr. DAVIS of Virginia, Mr. DICKEY, Mr.

DOOLITTLE, Mr. EHLERS, Mr. ENGEL, Ms. ESHOO, Mr. EVERETT, Mr. EWING, Mr. FARR of California, Mr. GEJDENSON, Mr. GILLMOR, Mr. GOODE, Ms. NORTON, Mr. HORN, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. SAM JOHNSON, Mr. KOLBE, Mr. MCINTOSH, Mr. MCKEON, Mr. MANZULLO, Mr. MATSUI, Mr. MICA, Mr. MINGE, Mr. MOAKLEY, Mr. NETHERCUTT, Mr. PACKARD, Mr. SESSIONS, Mr. UPTON, Mr. WHITE, and Ms. WOOLSEY):

H.R. 695. A bill to amend title 18, United States Code, to affirm the rights of U.S. persons to use and sell encryption and to relax export controls on encryption; to the Committee on the Judiciary, and in addition to the Committee on International Relations, 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. ACKERMAN:

H.R. 696. A bill to amend the Animal Welfare Act to require humane living conditions for calves raised for the production of veal; to the Committee on Agriculture.

By Mr. BILIRAKIS (for himself, Mrs. THURMAN, and Mrs. FOWLER):

H.R. 697. A bill to waive temporarily the Medicaid enrollment composition rule for certain health maintenance organization; to the Committee on Commerce.

By Mr. BLUNT:

H.R. 698. A bill to designate the U.S. Post Office Building located at Bennett and Kansas Avenue in Springfield, MO, as the ''John Griesemer Post Office Building''; to the Committee on Government Reform and Oversight.

By Mr. BONILLA (for himself and Mr. SAM JOHNSON):

H.R. 699. A bill to guarantee the right of all active duty military personnel, merchant mariners, and their dependents to vote in Federal, State, and local elections; to the Committee on House Oversight, and in addition to the Committees on Veterans' Affairs, 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. BONO (for himself and Mr. KILDEE):

H.R. 700. A bill to remove the restriction on the distribution of certain revenues from the Mineral Springs parcel to certain members of the Agua Caliente Band of Cahuilla Indians; to the Committee on Resources.

By Mr. BORSKI:

H.R. 701. A bill to amend the Internal Revenue Code of 1986 to allow the deduction for personal exemptions in determining alternative minimum taxable income; to the Committee on Ways and Means.

By Mr. BRYANT (for himself, Mr. BARR of Georgia, Mr. BONO, Mr. CANADY of Florida, Mr. GOODLATTE, Mr. HOSTETTLER, Mr. MCCOLLUM, Mr. SCHUMER, Mr. SENSENBRENNER, Mr. SMITH of Texas, and Mr. DUNCAN):

H.R. 702. A bill to amend section 372 of title 28, United States Code, to provide that proceedings on complaints filed with respect to conduct of a judge or magistrate judge of a court be held by a circuit other than the circuit within which the judge serves, and for other purposes; to the Committee on the Judiciary.

By Mr. BUNNING of Kentucky:

H.R. 703. A bill to refocus the mission of the Federal Reserve System on stabilization of the currency and provide greater public scrutiny of the operations of the Board of Governors of the Federal Reserve System, and for other purposes; to the Committee on Banking and Financial Services.

By Mr. BUNNING of Kentucky (for himself and Mr. CONYERS):

H.R. 704. A bill to require the general application of the antitrust laws to major league baseball, and for other purposes; to the Committee on the Judiciary.

By Mr. BUNNING of Kentucky:

H.R. 705. A bill to amend the Internal Revenue Code of 1986 to modify the application of the passive loss limitations to equine activities; to the Committee on Ways and Means.

By Mr. CAMPBELL (for himself and Mr. LEWIS of Georgia):

H.R. 706. A bill to provide off-budget treatment for one-half of the receipts and disbursements of the land and water conservation fund; to the Committee on the Budget, 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. CRANE (for himself, Ms. DUNN of Washington, and Mr. MCDERMOTT):

H.R. 707. A bill to amend the Internal Revenue Code of 1986 to provide tax treatment for foreign investment through a U.S. regulated investment company comparable to the tax treatment for direct foreign investment and investment through a foreign mutual fund; to the Committee on Ways and Means.

By Mrs. CUBIN:

H.R. 708. A bill to require the Secretary of the Interior to conduct a study concerning grazing use of certain land within and adjacent to Grand Teton National Park, WY, and to extend temporarily certain grazing privileges; to the Committee on Resources.

By Mrs. CUBIN (for herself and Mr. GIBBONS):

H.R. 709. A bill to reauthorize and amend the National Geologic Mapping Act of 1992, and for other purposes; to the Committee on Resources.

By Ms. DELAURO (for herself and Mrs. MEEK of Florida):

H.R. 710. A bill to amend the National Highway System Designation Act of 1995 to direct the Secretary of Transportation to conduct a study of the feasibility of expanding the types of projects eligible for assistance from State infrastructure banks; to the Committee on Transportation and Infrastructure.

By Ms. DELAURO:

H.R. 711. A bill to amend the Internal Revenue Code of 1986 concerning the tax treatment of distributions from qualified retirement plans investing in public benefit bonds; to the Committee on Ways and Means.

By Ms. DELAURO (for herself, Mr. GEPHARDT, Mr. BONIOR, Mr. FAZIO of California, Ms. PELOSI, and Mr. BORSKI):

H.R. 712. A bill to facilitate efficient investments and financing of infrastructure projects and new job creation through the establishment of a National Infrastructure Development Corporation, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committees on Banking and Financial Services, and Ways and Means, 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 Ms. DELAURO:

H.R. 713. A bill to facilitate efficient investments and financing of infrastructure projects and new job creation through the establishment of a National Infrastructure Development Corporation, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committees on Banking and Financial Services, and Ways and Means, 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 committees concerned.

By Mr. DOYLE:

H.R. 714. A bill to designate the Department of Veterans Affairs nursing care center at the Department of Veterans Affairs medical center in Aspinwall, PA, as the ''H. John Heinz III Department of Veterans Affairs Nursing Care Center''; to the Committee on Veterans' Affairs.

By Mr. DUNCAN (for himself, Mr. SCHUMER, Mr. SHAYS, Mr. MEEHAN, Mr. QUINN, Mr. GREENWOOD, Mr. HILLEARY, Mr. FOLEY, Mr. FATTAH, Mr. KLUG, Mr. MARKEY, Mr. FOX of Pennsylvania, Mr. MCHALE, Mr. LIPINSKI, Mr. HASTINGS of Florida, Mr. MATSUI, Mr. PAYNE, and Mr. ANDREWS):

H.R. 715. A bill to amend the Higher Education Act of 1965 to revise the campus security reporting provisions to provide for a more complete, timely, and accurate disclosure of crime reports and statistics, and to provide for specific methods of enforcement of the campus security provisions of such Act; to the Committee on Education and the Workforce.

By Mr. DUNCAN (for himself, Mr. SHAYS, Mr. HAYWORTH, Mr. ROHRABACHER, Mr. PORTER, Mr. STEARNS, Mr. CANADY of Florida, and Mr. HERGER):

H.R. 716. A bill to require that the Federal Government procure from the private sector the goods and services necessary for the operations and management of certain Government agencies, and for other purposes; to the Committee on Government Reform and Oversight, and in addition to the Committee on the Budget, 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. FLAKE:

H.R. 717. A bill to amend the Higher Education Act of 1965 to continue the exemption of certain institutions of higher education serving minorities from default-based ineligibility for student loan programs; to the Committee on Education and the Workforce.

By Mr. FOLEY (for himself, Mr. FRANKS of New Jersey, Mr. HOEKSTRA, Mr. KLUG, Mr. MEEHAN, Mr. ROHRABACHER, Mr. SCARBOROUGH, and Mr. SOLOMON):

H.R. 718. A bill to privatize certain Federal power generation and transmission assets, and for other purposes; to the Committee on Resources, and in addition to the Committee on 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. FRANK of Massachusetts:

H.R. 719. A bill to amend the Elementary and Secondary Education Act of 1965 to allow children who meet certain criteria to attend a school that receives funds under part A of title I of such act; to the Committee on Education and the Workforce.

H.R. 720. A bill to terminate the international military education and training [IMET] program for Indonesia; to the Committee on International Relations.

H.R. 721. A bill to amend the Internal Revenue Code of 1986 to correct the treatment of tax-exempt financing of professional sports facilities; to the Committee on Ways and Means.

By Mr. HASTINGS of Washington (for himself, Mr. TALENT, Mr. NETHERCUTT, Mr. MANZULLO, Mrs.

KELLY, Mr. COMBEST, Mr. CUNNINGHAM, Mr. HOEKSTRA, Mrs. LINDA SMITH of Washington, Mr. GOODLING, Mr. CHABOT, Mr. MCHUGH, Mr. BARTLETT of Maryland, Mr. MCINTOSH, Mr. BARR of Georgia, Mr. SCARBOROUGH, Mr. GILLMOR, Mr. CONDIT, Mr. SNOWBARGER, Mrs. EMERSON, Mr. MORAN of Kansas, Mr. WATKINS, Mr. COOKSEY, and Ms. HARMAN):

H.R. 722. A bill to amend the Internal Revenue Code of 1986 to exempt certain small businesses from the required use of the electronic fund transfer system for depository taxes, and for other purposes; to the Committee on Ways and Means.

By Mr. HOSTETTLER:

H.R. 723. A bill to require the U.S. Trade Representative to determine whether the European Union has failed to implement satisfactorily its obligations under certain trade agreements relating to U.S. meat and pork exporting facilities, and for other purposes; to the Committee on Ways and Means.

By Mr. KENNEDY of Rhode Island (for himself and Mr. FOX of Pennsylvania):

H.R. 724. A bill to amend the Internal Revenue Code of 1986 to allow a deduction for the payment of interest on student loans; to the Committee on Ways and Means.

By Mr. LEWIS of Kentucky (for himself, Mr. CRAPO, Mr. BUNNING of Kentucky, Mr. NETHERCUTT, Mr. CHAMBLISS, Mr. CANADY of Florida, Mr. HOSTETTLER, Mr. LAHOOD, Mr. LATHAM, Mr. HEFNER, Mr. LEACH, Mr. HOLDEN, Mrs. CHENOWETH, Mr. EWING, Mr. BARRETT of Nebraska, Mr. NEY, Mr. EVANS, Mr. POSHARD, and Mr. PASTOR):

H.R. 725. A bill to amend the Competitive, Special, and Facilities Research Grant Act to provide increased emphasis on competitive grants to promote agricultural research projects regarding precision agriculture and to provide for the dissemination of the results of such research projects; to the Committee on Agriculture.

By Mrs. MALONEY of New York (for herself, Mr. BONIOR, Mrs. CARSON, Ms. CHRISTIAN-GREEN, Mr. CLYBURN, Mr. DELLUMS, Mr. EVANS, Mr. FATTAH, Mr. FOGLIETTA, Mr. FROST, Mr. GUTIERREZ, Ms. JACKSON-LEE, Mr. KILDEE, Mr. LEWIS of Georgia, Mr. NADLER, Ms. NORTON, Mr. OWENS, Mr. RUSH, Mr. SERRANO, and Mr. TOWNS):

H.R. 726. A bill to authorize the Secretary of Housing and Urban Development to make grants to nonprofit community organizations for the development of open space on municipally owned vacant lots in urban areas; to the Committee on Banking and Financial Services.

By Ms. MOLINARI:

H.R. 727. A bill to amend chapter 51 of title 18, United States Code, to establish Federal penalties for the killing or attempted killing of a law enforcement officer of the District of Columbia, and for other purposes; to the Committee on the Judiciary.

By Mr. OBERSTAR:

H.R. 728. A bill to amend title 5, United States Code, to provide that service performed by air traffic second-level supervisors and managers be made creditable for retirement purposes; to the Committee on Government Reform and Oversight.

By Mr. PITTS:

H.R. 729. A bill to amend certain provisions of title 5, United States Code, relating to the treatment of Members of Congress and congressional employees for retirement purposes; to the Committee on Government Reform and Oversight, and in addition to the Committee on House Oversight, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. POSHARD:

H.R. 730. A bill to prohibit Members of the House of Representatives from using official funds for the production or mailing of newsletters, to reduce by 50 percent the amount wihch may be made available for the official mail allowance of any such Member, and for other purposes; to the Committee on House Oversight.

By Mr. POSHARD (for himself and Mr. GOODE):

H.R. 731. A bill to amend the Internal Revenue Code of 1986 to permit the interest on water, waste, and essential community facilities loans guaranteed by the Secretary of Agriculture to be tax exempt; to the Committee on Ways and Means.

By Mr. RICHARDSON:

H.R. 732. A bill to authorize an appropriation for the construction of a public museum located in, and relating to the history of, the State of New Mexico; to the Committee on Resources.

By Ms. RIVERS:

H.R. 733. A bill to direct the Administrator of the Environmental Protection Agency to provide for a review of a decision concerning a construction grant for the Ypsilanti Wastewater Treatment Plant is Washtenaw County, MI; to the Committee on Transportation and Infrastructure.

By Mr. STARK:

H.R. 734. A bill to amend titles XVIII and XIX of the Social Security Act to require hospitals participating in the Medicare or Medicaid Program to provide notice of availability of Medicare and Medicaid providers as part of discharge planning and to maintain and disclose information on certain referrals; to the Committee on Commerce, and in addition to the Committee on Ways and Means, 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. STARK:

H.R. 735. A bill to amend the Internal Revenue Code of 1986 and title XVIII of the Social Security Act to establish a program of assistance for essential community providers of health care services, to establish a program to update and maintain the infrastructure requirements of safety net hospitals, and to require States to develop plans for the allocation and review of expenditures for the capital-related costs of health care services; to the Committee on Ways and Means, and in addition to the Committee on 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. STUMP (for himself and Mr. FOX of Pennsylvania);

H.R. 736. A bill to repeal the Federal estate and gift taxes; to the Committee on Ways and Means.

By Mr. TIAHRT (for himself, Mr. SNOWBARGER, Mr. MORAN of Kansas, and Mr. RYUN):

H.R. 737. A bill to amend the International Air Transportation Competition Act of 1979; to the Committee on Transportation and Infrastructure.

By Mr. TRAFICANT:

H.R. 738. A bill to amend the Federal Food, Drug, and Cosmetic Act and the Public Health Service Act with respect to myelogram-related arachnoiditis; to the Committee on Commerce.

H.R. 739. A bill to amend the Public Health Service Act with respect to increasing the number of health professionals who practice in the United States in a field of primary health care; to the Committee on Commerce.

By Mr. WELLER (for himself, Mr. DAVIS of Illinois, and Mr. SHIMKUS):

H.R. 740. A bill to designate the national cemetery established at the former site of the Joliet Arsenal, IL, as the ''Abraham Lincoln National Cemetery''; to the Committee on Veterans' Affairs.

By Mr. YOUNG of Alaska (for himself, Mr. TANNER, and Mr. STEARNS):

H.R. 741. A bill to clarify hunting prohibitions and provide for wildlife habitat under the Migratory Bird Treaty Act; to the Committee on Resources.

By Mr. DREIER:

H.J. Res. 51. Joint resolution proposing an amendment to the Constitution of the United States to repeal the 22d amendment relating to Presidential term limitations; to the Committee on the Judiciary.

By Mr. BARTON of Texas (for himself, Mr. HALL of Texas, Mr. SHADEGG, Mr. TAYLOR of Mississippi, Mr. SAXTON, Mr. CONDIT, Mr. CRANE, Mr. ANDREWS, Mr. HUNTER, Mr. GOODE, Mr. ADERHOLT, Mr. ARMEY, Mr. BACHUS, Mr. BALLENGER, Mr. BARR of Georgia, Mr. BARRETT of Nebraska, Mr. BARTLETT of Maryland, Mr. BASS, Mr. BILBRAY, Mr. BLILEY, Mr. BLUNT, Mr. BOEHNER, Mr. BONILLA, Mr. BONO, Mr. BRADY, Mr. BRYANT, Mr. BUNNING, Mr. BURR of North Carolina, Mr. BURTON of Indiana, Mr. CALLAHAN, Mr. CAMP, Mr. CANNON, Mr. CHABOT, Mr. CHAMBLISS, Mrs. CHENOWETH, Mr. CHRISTENSEN, Mr. COBLE, Mr. COBURN, Mr. COLLINS, Mr. COMBEST, Mr. COOK, Mr. COOKSEY, Mr. COX of California, Mr. CRAPO, Mrs. CUBIN, Mr. CUNNINGHAM, Mr. DEAL of Georgia, Mr. DELAY, Mr. DOOLITTLE, Mrs. EMERSON, Mr. ENGLISH of Pennsylvania, Mr. ENSIGN, Mr. EWING, Mr. FOLEY, Mrs. FOWLER, Mr. FOX of Pennsylvania, Mr. GIBBONS, Mr. GINGRICH, Mr. GOODLATTE, Mr. GOODLING, Mr. GOSS, Mr. GRAHAM, Ms. GRANGER, Mr. GREENWOOD, Mr. HANSEN, Mr. HASTERT, Mr. HAYWORTH, Mr. HEFLEY, Mr. HERGER, Mr. HILLEARY, Mr. HOEKSTRA, Mr. HORN, Mr. HULSHOF, Mr. INGLIS of South Carolina, Mr. ISTOOK, Mr. SAM JOHNSON, Mr. JONES, Mr. KASICH, Mrs. KELLY, Mr. KINGSTON, Mr. KOLBE, Mr. LAHOOD, Mr. LARGENT, Mr. LATHAM, Mr. LATOURETTE, Mr. LEWIS of California, Mr. LEWIS of Kentucky, Mr. LINDER, Mr. LOBIONDO, Mr. LUCAS of Oklahoma, Mr. MANZULLO, Mr. MCCOLLUM, Mr. MCCRERY, Mr. MCHUGH, Mr. MCINTOSH, Mr. MCKEON, Mr. METCALF, Mr. MICA, Mr. MILLER of Florida, Ms. MOLINARI, Mr. NEY, Mr. NORWOOD, Mr. OXLEY, Mr. PACKARD, Mr. PETERSON of Pennsylvania, Mr. PICKERING, Mr. RAMSTAD, Mr. RIGGS, Mr. ROGAN, Mr. ROHRABACHER, Mr. ROYCE, Mr. SALMON, Mr. SANFORD, Mr. SCARBOROUGH, Mr. BOB SCHAFFER, Mr. SESSIONS, Mr. SHIMKUS, Mr. SKEEN, Mr. SMITH of New Jersey, Mr. SMITH of Texas, Mrs. LINDA SMITH of Washington, Mr. SMITH of Michigan, Mr. SNOWBARGER, Mr. SOLOMON, Mr. SOUDER, Mr. STEARNS, Mr. STUMP, Mr. TALENT, Mr. TAUZIN, Mr. TAYLOR of North Carolina, Mr. THORNBERRY, Mr. TIAHRT, Mr. WAMP, Mr. WATKINS, Mr. WATTS of Oklahoma, Mr. WELDON of Florida, Mr. WELDON of Pennsylvania, Mr. YOUNG of Alaska, Mr. KLUG, and Mr. SPENCE):

H.J. Res. 52. Joint resolution proposing an amendment to the Constitution of the United States with respect to tax limitations and

the balanced budget; to the Committee on the Judiciary.

By Mr. POSHARD:

H.J. Res. 53. Joint Resolution proposing an amendment to the Constitution of the United States relating to a Federal balanced budget; to the Committee on the Judiciary.

By Mr. DOYLE:

H. Con. Res. 20. Concurrent resolution expressing the sense of the Congress that the President should award a Medal of Honor to Wayne T. Alderson in recognition of acts performed at the risk of his life and beyond the call of duty while serving in the U.S. Army during World War II; to the Committee on National Security.

By Mr. HYDE:

H. Res. 51. Resolution providing amounts for the expenses of the Committee on the Judiciary in the 105th Congress; to the Committee on House Oversight.

By Mr. CANADY of Florida:

H. Res. 52. Resolution designating majority membership on certain standing committees of the House; considered and agreed to.

By Mrs. MALONEY of New York (for herself, Ms. CHRISTIAN-GREEN, Mr. CUMMINGS, Mr. FARR of California, Mr. FATTAH, Ms. MCKINNEY, Mr. MILLER of California, Ms. NORTON, Mr. OLVER, Mr. PAYNE, Ms. PELOSI, Mr. SANDERS, and Ms. JACKSON-LEE):

H. Res. 53. Resolution amending the Rules of the House of Representatives to require that committee reports accompanying reported bills and joint resolutions contain a detailed analysis of the impact of the bill or joint resolution on children; to the Committee on Rules.

By Mr. TALENT:

H. Res. 54. Resolution providing amounts for the expenses of the Committee on Small Business in the 105th Congress; to the Committee on House Oversight.

By Mr. THOMAS:

H. Res. 55. Resolution providing amounts for the expenses of the Committee on House Oversight in the 105th Congress; to the Committee on House Oversight.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BRYANT:

H.R. 742. A bill for the relief of Florence Barrett Cox; to the Committee on the Judiciary.

By Mr. DOYLE:

H.R. 743. A bill for the relief of Wayne T. Alderson; to the Committee on National Security.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 15: Mr. HOUGHTON, Ms. DUNN of Washington, Ms. MOLINARI, Mr. CUNNINGHAM, Mr. ENGLISH of Pennsylvania, Mr. NEY, Mr. COBURN, Mr. FOX of Pennsylvania, Mr. PORTMAN, Ms. PRYCE of Ohio, Mr. GALLEGLY, Mr. BURR of North Carolina, Mr. FOLEY, Mr. GRAHAM, Mrs. KELLY, Mr. RAMSTAD, Mr. HORN, Mr. UPTON, Mr. SHAW, Mr. CAMP, Mr. SMITH of New Jersey, Mr. WALSH, Mr. STEARNS, Mr. HASTERT, Mr. GANSKE, Mr. SERRANO, Mr. MCDERMOTT, Mr. HALL of Ohio, Mr. COYNE, Mr. FROST, Mr. DELLUMS, Mr. STARK, Mr. MATSUI, Mrs. MEEK of Florida, Mr. OLVER, Mr. BORSKI, Mr. DELAHUNT, Mrs. THURMAN, Mr. PRICE of North Carolina, Mr. WISE, Mr. CUMMINGS, Mr. HOLDEN, Ms. FURSE, Mr. NEAL of Massachusetts, and Mr. WEXLER.

H.R. 18: Mr. MCHALE, Mr. OBERSTAR, Mr. SANDERS, Mr. STUMP, Mr. COSTELLO, Mr. FROST, Mr. MARTINEZ, Mr. SKELTON, Ms. LOFGREN, Mr. SCHIFF, Mr. GEJDENSON, Ms. RIVERS, Mr. LEWIS of Kentucky, Mr. FILNER, Mr. MORAN of Kansas, Mr. MCHUGH, Mr. EVANS, and Mr. LAFALCE.

H.R. 27: Mr. MCINTOSH, Mr. SESSIONS, Mrs. EMERSON, Mr. GRAHAM, Mr. LEWIS of Kentucky, and Mr. GOODE.

H.R. 34: Mrs. MYRICK and Mr. PACKARD.

H.R. 58: Mr. SOLOMON, Mr. PAYNE, Mrs. TAUSCHER, Mr. MALONEY of Connecticut, Mr. FLAKE, Mr. WELDON of Florida, Mr. SMITH of New Jersey, Mr. PITTS, Mr. EHLERS, and Mr. GOODLATTE.

H.R. 59: Mr. PAUL, Mr. DREIER, Mr. HEFLEY, Mr. CHRISTENSEN, and Mr. SAM JOHNSON.

H.R. 86: Mr. BONILLA and Ms. KAPTUR.

H.R. 96: Mr. CALLAHAN and Mr. BEREUTER.

H.R. 145: Mr. KING of New York and Mr. SERRANO.

H.R. 192: Mr. FOLEY, Mr. PORTER, Mr. CONYERS, Mrs. THURMAN, Mr. BILBRAY, Ms. LOFGREN, Mrs. LOWEY, Mr. FLAKE, and Mr. GILCHREST.

H.R. 203: Ms. FURSE.

H.R. 213: Mr. FATTAH, Mr. BLAGOJEVICH, Mr. TOWNS, and Mr. FOGLIETTA.

H.R. 248: Mr. PICKERING, Mr. MCGOVERN, Mrs. MYRICK, Mr. LIPINSKI, Mr. GIBBONS, and Ms. RIVERS.

H.R. 249: Mr. WATTS of Oklahoma, Mr. PICKERING, Mrs. MYRICK, and Mr. INGLIS of South Carolina.

H.R. 258: Mr. OLVER.

H.R. 272: Mr. INGLIS of South Carolina.

H.R. 291: Mr. MANTON.

H.R. 339: Mr. TAYLOR of Mississippi, Mr. SESSIONS, Mrs. CUBIN, and Mr. STUMP.

H.R. 343: Mr. POSHARD.

H.R. 345: Mrs. CUBIN, Mr. JONES, Mr. HEFLEY, Mr. SESSIONS, Mr. MCKEON, Mr. COOKSEY, Mr. ENSIGN, Mr. HERGER, Mr. EHLERS, Mr. HUNTER, Mr. BATEMAN, Mr. BUNNING of Kentucky, Mr. COBLE, Mr. PICKETT, Mr. INGLIS of South Carolina, Mr. TALENT, Mr. HORN, Mr. STEARNS, Mr. HOSTETTLER, Mr. MCCOLLUM, Mr. LINDER, Mr. COLLINS, Mr. ROGERS, Mr. SAM JOHNSON, and Mr. EVERETT.

H.R. 347: Mrs. CUBIN, Mr. HERGER, Mr. MCKEON, Mr. PACKARD, Mr. SOLOMON, and Mr. TAYLOR of Mississippi.

H.R. 366: Mr. CLYBURN.

H.R. 371: Mr. BONIOR, Mr. FOGLIETTA, Mr. DELLUMS, Mr. UNDERWOOD, and Mrs. MINK of Hawaii.

H.R. 373: Mr. FOGLIETTA, Mr. FATTAH, and Mr. ACKERMAN.

H.R. 382: Mr. COBURN, Ms. JACKSON-LEE, Ms. STABENOW, and Mr. WEXLER.

H.R. 383: Mr. DELLUMS, Mr. MARTINEZ, and Mr. DEFAZIO.

H.R. 411: Mr. ACKERMAN, Mr. MCDERMOTT, Mr. BENTSEN, and Mrs. JOHNSON of Connecticut.

H.R. 414: Mr. FOLEY, Mr. PORTER, Mr. CONYERS, Mrs. THURMAN, Mr. BILBRAY, Ms. LOFGREN, Mrs. LOWEY, Ms. PRYCE of Ohio, and Mr. GILCHREST.

H.R. 444: Mr. EVANS and Mr. FOGLIETTA.

H.R. 446: Mr. SENSENBRENNER, Mr. KOLBE, Mr. MORAN of Kansas, Mr. ACKERMAN, Mr. EWING, Mr. KLECZKA, and Mr. SANDLIN.

H.R. 450: Mr. HILLEARY, Mrs. KENNELLY of Connecticut, Mrs. NORTHUP, and Mr. GORDON.

H.R. 452: Mr. FILNER and Mr. DELLUMS.

H.R. 453: Mr. PALLONE, Ms. MOLINARI, Mrs. MALONEY of New York, Mr. NEAL of Massachusetts, Mr. MANTON, Mr. HINCHEY, Mr. CUMMINGS, Ms. FURSE, Mrs. LOWEY, Mr. PORTER, Ms. JACKSON-LEE, and Mr. GALLEGLY.

H.R. 455: Mr. GEJDENSON.

H.R. 474: Mr. HASTERT, Mr. GEJDENSON, Mrs. KELLY, Mr. GONZALEZ, Mr. BRYANT, Mr. CUNNINGHAM, Mr. GILLMOR, Mr. NEY, Mr. DEFAZIO, Mr. KIM, and Mr. FATTAH.

H.R. 475: Mr. BORSKI and Mr. STUPAK.

H.R. 476: Mr. OWENS, Mr. SHERMAN, Ms. FURSE, Mr. CONYERS, Mr. FORD, Mr. WEXLER, Mr. PAYNE, and Mr. THOMPSON.

H.R. 491: Ms. RIVERS, Mrs. MORELLA, Mr. PACKARD, Mr. UNDERWOOD, Mr. FOLEY, and Mr. FOX of Pennsylvania.

H.R. 493: Mr. MORAN of Virginia.

H.R. 500: Mr. RUSH.

H.R. 521: Mr. MCHUGH, Mr. WALSH, Ms. LOFGREN, Ms. JACKSON-LEE, and Ms. RIVERS.

H.R. 528: Mr. HORN and Mr. GONZALEZ.

H.R. 551: Mrs. MORELLA.

H.R. 553: Mr. FORD, Ms. PELOSI, Mrs. CLAYTON, Mr. FATTAH, Mr. BOUCHER, Mr. WATT of North Carolina, and Mr. GONZALEZ.

H.R. 554: Mr. BASS.

H.R. 564: Mr. DELLUMS.

H.R. 586: Mr. BOSWELL, Mrs. FOWLER, Mr. GILCHREST, Mr. HEFNER, Mr. HILLEARY, Mr. HOLDEN, Ms. JACKSON-LEE, and Mr. SMITH of Michigan.

H.R. 588: Mr. PORTER, Mr. DELLUMS, Mr. WAXMAN, Mr. LANTOS, Mr. GILCHREST, and Mr. WELDON of Pennsylvania.

H.R. 607: Mr. PACKARD and Mr. LUTHER.

H.R. 612: Mr. BOSWELL, Mrs. TAUSCHER, Mr. SABO, Mr. BERRY, and Mr. RICHARDSON.

H.R. 621: Mr. ACKERMAN, Mr. CLYBURN, Mr. EVANS, Mr. FATTAH, Ms. LOFGREN, Ms. PELOSI, Mr. SANDERS, and Mr. WAXMAN.

H.R. 622: Mr. CRANE, Mr. ROYCE, Mr. ARCHER, Mr. GANSKE, Mr. KNOLLENBERG, Mr. WICKER, and Mr. KING of New York.

H.R. 630: Mr. CONDIT.

H.R. 640: Mr. BRYANT, Mrs. EMERSON, Mr. ROHRABACHER, and Mr. WHITFIELD.

H.R. 645: Mr. SENSENBRENNER and Mr. KLUG.

H.R. 646: Mr. SENSENBRENNER and Mr. KLUG.

H.R. 659: Mr. LAHOOD, Mr. GILLMOR, Mr. SOLOMON, Mrs. LINDA SMITH of Washington, Mr. SENSENBRENNER, Mr. SHADEGG, Mr. PETRI, and Mr. BRYANT.

H.R. 665: Mr. LEACH.

H.R. 674: Mr. BISHOP, Mr. BARR of Georgia, Mrs. THURMAN, Mr. SHAW, and Mr. ROGERS.

H.R. 688: Mr. BALLENGER, Mr. HEFNER, Mr. ADERHOLT, Mr. PRICE of North Carolina, and Mrs. CUBIN.

H.J. Res. 1: Mr. NETHERCUTT, Mr. RADANOVICH, and Mr. BOEHLERT.

H.J. Res. 26: Mr. SENSENBRENNER and Mr. WELDON of Florida.

H.J. Res. 27: Mr. FOLEY.

H.J. Res. 47: Mr. FROST, Mr. MCGOVERN, and Mr. LIPINSKI.

H. Con. Res. 2: Mr. RUSH, Mrs. MALONEY of New York, Mr. HILLIARD, Mr. ADAM SMITH of Washington, Mr. RANGEL, and Mr. SERRANO.

H. Con. Res. 4: Mr. MCDERMOTT.

H. Con. Res. 13: Mr. STEARNS, Mr. CONDIT, Mrs. KELLY, Mr. MCDADE, Mr. TOWNS, Mr. TAYLOR of Mississippi, Mr. DEFAZIO, Mr. NEY, Mr. FRANK of Massachusetts, Mr. KILDEE, Mr. BROWN of California, Mr. ACKERMAN, Mr. SMITH of New Jersey, Mr. MATSUI, Mr. HOYER, Mr. SKELTON, Mrs. MEEK of Florida, Ms. PELOSI, Mr. MCDERMOTT, Mr. GONZALEZ, Mr. MCGOVERN, Mr. BATEMAN, Mr. GILCHRIST, Mr. PICKETT, Mr. FILNER, Mr. GALLEGLY, and Mr. BALDACCI.

H. Res. 30: Mr. TIAHRT and Mr. SCARBOROUGH.

H. Res. 38: Mr. HILLIARD, Mr. BARTLETT of Maryland, Mr. FROST, Ms. RIVERS, Mr. LAMPSON, Mr. ANDREWS, Mr. MCDERMOTT, Mr. MEEHAN, and Mr. BENTSEN.

H. Res. 48: Mr. WALSH, Mr. GALLEGLY, Mr. CONYERS, Mr. MCHUGH, Mr. ENGLISH of Pennsylvania, and Mr. LATHAM.

United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 105th CONGRESS, FIRST SESSION

Vol. 143 WASHINGTON, WEDNESDAY, FEBRUARY 12, 1997 *No. 18*

Senate

The Senate met at 9:30 a.m., and was called to order by the Honorable CHUCK HAGEL, a Senator from the State of Nebraska.

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Righteous God, in whom we discover what is right and receive the courage to do it, we seek to be a nation distinguished because of righteousness. Today, as we celebrate the birthday of Abraham Lincoln, our 16th President, we remember his memorable response to someone who expressed the hope that You, Lord, were on their side. Lincoln said, ''I am not at all concerned about that, for I know that the Lord is always on the side of the right. But it is my constant anxiety and prayer that I—and this Nation—should be on the Lord's side.''

We echo that prayer today. Help us to think of prayer not to convince You of our plans, but to gain clarity about Your plans for us. We renew our commitment to seek Your will for the decisions we must make. Bless the Senators today as they discern what is right and take their place together on Your side. In the name of our Lord and Savior. Amen.

APPOINTMENT OF THE ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will read a communication to the Senate.

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, February 12, 1997.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable CHUCK HAGEL, a Senator from the State of Nebraska, to perform the duties of Chair.

STROM THURMOND,
President pro tempore.

Mr. HAGEL thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The acting majority leader is recognized.

SCHEDULE

Mr. CRAIG. Mr. President, on behalf of the majority leader, I will state the schedule of today's session.

This morning, there will be a period of morning business until the hour of 11 a.m. At 11 a.m. the Senate will resume consideration of Senate Joint Resolution 1, the constitutional amendment requiring a balanced budget. Under the order, Senator BYRD will be recognized immediately to make a statement regarding the resolution. At the hour of 1:30 today, under a previous consent order, the Senate will resume debate on the pending amendment relating to national security, which was offered by Senator DODD. Debate on that amendment will be equally divided until 5:30 today, at which time the Senate will proceed to a vote on or in relation to Senator Dodd's amendment.

Once again, all Senators can expect a rollcall vote at approximately 5:30 today. Additional votes can be expected during today's session on any further amendments that may be ordered to Senate Joint Resolution 1, or, perhaps, on any available nominations, as well as on one or two Senate resolutions, which we are attempting to clear for consideration.

I thank my colleagues for their attention.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 11 a.m. The time between 9:30 and 10 a.m. shall be equally divided, with 15 minutes under the control of the Senator from Missouri [Mr. ASHCROFT] and 15 minutes under the control of the Senator from North Dakota [Mr. DORGAN].

Mr. CRAIG. Mr. President, I understand those Senators will be on the floor in a few moments.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ASHCROFT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(The remarks of Mr. ASHCROFT and Mr. DORGAN pertaining to the introduction of S. 304 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. ASHCROFT. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. ROBERTS). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. D'AMATO. 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. D'AMATO. Mr. President, I ask that I may be permitted to proceed as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. D'AMATO pertaining to the introduction of S. 305 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Mr. FORD. Mr. President, I understand we have about 4 minutes left on Leader DASCHLE's time. I ask unanimous consent I be allowed to use that time.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator may proceed.

Mr. FORD. Mr. President, I thank the Chair.

(The remarks of Mr. FORD pertaining to the introduction of S. 306 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

The PRESIDING OFFICER. The time between 10:30 and 11 a.m. shall be under the control of the Senator from Wyoming [Mr. THOMAS] or his designee.

Mr. COVERDELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. COVERDELL. Mr. President, as I understand it, the 30 minutes between 10:30 and 11 are under the control of Senator THOMAS from Wyoming. I am going to ask, in his place, that we yield up to 10 minutes to the Senator from Minnesota.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Minnesota is recognized.

OUR CHILDREN AND THE BALANCED BUDGET AMENDMENT

Mr. GRAMS. Mr. President, I want to talk a little bit this morning about the balanced budget amendment and really how important it is to our children, our grandchildren, and really to the future of this country.

As a nation, we find ourselves at a very critical juncture. The choices we face today are stark: It is either stagnation or growth, poverty or prosperity, hope or hopelessness for our Nation's children. Throughout the history of this world, great nations have risen and great nations have fallen. Many have perished simply as a result of one fatal fiscal miscalculation at a critical time—a time at which we find ourselves today.

We must move forward because we have a moral obligation to pave a trail and to light the way. Yet, a single misstep as we enter into the 21st century could cast our children off the path and into darkness.

Now, despite the improvement of our short-term fiscal outlook in the past decade, we face great danger from the fiscal imbalances ahead that swing over us like a sword dangling from a thread. Without a balanced budget amendment to address these risks, I am afraid that the national debt will destroy this Nation.

The debt today stands at over $5.3 trillion, and the cumulative damage of the national debt to the economy over the past 40 years has been enormous. Our Nation has fallen from its perch as the world's greatest creditor to become the world's greatest debtor Nation in history.

A child born today enters the world already $20,000 in debt and faces an additional $1,300 every year just to pay the interest on that debt.

By the year 2007, the national debt will rise to $8.5 trillion, and children born then will inherit a share of nearly $30,000. That is $30,000, whether poor, middle-class, or well off. Every child in every household in this land is affected.

Now, as historian John Steele Gordon writes in his new book, ''Hamilton's Blessing: The Extraordinary Life and Times of Our National Debt,'' the size of the debt itself is not the problem—it is the fact that we have run it up to such extraordinary levels without justification.

Gordon's research shows that in the first 184 years of our independence, the Nation borrowed a total of $300 billion to fight the wars that made and preserved our Nation. But he goes on to say that, in the last 36 years, we have taken on more than 17 times as much new debt—at first, in an attempt to maximize economic output, but in recent years, as he explains, no good reason whatsoever has been the cause behind this.

Mr. President, the imbalance between the Government's entitlement promises and the funds it will have available to pay for them will alone bankrupt this Nation.

Now, the Bipartisan Commission on Entitlement and Tax Reform has warned us that in the year 2012, projected outlays for entitlements and interest on the national debt will at that time consume all tax revenues collected by the Federal Government. In 2030, projected spending for Medicare, Medicaid, Social Security, and Federal employee retirement programs alone will consume all of our tax revenues, leaving nothing to educate our kids, to keep their streets safe, to cure their diseases, or to protect the environment.

Shortsighted politicians repeatedly refuse to make tough choices, and the knowledge that we have no clear public policy to address this imbalance darkens our future even more.

Although the solutions to our problems are anything but simple, we must not shy away from them any longer. The balanced budget amendment will force Congress and the administration to work together to defuse this time bomb. Without it, the deficit spending will continue, and that is despite all the rhetoric from both Congress and the White House to the contrary.

Even if we indeed balance the budget through a statutory requirement, we all know that this is not a guarantee that our budgets will balance in the future. Our national debt will take several generations to eliminate now. We not only need the will to balance the budget, but we also need the means to follow through, to keep the budget balanced, and to begin to return the borrowed money. We need the balanced budget amendment. Talking about the protection of our children, without addressing the long-term risks that are poised to imprison them is corrupt.

Mr. President, I have heard my colleagues many times on the other side of the aisle this week raise the word children as if it were a protective shield. ''We can't enact the balanced budget amendment,'' they say, ''the education of our children will suffer.'' ''We can't enact the balanced budget amendment, the nutritional health of our children is at stake.'' ''We can't enact a balanced budget amendment, our children's medical needs will go unserved.''

They have also used the phrase that we have attacked children because they are the path of least resistance. Well, we know the work that we undertake every day in this Chamber has a profound effect on every American child, just as it affects every taxpayer, every working family, and every senior citizen. I am certain there is not a single Senator in this Chamber who would deny a child a good education, deny a child a hot meal, or deny a doctor's tender care.

Yet, through our own greed, we have denied that very same child a future free of a debt that they did not incur and which they do not deserve to bear.

Now, I ask you this, Mr. President: Who was protecting our children while Congress amassed a debt of $5.3 trillion? Those children were not here to be able to say don't do that. We took the path of least political resistance when we put our children into debt. They did not have a voice on this Senate floor to stop us from doing that.

Who stood up for America's children while Congress signed their names to a mortgage that they will never be able to escape?

Who came to the floor of this Chamber crying out for the children when we sacrificed their financial security for another piece of pork, or another Federal program?

I will tell you this, Mr. President. The same Senators who today raise the shield of children as their argument against the balanced budget amendment were nowhere to be found when America's children needed them most.

Only the balanced budget amendment will protect our children from the suffocating excess of a Congress free to spend dollars that it does not have.

So, Mr. President, the legal authority of the balanced budget amendment will ensure that we do not drown our children in a sea of debt. The moral authority of a higher power demands that we do nothing less.

Thank you, Mr. President. I yield the remainder of my time.

Mr. COVERDELL. Mr. President, I commend the Senator from Minnesota for his remarks on behalf of the balanced budget amendment to the Constitution. I think he makes a very poignant statement when he alludes to the condition of our children in the future. I have always enjoyed reading Thomas Jefferson's admonitions about

the future of the democracy. I can't state it with the eloquence with which he did, but he makes the point that the Senator from Minnesota makes, and I think it is worth revisiting. He essentially said that it is morally wrong for a contemporary generation to make decisions about debt for future generations. It is morally wrong, Mr. President, for a contemporary generation to use the resources of generations yet to come. In essence, any time a contemporary generation is in the business of consuming the resources of those yet to come, they are engaged in abrogating the freedom of those yet to come, which is an unconscionable act for Americans because this is a Nation that was born in freedom and independence and has invested unlimited sacrifice to preserve it.

Yet, we seem to want to overlook it when we look at these 28 budgets from Republican and Democratic Presidents, all of whom in their own way were a part of abrogating freedom of somebody yet to come because they all used resources of people who have no voice—nothing to say. Our legacy is to hand them debt. And how terribly inappropriate it is.

I was reviewing some financial policy recently. I think it is called generational economics. What that means is something like this. My mother and father kept 80 percent of their lifetime wages to do the things that we have always depended on and asked for the American family to do. It has been the core ingredient in terms of taking care of America, and they raised myself and my sister; got us through school gracefully; housed us all through our medical needs and trying to prepare us for stewardship. My sister, who is 10 years younger than I, will keep about 45 percent of her lifetime wages—her parents 80 and she 45. Currently, an average family in the State of Georgia can keep, after direct taxes and cost of government, about 45 percent of their wages. So she has half the resources. A lot of it she does not get is in this pile of 28 budgets. But worst of all is the fact that a child who was born on January 1 of this year, 1997, will keep, under the current scheme of things, 16 percent of their lifetime wages. In other words, it will take 84 percent of their wages to fulfill these obligations that continue to mount. I would have to say, Mr. President, that that child born on January 1 of this year could never be considered to be free by any definition in our Constitution or in the basic tenets and fundamentals of American life.

So from the turn of the century we have gone from a family that keeps 80 percent of the fruits of its labor to contemporarily keeping about 45 percent, to a child today faced with having to forfeit 84 percent of what their life's earnings are to fulfill the largess of all of these budgets.

I don't know what kind of proof we need to advise us that we need to change the way we manage our financial affairs just to look at the generational impact, and then to go back and be reminded that Thomas Jefferson said what we are doing right here is an abrogation of freedom and independence and that we are in the business of denying freedom for Americans yet to come.

The 80, 40, 16 says it all to me. If you want to just talk about monetary circumstances, we are headed toward doubling the deficit, which means we are piling more paper on this pile right here. Just in the term of this President we are going to double the deficit. We are going to add about another $100 billion to it. Then, after that, it looks like a NASA space shuttle. It just skyrockets. So the fuel and the engines of using the future resources seem unchecked and unbalanced.

So if these 28 years of evidence are not enough to compel somebody to understand that we need to change the way we manage this debt, then you can simply look at the current budgets before us and see that we are going to continue to add debt on debt on debt.

Sometimes when you talk to people in America about the scope of what we have been doing, about the 80, 40, and 16 percent, about the size of the current debt, which I think is $5.3 trillion looking at the big picture—of course, I have been talking about 7 minutes or so, but it is probably closer now to $5.4 trillion—it is depressing and sobering. And I always like to leave the message with more optimistic tone.

I point out that balancing our budgets, moving to a balanced budget path, passing a balanced budget amendment to the Constitution, does not require draconian effort. Actually, they represent modest, sound, and reasoned steps to take control of our financial affairs, which saves the country for the future, which is laudable, and for which every generation of Americans have been charged of doing—take steps to guarantee that they turn the country over to the future in good hands rather than crippled—that by taking these reasoned steps, balanced budgets, a balanced budget amendment to the Constitution, that it not only saves the country for the future, but it creates the immediate positive effect on every citizen today. Every family, every business, and every community has an immediate positive effect. It lowers interest rates. It makes more capital available for businesses to seek and generate more business. More businesses will be started, particularly small businesses. The job lines will be shorter. It will be easier to get a job. If you are graduating from high school or graduating from college and you are in the job market, or there has been a change, it is going to be a lot easier.

Specifically, Mr. President, a balanced budget amendment would produce around $2,000 new disposable income, putting it into the checking account of every Georgia family, and, Mr. President, every Kansas family. I suppose the average family in our two States is pretty similar. They make about $40,000 a year. Probably both parents are working. And as I said, by the time the Government marches through their checking account, they have less than half of that left. That gets them down to around $20,000, $23,000 to do everything we ask them to do.

Now, think about it. What is the effect of putting $2,000 back into that checking account? That is the equivalent of a 10-percent pay raise. And we all know the kind of stagnation that has occurred, because of this kind of activity, in those checking accounts over the last several years.

Think of the opportunity that this creates for school and education and health care, which we have been talking so much about, for children, to have $2,000 of new resources for every average family across the country. Look at it as if you are a mayor or county commissioner. We would likely save about $333 million in lower debt service in the State of Georgia or $103 million for the capital city of Atlanta, GA. Every school district, every county, every municipality, every State will immediately begin to benefit from our taking these kinds of steps to rein in and manage our budget.

We had a host of people down here suggesting you just do not need a balanced budget amendment to the Constitution; you just need the will. I do not know how many years we have to discuss our lack of will to understand that we need to change the rules. We passed the line-item veto for the first time, and that is a new tool. That is on the right track. A lot of people were concerned: Would a Republican Congress give the Democrat President the line-item veto? They did. They did because they believed we do need new disciplinary tools to manage our financial affairs.

I have to say that I have concluded—and I think, on balance, this is correct—if you are against a balanced budget amendment to the Constitution, you are really not for balanced budgets. The President has told us we should have balanced budgets, and he ought to be supporting us in this effort. I have to say, Mr. President, that if this fails—I hope it does not; it is going to be close, but if it fails, the President will bear the responsibility for it because he has decided to fight this. The power of the President is enormous. But if you are for balanced budgets, then you are for a balanced budget amendment to the Constitution.

Mr. President, I do not think you know any individual, and I doubt that you know any family, nor any business, that has been successful in achieving that which it needs to do, its mission in life, that has abused his or her, their, its financial health. You just do not know anybody like that or you will not know them very long. So it is with nations.

I was speaking yesterday to a group of foreign ambassadors and dignitaries who are visiting the United States on

an educational program to try to understand our Congress, our Government, and our Nation. I told them that if you really want to understand the nature of the decisions and the environment in the United States, you have to understand her domestic financial crisis. You have to understand what the Senator from Minnesota said. He talked about the fact that the bipartisan entitlement commission has shown us that within a very short period of time, just a handful of Federal programs consume 100 percent of our Treasury.

I was simply telling these foreign visitors that to have an appreciation for what is happening in the debate over the resources we devote to our national defense and to world order, to the debate over what we can make available to foreign assistance, it is being driven by this pile of 28 different budgets that are out of balance and that this generation of Americans, you and I, Mr. President, and all of our citizens, are going to be charged with dealing with this dilemma. We have known about this problem all these years, but it was always going to be somebody else to work it out. There is no generation for us to give the baton to. We are the last watch. It is you and I. We are going to make the decision, whether it is indecision or decision, on our watch that will determine what kind of country we give to the next generation.

Mr. LEAHY. Mr. President, I note the Senator from West Virginia is going to be recognized at 11. I wonder if the Senator from Georgia is going to take the full time until 11 o'clock.

Mr. COVERDELL. Does the Senator from Vermont need a moment or two? I would be glad to yield the remainder of my time—

Mr. LEAHY. I need about 2 minutes.

Mr. COVERDELL. To the Senator from Vermont.

Mr. KYL. Will the Senator yield?

Mr. COVERDELL. I am sorry; I did not see the presence of the Senator from Arizona.

Mr. KYL. I would advise the Senator from Georgia, I have about 3 minutes of remarks.

Mr. COVERDELL. Let me ask this, I say to the Senator from West Virginia. The Senator from Kentucky used about 2 minutes of the time under our control, and I wonder if I might ask unanimous consent that our time last until 11:02, and I would grant 2 minutes to the Senator from Arizona and the closing 2 minutes to the Senator from Vermont.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Arizona.

Mr. KYL. I thank the Chair. I thank the Senator from Georgia.

BALANCE THE BUDGET FOR AMERICA'S FAMILIES

Mr. KYL. Mr. President, during the next few months, millions of Americans will confront the annual task of filing their income-tax returns. What people would be startled to learn is that about 53 cents of every dollar of individual income tax they send in to the IRS this year will be required just to pay the interest on the national debt.

That is 53 cents out of every dollar that will not be available to spend on health care for children, for education, for the environment, for aid to victims of domestic violence, for law enforcement, for national defense, or for any of the other important programs that serve the American people. It is 53 cents of every dollar just to pay interest on the bills that Congress and the President have racked up in years past.

That 53 cents of every dollar does not even begin to pay down the national debt, which is increasing at a rate of $4,500 per second—a debt that threatens our children's very future. It now totals more than $5.3 trillion, or about $20,000 for every man, woman, and child in the country.

Some people say that a balanced budget would mean drastic cuts in important programs. But it is really the deficit—the debt—that is savaging our ability to respond to the Nation's needs. How much more could we do for the American people if we did not have to set aside 53 cents of every income-tax dollar just to pay interest? How much more could people do for themselves if their tax bills were cut in half and they had that 53 cents to spend on their own needs?

It is really a balanced budget—not more deficits—that offers the greatest protection for the important programs our Government provides. A balanced budget will ensure that we have the money, for example, to take care of our obligations to seniors and those in need, to make streets safe for law-abiding citizens, and to make our country secure. It is, after all, those programs—those programs that are priorities for the American people—that will be funded first under a balanced budget.

Of course, setting priorities would be something new for the Federal Government. We are used to operating with a national checkbook that has had an unlimited balance. That has allowed Congress to spend as much as it wants for whatever it wants. And when you have an unlimited balance to draw from, every program is as important as the next.

But as any family knows, when you have to live within your means, you cannot have everything. The basics come first. In the context of a balanced Federal budget, that means things like Social Security, Medicare, and national security move to the front of the line.

That is what it means to prioritize. It is just plain common sense.

Most economists predict that a balanced budget would facilitate a reduction in long-term interest rates of between one and two percent. That means that more Americans will have the chance to live the American dream—to own their own homes. A 2-percent reduction on a typical 30-year mortgage in Arizona would save homeowners over $220 a month. That is $2,655 a year.

A 2-percent reduction in interest rates on a typical $15,000 car loan would save buyers $676. The savings would also accrue on student loans, and credit cards, and loans to businesses that want to expand and create new jobs. Reducing interest rates is probably one of the most important things we can do to help people across this country. It is money in the pocket of every American.

Mr. President, we need to balance the budget. The American people want us to balance the budget. But the only way to ensure that we really get there is to pass the balanced budget amendment.

The PRESIDING OFFICER. The Senator has spoken for 2 minutes.

The Senator from Vermont is recognized.

JUSTICE CLARENCE THOMAS' FIRST AMENDMENT RIGHTS

Mr. LEAHY. Mr. President, I ask unanimous consent that at the end of my comments, an article in the Wall Street Journal of January 31, 1997, entitled ''Black Leaders Try to Deny Thomas' Status as Role Model,'' be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. LEAHY. Mr. President, there have been a number of articles in various papers over the last couple of years about groups that tried to block Justice Clarence Thomas from speaking at various schools. I abhor this kind of activity.

Justice Thomas was nominated by the President of the United States, went through his hearing, we had a vote on it up or down, and he was confirmed. That is the major trial that he should have to go through. He has the same rights, first amendment rights, as every one of us to speak. I am proud of the fact I come from a family that made the first amendment a hallmark, in bringing up the three Leahy children. I have been in this body for 22 years, defending the first amendment from attacks from any side, and I am proud of the achievements that has brought about. But I would say that those who try to block anyone from speaking disregard the first amendment.

McCarthyism of the left is as bad as McCarthyism of the right. If some disagree with what Justice Thomas says, then let them seek their own forum to express that disagreement. Do not block the statements from being made in the first place. That is wrong. We, in this country, ought to understand that those who try to block speech, from the right or from the left, do a disservice to our Constitution, do a disservice to our country, and, most important,

they do a disservice to the diversity that makes up the greatest democracy in history.

I yield the floor.

EXHIBIT 1

[From the Wall Street Journal Jan. 31, 1997]

BLACK LEADERS TRY TO DENY THOMAS STATUS AS ROLE MODEL

(By Edward Felsenthal)

WASHINGTON.—When Benjamin Carson, a prominent African-American surgeon, was helping organizers find an inspiring speaker to close a weeklong ''Festival for Youth'' in Delaware this month, he pushed for Supreme Court Justice Clarence Thomas.

It wasn't only Justice Thomas's exalted title and status as one of the country's highest-ranking public servants that attracted Dr. Carson. It also was his remarkable rise from poverty. The two men were acquainted through their membership in the Horatio Alger Society, a group whose members have overcome significant odds to achieve success.

But when the Baltimore surgeon issued the invitation, he never dreamed that he would set off a political firestorm. After an organized protest from a regional chapter of the National Association for the Advancement of Colored People, which threatened to picket the talk, Justice Thomas backed out.

Normally, ethnic organizations are only too eager to have top elected or appointed officials visit and speak to community groups, especially young people. But the Delaware protest was the latest incident in an unusual drive against a public official by some black leaders to deny the conservative, 48-year-old justice a position as a role model within the African-American community.

UNFLATTERING COVER STORIES

Last year, after a school-board member and local parents threatened to protest, a Maryland school temporarily retracted an invitation for Justice Thomas to speak at an awards ceremony for eighth graders. Emerge, an influential magazine among the black intelligentsia, has run two unflatering cover stories on the justice, one portraying him wearing an Aunt Jemima-style kerchief, the other portraying him as a lawn jockey. His judicial decisions also have attracted unusual personal attacks, including a stinging open letter from former U.S. Judge Leon Higginbotham.

Justice Thomas, whose bitter 1991 confirmation hearings became a national spectacle because of Anita Hill's allegations of sexual harassment, is certainly no stranger to controversy. But the recent protests are extraordinary because they have little or nothing to do with the highly charged issues raised during his difficult confirmation. Instead, they have to do almost entirely with Justice Thomas's conservative views and decisions criticizing policies such as affirmative action.

While feminist groups took the lead in fighting against his Supreme Court nomination, this time the criticisms of Justice Thomas are being leveled almost entirely by other blacks. Various civil-rights leaders claim—sometimes in terms that are astonishingly abusive even by Washington standards—that Justice Thomas has betrayed his race by opposing the affirmative-action policies that his critics say helped get him where he is, and by voting with the court's conservatives on other civil-rights issues.

''If white folks want to have Justice Thomas serve as a role model for their kids, that's their business,'' says Hanley Norment, president of the NAACP's Maryland branch. Mr. Norment, who helped plan the protest against Justice Thomas at the Delaware festival, dismisses him as a ''colored lawn jockey for conservative white interests.''

DISSENTING VOICES

A number of black leaders, including national NAACP President Kweisi Mfume, have raised concerns about the campaign against Justice Thomas, and some say African-Americans should take pride in his accomplishments. ''This is an embarrassment,'' says Michael Meyers, executive director of the New York Civil Rights Coalition. Justice Thomas ''doesn't hold my views on affirmative action. He doesn't hold my views on race. But he is on the United States Supreme Court, and he's entitled to . . . respect.''

That sentiment is echoed even in some seemingly unlikely places. ''Of course, he's a role model,'' says Charles Ogletree, the Harvard Law School professor who was Anita Hill's lawyer during the confirmation hearings. His success proves ''that you can come up from poverty and have a huge impact in our society.''

Justice Thomas's career has engendered conflicted feelings in black America from the moment he hit the national scene as chairman of the Equal Employment Opportunity Commission in the Reagan administration. Although mainstream black groups such as the NAACP were worried that he was hostile to many civil-rights laws, they opted not to fight his 1989 selection to the federal appeals court in Washington. And although many of those same groups later decided to oppose his elevation to the Supreme Court, some believed that his humble origins might ultimately make him more sympathetic to their civil-rights agenda.

That hasn't happened. He has joined the court's conservative wing in ruling that it's unconstitutional to draw up voting districts primarily on the basis of race. He concurred in a 1995 ruling that put strict limits on federal affirmative action, saying such programs ''stamp minorities with a badge of inferiority and may cause them to develop dependencies.'' He also concurred that year in a decision that curbed school desegregation, expressing astonishment that ''courts are so willing to assume that anything that is predominantly black must be inferior.''

Other justices participated in these decisions, too, of course. But Justice Thomas's African-American critics seem to view his role as uniquely unforgivable, and that sentiment in turn has provoked the concern about his influence on black youth.

IT DOESN'T AFFECT HIM

Justice Thomas won't comment on the Delaware incident, but friends insist he isn't ruffled. ''He's been around long enough dealing with the so-called civil-rights community [that] it doesn't affect him,'' says Stephen Smith, a Washington lawyer and former law clerk for Justice Thomas.

After the area NAACP leaders threatened their protest, Justice Thomas wrote festival organizers to say that, while he doesn't object to ''peaceful demonstrations,'' he didn't want to distract from the event's focus on children. Finally, says a gleeful Mr. Morment, the Maryland NAACP official, ''the guy made some decision that we agree with.''

Other black leaders say they too would object if the justice were invited to speak to kids in their area. It is a way of ''getting his attention'' to communicate that ''we're disappointed with the actions that you've taken, and so therefore we can't hold you up as a role model,'' says Hazel Dukes, president of the New York conference of the NAACP.

It is in one sense ironic that Justice Thomas has provoked such criticism: On a court whose members are more likely to be found speaking at high-brow judicial conferences than obscure local convention halls, Justice Thomas has shown a special interest in talking with ordinary people, particularly the young. His message is ''inspiring and uplifting,'' says Norman Hatton, a vice principal at the Thomas G. Pullen School in Landover, Md., where the justice spoke at the awards ceremony last summer.

Indeed, even some NAACP leaders are adopting a more conciliatory approach. In a recent speech, Mr. Mfume, the national president, criticized the Maryland chapter, saying protests against Justice Thomas shouldn't rise to such a level that they impede his right to speak. ''We must never rush to silence free speech,'' he said. ''It doesn't matter how we feel about Justice Thomas.''

Dr. Carson, the surgeon, adds: ''Children shouldn't be forced to watch ''a bunch of silly adults . . . put people into corners and castigate them. . . . If anything is a bad role model, that is.''

Mr. LEAHY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER [Mr. THOMAS]. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Under the order, morning business is closed.

BALANCED BUDGET AMENDMENT TO THE CONSTITUTION

The PRESIDING OFFICER. Under the order, the Senate will now resume consideration of Senate Joint Resolution 1, which the clerk will report.

The bill clerk read as follows:

A joint resolution (S. J. Res. 1) proposing an amendment to the Constitution of the United States to require a balanced budget.

The Senate resumed consideration of the joint resolution.

Pending:

Dodd amendment No. 4, to simplify the conditions for a declaration of an imminent and serious threat to national security.

The PRESIDING OFFICER (Mr. KEMPTHORNE). The Senator from West Virginia [Mr. BYRD] is recognized.

Mr. BYRD. Mr. President, the measure before the Senate is a proposed amendment to the Constitution mandating a balanced budget annually. It is unconstitution-like. I am not saying it is unconstitutional. If it is riveted into the Constitution, of course it would be constitutional. But I am saying it is unconstitution-like in its words, which lack the vision, the simplicity, and the majestic sweep of language that we find in the Constitution. Rather, it sounds and reads like a bookkeeping manual on principles of accounting. The amendment is replete with words like ''outlays,'' ''fiscal year,'' ''receipts,'' ''estimates of outlays and receipts,'' ''receipts except those derived from borrowing,'' ''repayment of debt principal,''—words which

are out of keeping with the graceful language used by the Framers in writing the original Constitution and the Bill of Rights. The amendment is made up of 8 sections constituting a total of circa 310 words, more than were used by the Framers in stating the Preamble to the Constitution and in establishing a Congress composed of two Houses, establishing a House of Representatives, establishing a Senate, establishing the Presidency, establishing the Supreme Court, and including the article setting forth the mode by which the Constitution would be considered ratified and in effect. Moreover, it is a masterpiece of confusing details, deceptive illusions, and doublespeak.

It is misleading. I am talking about this amendment now that we have before the Senate. It is misleading, contradictory in its terms, and is ultimately bound to disappoint the American people and undermine their faith in the credibility of the Nation's basic document of law and government.

We all agree—all 100 of us—that continued massive deficits are bad for the country, and we are all in agreement that action must be taken by the legislative branch, working in cooperation with the executive branch, to bring our budgets under control and into balance at some point, yea, even to provide for surpluses so that the country can begin to retire the principal and reduce the interest on the national debt, which, in only the last 16 years, has assumed colossal proportions beyond anything that was even imagined during the previous 192 years and 39 administrations in the history of the Republic. I am saying during the 192 years previous to the first Reagan administration. I need not remind my colleagues and those who are listening to the debate—although I shall—that until the beginning of the first administration of Ronald Reagan, total debt of the U.S. Government was a little under $1 trillion, while, beginning with the first administration of President Reagan and continuing up to this time, over $4 trillion has been added to that debt. In other words, four-fifths of the total debt held by the public have been added in the last 16 years, four-fifths—four times the amount of debt that was accumulated during the first 192 years in the life of this Republic, during the first 39 administrations in the life of this Republic, up until the first administration of President Reagan.

Does anyone challenge that? Does anyone wish to stand on this floor and say, ''That ain't so''?

It is no wonder, then, that the American people have lost faith in their Government, and if this proposed constitutional amendment is approved by both Houses of Congress and ratified by the necessary three-fourths of the State legislatures, the people of this country will have no cause for reassurance that our fiscal and deficit problems will ever be resolved. I fear that the situation will not have been made better but, rather, will have been made worse.

I have not been able to listen to all of the speeches that have been made by all of the proponents of the amendment.

I have tried to listen to as many as I could. I have not been able to hear them all. But of those that I have heard, there has not been one—not one—that has addressed itself to the details of this amendment.

We have heard many times that the devil is in the details. I have not heard a single proponent—not one—explain the amendment section by section or stated how and why the adoption of this amendment will, indeed, bring down the deficit and lead to a balanced budget. I would like for them to explain each section and explain how that section is going to bring the deficits down.

All of the speeches that I have heard merely talk about the need for getting the deficit under control. I am for that. But none has explained how this particular proposed constitutional amendment is going to do the job. All I have heard have been ''the sky is falling'' speeches—oh, the sky is falling—which have simply stated the need for getting our house in order, to which we all can agree and stipulate.

So they say deficits are bad; our national debt is too large; we need to get the deficits under control. Nobody disagrees with that. That is all the speeches I have heard. As I say, I have not heard them all. But all of the speeches by the proponents I have heard have amounted to that: Deficits are bad; we have to do something about them.

And what do they propose to do? Adopt this amendment. They don't explain how it will rectify the situation.

So I continue to wait to hear a single proponent—just one—who will come to the floor and explain clearly as to how each section will contribute to the common objective that we all seek; namely, a balanced budget, and explain beyond any doubt that these sections of this amendment, as so constructed, will do the job. You can bet on it.

Everyone is in agreement that consistently operating with deficits is undesirable, but we are told to accept on faith this proposed constitutional amendment. We are told it will do the job, but we are not told how it will do the job. We are not given the details as to the sacrifices and the pain the people must endure in order to achieve yearly budget balance. We are only told that continued deficits are not good, which we all know to start with, but that this amendment will fix the problem. We are, therefore, importuned to buy what really amounts to a ''pig in a poke.'' And as far as the explanation of the amendment thus far is concerned, we cannot even be assured that there is a pig in that poke.

So now let us proceed to take a look section by section at the amendment, which we are all being implored to support and which, if we buy on to this amendment, the American people will, likewise, be beseeched to ratify in their State legislatures throughout the country: Don't look at the details, don't bother, just accept on faith. Things are bad, deficits are bad, we have to do something about it. Ipso facto, vote for this amendment. It will do the job.

For the benefit of the American people who do not have a copy of this amendment and who are watching and listening to the words spoken on this floor, I have had the entire amendment placed on this chart and will now go through it section by section in the hopes of shedding a little light at least on what I believe to be a very anti-Democratic, anti-Republican, and anticonstitutional proposal. Not unconstitutional, but anticonstitutional.

So let us start at the beginning. The Bible says, ''In the beginning.'' You can't get much beyond that, ''In the beginning, God * * *''

Well, in the beginning, let's take the very top section. Let's start at the top.

Section 1 of the constitutional amendment states:

Total outlays for any fiscal year shall not exceed—

Shall not exceed—

total receipts for that fiscal year, unless three-fifths of the whole number of each House of Congress shall provide by law for a specific—

For a specific—

excess of outlays over receipts by a rollcall vote.

Mr. President, and Mr. and Mrs. America, this states that for every dollar that is spent in any fiscal year, there shall be $1 of income. That is what it says. In other words, for every dollar that goes out in a given year, a dollar will have to come in, unless three-fifths of the Members of both Houses of Congress provide by law for a specific excess of outlays over receipts by a rollcall vote.

If Congress is bound to spend more than it takes in, how can it do it? It can only do so by a rollcall vote and by passing a law which states the specific excess by which dollars spent will exceed dollars received. It will not be enough for Congress to provide by law in a given year that outlays ''may exceed receipts.'' That is not enough. To comply with the language of this section, Congress will have to state specifically the excess of outlays over receipts that it is willing to approve.

Moreover, this cannot be done by a simple majority in each House of Congress, as is the case with most other laws that are passed by Congress. The stickler here is that three-fifths of the whole number of each House will have to approve the specific excess. Got to be exact, the exact amount. ''All right, Senators, we're getting ready to vote. We've got to know the exact amount by which the outlays will exceed the receipts, because it has the words 'specific excess'.''

For example, the Senate is composed of 100 Members and three-fifths of them will be required to loose this amendment from its chains. Three-fifths of

the whole number of the Senate means that at least 60 Members of the Senate would have to vote in favor of permitting the specific excess of dollars paid out over dollars taken in. Sixty Members. Fifty-nine will not be enough.

It will not matter if there is a snowstorm outside the doors and only 59 Senators can get to the Senate to vote. That is a quorum—that is over a quorum. But that will not matter. Even if they all vote to allow outlays to exceed receipts by an exact and specific amount, that will not be enough.

Now, this may appear to be a very simple matter on the surface, but upon closer examination it will be anything but simple.

Why do I say this? Because there is no way on God's green Earth that human beings can precisely predict what the total outlays will be for a fiscal year until that fiscal year has expired and the U.S. Treasury Department has tallied up the final figures of what the income versus the spending was for the year just ended. No way—no way—that anyone, that any human being or any computer contrived by any human being can determine before the fiscal year is out the exact amount by which outlays for any fiscal year have exceeded the receipts of that fiscal year. No way. It is impossible. No way, until the fiscal year has expired and the U.S. Treasury Department has tallied up the final figures of what the income versus the spending was for the year just ended. You will not know until that happens.

And only then, which is usually late in the month of October—perhaps the third or fourth week of October—several weeks after the end of any fiscal year, are the facts known as to the exact amount of the outlays and the exact amount of the receipts, and, consequently, whether or not there was a deficit, and, if so, specifically how much was the excess of outlays over receipts. We will not know it by the end of the fiscal year.

So what are we going to do then? The fiscal year has ended. September 30 is gone. We do not know what the excess was. How then can three-fifths of the Members of the Senate vote for a ''specific excess of outlays over receipts'' when the final books are not closed, the amounts are not tallied. Nobody knows.

I might stand on my feet and say, ''Mr. President, how much is the excess?'' Nobody can tell me. And we will not know it for perhaps 3 or 4 weeks after September 30, after the fiscal year has ended.

Therefore, there is no way for Congress to provide by law for a ''specific excess of outlays over receipts'' during the fiscal year in question. The specific amount of any excess of outlays over receipts cannot be known by the human mind until the U.S. Treasury has totaled up the figures for a fiscal year that has already ended 2 or 3 weeks earlier and advised Congress of the results.

Consequently, we are being presented in the very first section of the amendment with a requirement that cannot be met. It cannot be met. Now, let us examine more closely. Take the first portion of Section 1: ''Total outlays for any fiscal year shall not exceed total receipts for that fiscal year * * *'' That language is very clear. It cannot be misconstrued or misunderstood. It means exactly what it says. It does not say that total outlays ''may not exceed.'' It does not say that ''Total outlays for any fiscal year may not exceed total receipts.'' It does not say that ''Total outlays for any fiscal year should not exceed total receipts.'' Nor does it say that ''Total outlays for any fiscal year ought not exceed total receipts.'' It says, total outlays shall not—shall not—shall not—exceed total receipts for that fiscal year, no ifs, ands or buts. The Federal budget, under this language, must be balanced every fiscal year right down to the bottom dollar. There is no wiggle room—wiggle room—none.

Now, let us understand what this means. We are told by the proponents of this amendment that the Federal Government should have to balance its budget every year, like a family does. How many times have I heard that? ''Oh, we ought to do like the average American family. We ought to do like a family does or do like the State governments do it. The Federal Government ought to do like the State governments do it. They balance their budgets. The American family balances its budget. And the Federal Government ought to do the same.'' How many times have I heard that? How many times have you heard it, Mr. President?

The truth is that the American family does not and the truth is the State and local governments of this country do not do what this amendment requires the Federal Government to do. The fact is that the unified Federal budget is not the same as a family budget. The fact is that the unified Federal budget is not the same as the budgets that State and local governments are required to balance—or that they are supposed to balance. They are not the same.

Unlike those budgets, unlike the State budgets, the unified Federal budget includes all spending that occurs in a fiscal year regardless of whether that spending is for recurring operating costs of the Federal Government or whether that spending is for public investments.

Now, would anybody stand and challenge that? Would anybody tell me that the States are operating under the same kind of unified Federal budget that the Federal Government is operating under? Yet they say we ought to do like the States. The Federal Government ought to balance its budget like the States balance their budgets. Just one—I would like to hear a Senator challenge that statement.

Under the unified Federal budget, capital investments, such as roads, airports, transit systems, military procurement for weapon systems, military aircraft, battleships, missiles, are required to be paid for in full as the purchases are made. This is a system of budget accounting that no business, no State or local government, and no family has to abide by.

Let us consider the family budget. I consider my family budget a typical family budget. I can remember when I had to buy a bedroom suite—on May 25, 1937; soon it will be 60 years. On May 25, 1937, I bought a bedroom set, looking forward to the day when I pay that preacher $2 and take my wife away. We would not be going on any honeymoon. Of course, we have been on a honeymoon now for 60 years, but we would not be going anywhere. There would not be any gifts, would not be any flower girls, would not be any best man—except ROBERT BYRD. I bought a bedroom suite, paid for it at the company store where I was employed as a meatcutter and in produce sales, $5 down, $7.50 every 2 weeks until it was paid off.

So that is the way most families have to manage. Most families that I know have to borrow money to buy their homes, have to borrow money to buy their farms, they have to borrow money to purchase necessary assets such as automobiles with which they get to work and get home from work, and they have to borrow money to provide their children with a college education. I do not think that one will find very many Americans who would want to have to balance their family budgets in a manner that would require them to pay for the entire cost of their home in the same year, the entire cost of the farm in the same year, the entire cost of the automobile in the same year, or the entire cost of a college education for their children. Yet that is what the U.S. Government would be required to do by this section of this amendment.

Mr. and Mrs. America, be on your guard; you need to know that. When you listen to these proponents say that the Federal Government should balance its budget just like the States balance theirs—listen, Governors, you know better than that. When the proponents say that the Federal Government should balance its budget just like the average American families balances its budget, hold on. Pay attention. That is not what it does.

Similarly, the proponents tell us that most States and local governments are required to have balanced budgets. What the proponents fail to point out is the fact that State governments are required to balance only their operating budgets. Do not tell me that ''ain't'' so, because it is. The States are allowed to have separate capital budgets, which are excluded from the annual budget balancing requirement. A State may be required to keep its operating budget in balance each year, but the budget with which it floats bonds for the construction of school buildings or highways and other capital investments is not required to be balanced

each year. I know. I know that is the way the West Virginia Constitution operates. It does not require a unified budget as this amendment would or as the Federal Government does operate on a unified budget.

If such capital investment budgets were required to be balanced each year, as this amendment would mandate that the Federal Government do, the States in many instances would not be able to build schools and highways and bridges. Is that not so, Governors who may be listening? Is that not so, State legislators who may be listening? The capital budgets of States are excluded from the annual budget-balancing requirement of the State constitutions. Under this balanced budget amendment, however, the Federal Government would be forbidden to adopt capital budgeting, and this would gravely endanger our ability to purchase the kinds of public assets or make the kinds of public investments that are so critical to this Nation's future economy and to its future security.

The language of this first section of the amendment, if the amendment is ever adopted and ratified, will prohibit the Federal Government from purchasing capital assets and repaying the costs of them over time for the simple reason that it says that each year, the total outlays shall not exceed the total receipts; shall not exceed the total income of the Federal Government. Rather, the Federal Government would be required to pay for the entire cost of all these capital investments as they are purchased. I believe if the American people focus on this issue alone, it should be enough to convince them of the unwisdom of placing such a straitjacket on Federal budgeting into our Constitution.

But the proponents of the amendment will say, ''Hold on. Hold on, Senator. This language allows a waiver of the budget balancing requirement.'' Sure enough, there is a portion of section 1 which reads, ''. . .unless three-fifths of the whole number of each House of Congress shall provide by law for a specific excess of outlays over receipts by a rollcall vote.''

So the two halves of this sentence do not match up. This sentence is classic doublespeak. Mr. and Mrs. America, that is exactly what we are doing here, engaging in doublespeak. It is a kind of ''have it both ways'' sentence—the kind of stuff that politicians are so proficient at crafting. On the one hand, we are saying that the Federal Government's spending shall not exceed its income, that it must live within its means, and that that concept is important enough to rivet into the Constitution of the United States. But in the very same sentence, without skipping a beat, the language also says that all that is so unless three-fifths of the whole number of each House waive that requirement.

So there is a requirement for a supermajority vote of three-fifths of each House to approve a waiver, and that constitutes minority control in each House, which is anathema—anathema—to the principle of majority rule, anathema to the democratic—small ''d''—rule, the principle of majority rule, a cardinal principle of representative democracy. That is basic in this Republic. It means that a minority can block action. The requirement of a supermajority three-fifths vote is a prescription for gridlock. A majority of three-fifths would be difficult to get on a politically charged vote of this kind where partisanship would rear its ugly head. What would happen, then, when the President's advisers tell him late in a fiscal year, or at the beginning of the next fiscal year, that despite previous estimates to the contrary—or if it is the last of October, in the next fiscal year—there was a substantial deficit and that Congress has not been able to produce the necessary three-fifths vote in each House to waive the requirement set forth in section 1 for a balanced budget.

The clock is ticking. The fiscal year is running out. And a deficit looms large, large on the horizon. The President's advisers tell him he is constitutionally bound to balance the budget.

Now, Mr. President, those Senators didn't do it. They could not muster the three-fifths vote to waive that provision in section 1.

The President is, therefore, told to impose the necessary cuts in spending for the remainder of the fiscal year in order to achieve budget balance. He has no choice.

At this late point, during any fiscal year, what could the President do? He would have no choice but to make arbitrary cuts in Federal spending, which could mean a reduction in payments to which many citizens are entitled under the law. Among the programs for which monthly checks are issued by the U.S. Treasury are Social Security benefits, military and civilian retirement benefits, veterans benefits—hear me, veterans—veterans benefits, payments for Medicare and Medicaid, and payments to contractors. To those who say that your Social Security check, or—veterans, lend me your ears—your veterans pension, or your military or civilian retirement checks are safe under this constitutional amendment, I can assure you that they are not. Moreover, it is highly likely that the judiciary will find itself embroiled in yearly budget decisions.

I see in this committee report these words on page 23—words in the committee report that comment on section 6 of the amendment:

> The provision precludes any interpretation of the amendment that would result in a shift in the balance of powers among the branches of Government.

How can any committee report say, with any authority that is dependable authority, that the provision precludes any interpretation of the amendment? Is that not what the committee report said? ''The provision precludes any interpretation of the amendment. . .'' That is saying to the courts, Mr. Justice, your court is precluded from interpreting the amendment in any way that would result in a shift of the balance of powers among the branches of Government. How much is that piece of paper going to be worth? Yet, a committee report says it. ''The provision precludes any interpretation of the amendment that would result in a shift of the balance of powers among the branches of Government.''

The President impounds the moneys. He feels he has to impound them. He has to stop the checks. He has to put a halt on the mailing of the checks. He impounds moneys. Does that constitute a shift in the balance of powers between the legislative and executive branches? And, Mr. Proponent, are you going to tell me that the courts will abide by this committee language here, that they will feel bound by this committee language, they will be ''precluded''? That is what this language says, that ''the provision precludes any interpretation of the amendment that would result in a shift in the balance of powers among the branches of Government.''

Let me also say at this point that section 1 of the amendment is a hollow promise. It says the budget shall be balanced, but it does not say how the budget must be balanced. It does not say how the deficits shall be reduced. Where are the proponents? This is what I have been waiting to hear. I am opposed to this constitutional amendment. I want someone to tell me and to convince me and prove to me, by their written words, that I am wrong, that I am not reading these sentences correctly, that they don't say what I have said they say. I want someone to show me that I am wrong.

It does not say how or where to cut Government spending. It does not say how or whether revenues should be increased. There isn't a proponent of the amendment that I have heard stand on the floor and say, ''This is how we are going to make this section work. We are going to have to raise taxes.'' I haven't heard a proponent stand up on this floor—not one—and say the President's proposed tax cut is going to have to be forgotten, or that the tax cuts proposed by the Republican Party—the GOP, the Grand Old Party—are going to have to be forgotten. Not only should we not have the tax cuts—I say we should not cut taxes. Here is one Senator who, if I were a proponent of this amendment, I would say, well, I am against cutting taxes. I believe we ought to balance the budget. I believe we ought to wipe out these deficits. But this language does not say how or where to cut Government spending. It does not say how or whether revenues should be increased. And all of the Republicans, in 1993, stated that the reason they did not vote for that budget balancing package—which worked—most of them used the excuse that it increased taxes. That may be what we will have to do again. But the language

in this amendment doesn't say whether revenues should be increased.

But never mind, the proponents of the amendment have provided an escape hatch right in the amendment itself. Take a look at section 6.

Section 6 states, ''The Congress shall enforce and implement this article by appropriate legislation * * *'' There is nothing new about that. Congress has the power now, working with the President, to balance the budget. But this amendment says, ''The Congress shall enforce and implement this article by appropriate legislation, which may rely on estimates of outlays and receipts.''

I hope that the new Members of the Senate will pay close attention to this language. I can understand that when new Members come here, they haven't had any experience with the terminology or the Federal budgets, with the estimates of revenues and outlays from year to year, and how those estimates have been off. I can understand that. So I can forgive new Members. But I hope they will listen. Section 6 states that, ''The Congress shall enforce and implement this article by appropriate legislation, which may rely on estimates of outlays and receipts.'' This is the Achilles' heel of the balanced budget amendment to the Constitution.

I especially would like the proponents of this amendment to come over here and defy what I am saying about section 6 of this constitutional amendment.

While section 1 is the core of the amendment, because it says that the budget shall, not may, but shall be balanced every year, section 6 in the very same amendment says that we don't really have to balance the budget as section 1 would require. The proponents of this amendment are telling us in section 6 that they are just kidding in section 1 when they say that the budget must be balanced. In section 6, they are saying, ''We don't really mean it, Mr. and Mrs. America.'' In section 1, the amendment says that ''outlays shall not exceed receipts'' in any fiscal year, but section 6 says only that estimates of outlays shall not exceed estimates of receipts in any fiscal year.

So, if this amendment is adopted, the sacred document of the Constitution will say, in no uncertain terms, in section 1 that Congress shall balance the budget every year. But just read a little further, and the Constitution of the United States will say, forget section 1, Congress doesn't really have to balance outgo with income, doesn't have to balance outlays with receipts. All we have to do is just rig the estimates, so that estimated spending will not exceed estimated income for any given fiscal year.

Isn't that what this says?

Section 1, therefore, makes the entire balanced budget proposal as phony as a $3 bill. Better still, phony as a $2.50 bill; phony. If the escape hatch is used, we will be right back where we have been so many times in the past, balancing the budget will be smoke and mirrors, and anyone who can read the English language knows it. Because there it is as plain as the nose on your face: ''The Congress shall enforce and implement this article''—meaning the constitutional amendment to balance the budget—''by appropriate legislation, which may rely on estimates of outlays and receipts.'' Section 6 makes this proposed constitutional amendment a fraud; a fraud. I shall have more to say about section 6 at another time, but I will say this much: I say it makes the amendment a fraud.

Let the proponents read what the committee report says about section 6. Let me read from the committee report. Page 23 of the committee report: ''The Congress shall enforce and implement * * * creates a positive obligation on the part of Congress to enact appropriate legislation to implement and enforce the article.'' Then the committee looks at the words ''which may rely on estimates of outlays and receipts.''

The committee report goes on to say this: ''Estimates''—the word ''estimates''—''means good faith, responsible, and reasonable estimates made with honest intent to implement section 1.'' The committee knows that it is providing a loophole that is large enough for Atilla to drive his 700,000 horsemen through, large enough for Tamerlane, large enough for Amtrak—because it says in the first section the budget must be balanced, the budget shall be balanced; outlays may not exceed receipts.

Then it comes along in section 6 and says, ''Well, we don't really have to do that; don't really have to pay any attention to that language. What we really mean is that the estimates of outlays shall not exceed the estimates of receipts. And the record will show, as I will on another day, that it is impossible for the estimates—insofar as the record is concerned, it has been impossible for the estimates to balance or to come out as stated. It is impossible for anyone to estimate what the revenues are going to be. It is impossible for anyone in this Government to estimate what the revenues will be. It says, well, estimates really mean good-faith, responsible, and reasonable estimates.

What is meant by ''good faith''? How do we know when they are ''good faith'' estimates? How do we know when they are ''responsible'' estimates? How do we know when they are ''reasonable'' estimates? How do we know when those estimates are made with ''honest intent''? We have seen the numbers ''cooked.'' David Stockman was the Director of OMB during the early years of the Reagan administration. The numbers were ''cooked,'' and David Stockman said so. So they were rigged.

The committee goes on and says, ''This provision gives Congress an appropriate degree of flexibility''—you bet it does —''in fashioning necessary implementing legislation. For example, Congress could use estimates of receipts or outlays at the beginning of the fiscal year to determine whether the balanced budget requirement of section 1 would be satisfied so long as the estimates were reasonable and made in good faith. In addition, Congress could decide that a deficit caused by a temporary, self-directing drop in receipts or increase in outlays during the fiscal years would not violate the article.''

This is the committee report I am reading from, and it is talking about section 6 in this constitutional amendment. The language goes on to say in the committee report: ''Similarly, Congress could state that very small or negligible deviations from a balanced budget would not represent a violation of section 1.'' How much is ''small''? How much is ''very small''? What would be a ''negligible deviation''?

We have a $1.7 trillion budget. Let us say that the deviation is $50 billion. Is that ''small''? Is that ''very small''? Let us say the estimate only missed it by $50 billion. That is $50 for every minute since Jesus Christ was born. Is that small enough? It is only 3 percent of the total budget, $50 billion. As a matter of fact, you can make it $51 billion of a $1.7 trillion deficit. It would only be off 3 percent. Is that ''negligible''? Is that small enough?

It goes on to say: ''If excess of outlays over receipts were to occur, Congress could require that any shortfall must be made up during the following fiscal year.''

Now, this is the committee report explaining the amendment. And that is shilly-shally. That is what the committee report says. I did not say it. Section 6 provides the loophole, it provides the way out, the way to get around section 1 in the amendment, the way to get around this balanced budget amendment. I will have more to say about that section at a later time.

Now let us look at section 2 of the balanced budget amendment. Section 2 states, ''The limit on the debt of the United States held by the public shall not be increased, unless three-fifths of the whole number of each House shall provide by law for such an increase by a rollcall vote.''

In practical terms, what this section means is, again, if a minority in the Congress decides that they do not want to go along with the policies of the majority, they can put this country into default on its debt. If the United States ever defaulted on the payment of its debt, that action would send the world financial markets into utter chaos. This is the same as any family's filing for bankruptcy. Forget about ever getting another mortgage on the home or another automobile loan. Any lender, knowing that you have already skipped your payments and gone bankrupt, is going to charge you an exorbitant rate of interest on your next loan, that is, if you can ever get another loan.

Failure to raise the debt limit or ceiling, when required, would have far-reaching effects on the U.S. Treasury's

ability to pay Social Security and veterans' pensions and other obligations, and the Nation's creditworthiness would be destroyed. Millions of people depend on Federal payments, including employees, pensioners, veterans, investors, contractors, as well as State and local governments. If the debt ceiling is reached and the necessary supermajority vote of both Houses is not achieved, all of these payments must be stopped.

The fact is that over the last 16 years, there have been 30 occasions when the Congress has voted to increase the debt limit. And yet, on only 2 of those 30 occasions have we met the three-fifths requirement of this balanced budget amendment. It is not going to be easy. A minority will have many opportunities to play politics with this phraseology in this amendment. Only on 2 of those 30 occasions have we met the three-fifths requirement for this balanced budget amendment. On the other 28 occasions, less than three-fifths of the whole number of both Houses voted by rollcall to provide the necessary increase in the debt limit.

I have seen the occasion arise many times when this party or that party, one party or the other, will play politics with this language. I have seen situations in which the Democrats laid back, would not vote for an increase in the debt limit. They would make the Republicans do it. And I have seen the occasions when the Republicans would lay back and not vote to raise the debt ceiling, make the Democrats do it.

One particular instance comes to mind. This is just an example:

''On Friday, October 12, 1984, the 98th Congress adjourned after the Senate, in a final partisan political battle, narrowly approved an increase in the national debt ceiling to $1.82 trillion. Senate Republicans cleared the way for adjournment when, without the vote of a single Democrat''—I was the minority leader—''without the vote of a single Democrat they,'' meaning the Senate Republicans, ''approved an increase in the national debt ceiling. 'There will be no more votes today,' said Baker,'' meaning Howard Baker, ''as he smiled broadly. 'There will be no more votes this session. There will be no more votes in my career.' His Senate colleagues and spectators in the galleries came to their feet to give the Tennessee veteran a roaring ovation as he sat in his front-row seat. Baker joined in the light laughter saying, 'Frankly, I first thought that applause was for me. But then I realized that it was for sine die adjournment.' ''

''Following the vote on the debt limit, Senator DANIEL PATRICK MOYNIHAN said, 'For 4 years, Republicans have always made us Democrats pass a debt limit. Then they campaigned against it. Now it's their debt limit. Let them pass it.' ''

So those are the games that were played, and they will be played again.

Section 3 of the amendment is as follows: ''Prior to each fiscal year, the President shall transmit to the Congress a proposed budget for the U.S. Government for that fiscal year, in which total outlays do not exceed total receipts.''

So this section means then that the President of the United States must send a balanced budget to the Congress before each fiscal year even though during a recession the President may deem it advisable to recommend a fiscal deficit in order to help get the country back on its feet. That will happen from time to time. The language of section 3 would preclude his doing so. He is not supposed to recommend a fiscal deficit. He is required by the constitutional amendment to recommend a balanced budget.

Notwithstanding this requirement, however, a President's Office of Management and Budget could ''cook the numbers,'' as was done during the administration of President Reagan. Didn't David Stockman say so? That is not just ROBERT BYRD talking. They cooked the numbers to reflect whatever income and spending numbers the administration wanted. And they can do it again. They will do it again—cook the numbers.

The President's budget could, for example, forecast that the economy will grow faster than it really will grow, and therefore would take in more tax revenues; or the administration could forecast that interest rates would be much lower than most economists predict, or that unemployment would drop during the upcoming budget year, thereby causing the budget to be in balance. Cook the numbers.

In short, the President and his staff can, as we have seen in the past—don't say, ''It ain't so,'' because it is—come up with any number of rosy scenarios in order to make the numbers balance. Consequently, simply telling the President of the United States that he must send a balanced budget to the Congress does not in fact get us any closer to balancing the budget. The American people will again be treated to ''make believe,'' ''Alice in Wonderland'' budgets while we politicians just keep on playing the same old shell game in ways that will fool the American public.

Section 4 reads:

> No bill to increase revenue shall become law unless approved by a majority of the whole number of each House by a rollcall vote.

What the proponents of this amendment are doing is making it more difficult for Congress to close tax loopholes—to get rid of what are called tax expenditures. Mr. President, that little piece of the economic pie amounts to about $500 billion in lost revenues every year. This is not to say that all of these tax writeoffs are bad policy. Certainly the mortgage interest deduction has allowed many more Americans to own homes than may have otherwise been the case. So, many of the writeoffs are wholesome and healthful for the economy. But, at same time, some of these writeoffs are simply tax loopholes which, like leeches, suck the blood from the economic body politic.

No one likes to raise taxes, but it is something that has to be done, and for 208 years, Congress has been able, by a simple majority vote in both Houses, to increase revenues. It does have to be done, from time to time, no matter how much we may dislike having to vote to do it. Yet, this section would require a kind of ''floating'' supermajority in both Houses in order to increase revenue. Let me explain this term which I have invented. For over two centuries, the Constitution has required only a simple majority in each House to raise revenues. For example, let us say that there are 90 Senators present and voting on a measure to raise taxes. Up to this point, a simple majority, just 46 Senators of the 90, could pass the bill. Under this proposed constitutional amendment, with 90 Senators voting, 51—51 Senators, not 46; 51 Senators, or five more Senators than a simple majority—would be necessary.

Now, depending upon what day of the week, what hour of the day, of course, a supermajority of five votes would be necessary rather than a simple majority of one vote. But let us say that 80 Senators are present and voting. A simple majority would require 41 Senators to pass the bill. With this new constitutional amendment in place, at least 51 Senators would be required—or 10 more votes than is presently required. Hence, a supermajority of 10 in that hypothetical case would be necessary. And so on. If 70 Senators voted, ordinarily 36 Senators could pass the bill. But under this constitutional amendment, 51 Senators would be required, or 15 additional Senators over and above a simple majority; a supermajority of 15. So it is a ''floating supermajority.'' This is why I refer to it as a ''floating supermajority.'' It floats, or changes, depending upon the number of Senators present and voting, so that if the supermajority of five votes is necessary to pass the tax bill on a Wednesday, let us say, a supermajority of 10 votes or 15 votes may be necessary if the passage of the bill should occur on Thursday or Friday. It could be 9 o'clock in the morning in one case and 4 o'clock in the afternoon in the other. So it would fluctuate. It is not an exact number. It will float from day to day and from hour to hour, depending upon the clock and the calendar.

Section 5 states:

> The Congress may waive the provisions of this article for any fiscal year in which a declaration of war is in effect. The provisions of this article may be waived for any fiscal year in which the United States is engaged in military conflict which causes an imminent and serious military threat to national security and is so declared by a joint resolution, adopted by a majority of the whole number of each House, which becomes law.

Mr. President, Congress does not always declare war anymore. Even when it does declare war, the declaration

may not necessarily be lifted when the shooting stops. Congress declared war against Germany in 1941. Not very many Americans, and not all the Members of the U. S. Senate, perhaps, realize that this declaration of war existed until September 28, 1990. Consequently, if this constitutional amendment to balance the budget had been a part of the U.S. Constitution during that period, the Congress could have waived the balanced budget requirement every year for almost a half century—because a declaration of war was ''in effect,'' technically.

So, here again, this section requires a ''floating'' supermajority, as did section 4, in order to receive the necessary approval by both Houses of Congress.

If the Nation is not engaged in a conflict that causes an imminent and serious military threat to national security, then a three-fifths majority would be required to waive the amendment for national security reasons. I would like to remind my colleagues just to think back with me to the 1990–1991 timeframe and recall President Bush's military buildup in the Persian Gulf. Prior to the actual Desert Storm engagement, a very expensive military buildup was necessary to provide the materiel and the personnel to conduct that conflict. Under this constitutional amendment, should a similar situation arise, the President would be required to achieve a three-fifths majority of both Houses in order to enact into law a waiver under section 1 because the waiver under section 5 would not be applicable, in that we would not be ''engaged'' in a military conflict; we are just getting ready for one. We are just rolling up our sleeves. We are just preparing. We are getting things all lined up, but we are not actually in a military conflict. But that has to be done because you cannot provide the materiel, the equipment, the engines of war just overnight. Furthermore, under section 5, a three-fifths majority could be required to increase military spending to deter aggression, provide military aid to our allies, or to rebuild forces after a military conflict.

Until such a three-fifths majority is achieved, what happens to the Nation's defenses? What happens to our national security? Will our allies be able to count on the United States to stand shoulder to shoulder with them if a necessity for such should materialize in the future?

Will they have any confidence that the United States will act? They have to be more confident than I am confident that the three-fifths vote would be here in this Senate.

Section 7 states:

Total receipts shall include all receipts of the United States Government except those derived from borrowing.

''Total receipts shall include all receipts of the United States Government except those derived from borrowing.''

Total outlays shall include all outlays of the United States Government except for those for repayment of debt principal.

Under the definition of section 7, Social Security checks and veterans benefits, veterans pension checks, Medicare reimbursement checks—they are outlays. Does anyone dispute that? Those are outlays. The senior citizens of this country and the veterans of this country are being asked to accept on blind faith the fact that their Social Security checks or their Medicare benefits will be secure if this constitutional amendment is adopted here and ratified later by the requisite number of States.

They are being told—Social Security recipients are being told, the recipients of veterans checks are being told—that even though the Social Security trust fund is not specifically exempted from the balance mandate, they have no need to worry, because Congress is on record as agreeing to balance the budget without touching the fund.

The Balanced Budget and Emergency Deficit Control Act of 1985, commonly known as Gramm–Rudman-Hollings, placed Social Security off budget beginning in 1986. This legislation, with its protections for Social Security, passed the Senate by a vote of 61 to 31 with a strong bipartisan majority. The Budget Enforcement Act of 1990 reinforced these earlier protections for Social Security by placing it even more clearly off budget. What the American people are not being told by the proponents of this amendment, however, is that a mere statute—a mere statute—protecting Social Security is subordinate to the Constitution of the United States, which is the supreme law—the supreme law—of the land. It will top, it will trump any statute. The supreme law. Here it is, the Constitution of the United States. Tops any statute.

Nor would the good intentions of the present Congress be binding on future Congresses. I say to the veterans and to the senior citizens of our country, be on your guard. If this proposal becomes a part of the U.S. Constitution, your checks—your checks—will be at risk of being reduced in the future.

Finally, Mr. President, section 8 says:

This article shall take effect beginning with fiscal year 2002 or with the second fiscal year beginning after its ratification, whichever is later.

Which means simply that it can't take effect prior to fiscal year 2002. So those of us who are up for reelection in the year 2000 could, if it was our desire, vote for this amendment, go on home, sit in the old rocking chair, and just rock away, because the hammer isn't going to fall on me. This thing will not go into effect until 2002, at the earliest.

What does that mean? That also means that Members of the House and Senate will be relieved of the pressure until 2002. So we can just go on our merry way. It will all be taken care of, it will all become automatic, this is self-enforcing, it's automatic. The sky is falling; the debt is bad; the deficit is terrible; just vote for the constitutional amendment to balance the budget; it's just that simple.

This section amounts to nothing more than a feel-good section. What this is saying is that we can wait to actually balance the budget. We do not need to do it now, Mr. President. This year of 1997 may well be the most opportune time in many, many years to achieve a balanced Federal budget. The President has submitted a budget that is projected to balance by the year 2002. We have already made substantial progress toward that end. The deficit has already been reduced over 60 percent in the last 4 years. It is time to finish the job that we started 4 years ago and enact legislation that will achieve a balanced budget by 2002, not wait until 2002 to start to balance the budget.

So, Mr. President, when looked at in its entirety, this proposed constitutional amendment amounts to nothing more than constitutional flimflam, constitutional pap. If it is adopted, we would have turned majority rule on its head and replaced it permanently with minority rule. And in the meantime, we will have perpetrated a colossal hoax—h-o-a-x—on the American people, and our children will have been robbed of their birthright to live under a constitutional system of checks and balances and separation of powers.

We have all heard the moaning and groaning, the shedding of tears about our children, how they are going to bear the fiscal burden that has been placed upon them. I share that feeling. I voted for the package in 1993 that reduced the Federal deficit by $500 billion, something like that, $500 billion, which has resulted in four consecutive years of reduced deficits.

I voted for that. No Senator on that side of the aisle can say that he voted or she voted for that. They will say, ''Well, the reason I didn't is because it increased taxes.'' Well, that may be part of the pain that we will have to undergo to relieve that burden from our children's backs.

I do not think the President should be advocating tax cuts now. I do not think that the GOP, the grand old party, should be advocating tax cuts at this time. Forget about the tax cuts and relieve the burden on our children's backs by that much.

I am concerned too about my grandchildren and my great grandchildren and their children, that they will not live under a Constitution such as that which was handed down to us by our forefathers.

But let me remind my colleagues who may be listening, let me remind the American people who may be listening, this amendment does not require that the budget be balanced. It does if we only look at section 1. But when we look at the amendment in its entirety and go down to section 6, we realize full well that it does not mean that. We are only required to balance the estimates, the estimates of revenues, the estimates of outlays. So what this amendment does is require us to balance the estimates.

Mr. President, I am reminded of Plato's Allegory of the Cave. In his ''Republic,'' Plato, in a dialogue with a friend, speaks of human beings living in a cave, with their legs and their necks chained so that they can only look toward the rear of the cave. They are prevented by the chains from turning around, from turning their heads toward the entrance of the cave. And above and behind them is a fire blazing, causing shadows to appear on the walls of the cave, the shadows creating strange images that move around the walls, as the flames flicker and as men and objects pass between the fire and the human beings who were chained. The den has an echo which causes the prisoners to fancy that voices are coming from those moving shadows.

At length, one of the human beings is liberated and compelled suddenly to stand and turn his neck around and walk toward the cave's entrance, walk toward the light at the entrance. As he is compelled to move toward the cave's opening, he suffers pains from the light of the Sun and is unable to see the realities, unable to see the realities of which in his former state he had only seen the shadows. He even fancies that the shadows which he formerly saw were truer than the real objects which are now revealed to him.

He is reluctantly dragged up a steep and rugged ascent until he is forced into the presence of the bright noon day sun and he is able to see the world of reality.

Mr. President, as I listened to my colleagues who are proponents of the balanced budget amendment, I hear them year after year urging support of a constitutional amendment, and they use the same old arguments year after year. They must be getting tired of hearing those arguments over and over. I know I am tired. They seem never to view the amendment with reality but always with their backs turned toward the light and their faces turned toward the darkness, as it were, of the rear of Plato's allegorical cave. As in his Allegory, they seem to be impervious to a realistic view of the amendment, but continue to insist that it is really the elixir, the silver bullet, and they seem to resist holding it up to the light but prefer, instead, to concentrate on its shadows, its feel-good platitudes.

I view the amendment as a flickering, unrealistic image on the walls of the cave of politics. Most of the proponents of the amendment are unwilling to take a look at the amendment, section by section, phrase by phrase, clause by clause, and word by word, preferring to live with the image that has so long been projected to the overwhelming majority of the American people by the proponents of the amendment. It is a feel-good image that will not bear the light of scrutiny, and the echoes that come back from the walls of the cave of politics are the magic incantations that we hear over and over and over again in this so-called debate—''vote for the amendment''—which really is not a debate at all. It has not been thus far. Maybe it will become one. If it were a debate, the proponents would be on the floor, even now, challenging the conclusions that I have drawn and expressed and telling me that I have not been reading the amendment correctly—''No, the amendment does not say that,'' they should be saying—in which I have proclaimed it to be a fraud.

Elijah smote the waters of the Jordan with his mantle and the waters parted, and he and Elisha crossed over the Jordan on dry land to the other side of the Jordan. I have seen that old river of Jordan, one of the great rivers of the world. I thought it was going to be a wide, deep river. Not a wide river. Not a deep river. Some places it might be 2 feet deep, that great old river of Jordan.

I bet my friend here sings songs about that old river of Jordan.

> On Jordan's stormy banks I stand,
> and cast a wishful eye
> To Canaan's fair and happy land
> where my possessions lie.

So Elijah smote the waters with his mantle and the waters parted, and he and Elisha crossed over on dry land to the other side of the Jordan. This constitutional amendment will never be the mantle that will part the waters of political partisanship and divisiveness, ''cooked numbers,'' and doctored estimates so as to provide a path across the river of swollen deficits to the dry land of a balanced budget on the opposite banks of the stream. Where are those who will challenge what I have said about section 6, who will say that I am wrong about this amendment's unworthiness of being placed in the Constitution, who will cite the errors of my argument and explain to this Senate the amendment, section by section, and explain why this amendment will work, how it will work, where the cuts will be made, and how the revenues will be increased. All of these good things do not just happen once the amendment is added to the Constitution.

If this amendment is the panacea that so many in this body claim it to be, then certainly it could stand the scrutiny of point-by-point, section-by-section debate. It is flawed, as I believe, and if it is flawed, as I believe, we must dare to hold it to the light and expose it. The American people should not be sent such a far-reaching amendment without an exhaustive discussion of the havoc that it could create.

This is not a campaign slogan—''pass the balanced budget amendment.'' It is not a Madison Avenue jingle designed to sell soap. Why not just put it on the bumpers of our automobiles as a bumper sticker—''pass the constitutional amendment.'' This is an amendment to the most profound and beautifully crafted Constitution of all time. And we owe the American people the best, most thorough debate on its provisions of which we are capable as lawmakers and as their elected representatives.

Let us all come out of the cave and not fear or shrink from the bright rays of the Sun on the language of this amendment.

AMENDMENT NO. 6

(Purpose: To strike the reliance on estimates and receipts.)

Mr. BYRD. Mr. President, I ask unanimous consent I may offer an amendment at this time and that it be laid aside pending the consideration of other amendments that may have been introduced already.

The PRESIDING OFFICER (Mr. ASHCROFT). Without objection, it is so ordered.

Mr. BYRD. Mr. President, I shall read the amendment:

On page 3, strike lines 12 through 14 and insert the following:

Section 6. The Congress shall implement this article by appropriate legislation.

Mr. President, that does away with balancing by estimates.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from West Virginia [Mr. BYRD] proposes an amendment numbered 6.

On page 3, strike lines 12 through 14 and insert the following:

''SECTION 6. The Congress shall implement this article by appropriate legislation.

Mr. BYRD. Mr. President, I will be happy to consider a time limit on this amendment and vote on it on a future day. I am agreeable to trying to work out a time limit at some point. I just offer it today so that it may be made part of the RECORD and may be printed and that we may, then, with this understanding, return to it at a future day.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEAHY. 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. LEAHY. Mr. President, the distinguished Senator from West Virginia has done a service to this body, as he has for so many years in so many different issues at so many different times.

In part of this debate over the last 2 days, I have on more than one occasion urged the proponents of this constitutional amendment to step up to what I call the Byrd challenge. I know the distinguished senior Senator from West Virginia knows that I say that most respectfully because when the distinguished Senator from West Virginia lays down a challenge on a constitutional issue, every one of us, Democrats or Republicans, should pay attention because what he is doing is challenging the U.S. Senate to rise above politics, rise above polls of the moment, but to stand up for our Constitution for the ages. Polls come and go. Polls change. The Constitution stands for the ages.

I think of the vote as the war clouds gathered in Europe before World War II, the vote to extend the draft, I believe it was by one vote. Those who voted to extend the draft cast a very unpopular vote for the most part. Where would democracy be today if they had not had the courage to step beyond the polls of the moment? Look at the Marshall plan. I remember former President Nixon telling me that he remembers 11 percent of the people in this country were in favor of the Marshall plan, but if Harry Truman had not had the courage to push forward and had not Members of this body and the other been willing to stand up, we would not have had the democracy stand where it does today.

If this great country, the greatest democracy, the most powerful economy, the most powerful Nation in history, hamstrings itself into something in the Constitution where it cannot reflect basic economic realities, those of us who succumb to the passing moments of a poll may regret, and our children may regret, that we did not listen to the Byrd challenge.

I repeat what I said before many times, the Byrd challenge is here. I ask proponents of this constitutional amendment to focus on the words of this proposed amendment, explain what they mean, explain how this proposed constitutional amendment will work. Senator BYRD has explained this amendment word by word, section by section, phrase by phrase, and what he has done is asked the obvious questions—what does it mean?

Mr. President, we are in this Chamber, the Chamber that shows respect for silence, for the silence is thundering in response to the distinguished Senator from West Virginia, because there has been no response to his question, what do these phrases mean, what do these words mean, what do these sections mean?

Mr. BYRD. Would the distinguished Senator yield?

Mr. LEAHY. I am happy to yield to the Senator.

Mr. BYRD. I thank the distinguished Senator. I hope that Senators will look carefully at section 6 of the proposed constitutional amendment and that they will also look very carefully at the words of the committee report, which deals specifically with section 6. The distinguished Senator from Vermont is on the Judiciary Committee. He wrote some differing views from those of the majority of the committee, and they are printed in the committee report. But inasmuch as my amendment strikes most of section 6, I hope that Members—and I particularly call to the attention of new Members of the body, section 6 and the language in the report which provides the loopholes that will give us all a way out of having to live up to this constitutional amendment give us a way out of having to balance the budget, in the event that it is adopted by both Houses and ratified by three-fourths of the States.

I thank the distinguished Senator from Vermont.

Mr. LEAHY. I thank the distinguished Senator from West Virginia. I close only with this: None of us in this body owns a seat in the U.S. Senate. We are privileged and honored to serve here at the time we are here, and then we go on. But our Constitution does own a place in our country. It has been amended only 17 times since the Bill of Rights. We should never rush pell-mell into an amendment to this Constitution without thinking through the consequences.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. ROBERTS). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Ms. SNOWE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. SNOWE. Mr. President, I think it is important for the American people to know how significant and important this debate is on the constitutional amendment to balance the budget. I served 16 years in the House of Representatives and am now in my third year in the U.S. Senate. Some have argued that when we debate this amendment, we are hearing the same old argument over and over again. That is true, because we have the same problem year in and year out. That is why those of us who support a constitutional amendment feel so strongly about the necessity to have this amendment in the Constitution of the United States because it will ensure stability and security for the future of this country and for our children and our grandchildren.

Having served in this overall institution for 19 years now, we have heard the debate on the constitutional amendment. This is about our eighth time in either the House or the Senate, or both, that we have been debating this issue. Guess what? Each and every time we have heard the same arguments over and over again as to why we don't need a constitutional amendment, that it is not necessary, that we can do it on our own, that if only we had the will or the discipline, we could enact a balanced budget, that it is simply not necessary. Well, if that was the case, why then don't we have a balanced budget? Why is it that we are still trying to enact a balanced budget? Why is it that we are still trying to reach an agreement with the President of the United States on a balanced budget?

The President said the other day in his State of the Union Address, ''We don't need to rewrite the Constitution of the United States. All we need is your vote and my signature.'' Well, we gave him our vote on a balanced budget. It was submitted to the President of the United States last year. Guess what? We didn't get his signature.

That is the problem. We can all have our disagreements about the particulars. But in the final analysis what is required in a balanced budget amendment is that you have to agree to the bottom line. There is a bottom line. What this amendment says is that total outlays will not exceed total receipts in any fiscal year. I know that is a concept that is difficult to understand in this institution because it is nothing that we have ever been required to do. What we feel is important to the security interests of this country is to ensure that we have balanced budgets in perpetuity.

Almost every State in the country is required to have a balanced budget. Yes. Most of them are required to balance their budgets because of a constitutional amendment in their State constitution, like my State of Maine. My husband served for 8 years as Governor. Believe me, they didn't argue with particulars of the constitutional amendment. They understood what they had to do because they took an oath of office as each and every one of us does in the U.S. Senate and the U.S. House of Representatives. We are required to uphold the Constitution of the United States as each and every Governor is required to uphold their State constitution.

So what they did in good faith is reach an agreement on a budget, and in their case a biennial budget. Yes, if their estimates were wrong, they made adjustments. Their constitutions are not prescriptions for perfection. It is an attempt to comply with the constitution. That is what the Governors and the State legislatures do all across the country. If their estimates are wrong, if their projections for interest rates, unemployment rates, or inflation rates are wrong, they make adjustments throughout the year or at the end of the year, because they understand they are required to balance the budget.

So, I find it sort of nothing short of extraordinary that we sit here and argue, ''Well, this amendment is providing too much flexibility because we are relying on estimates.'' Yet, on the other hand we are facing numerous challenges and propositions to a constitutional amendment to balance the budget that would enhance our flexibility because there are those who argue, from across the aisle and other opponents, who say, ''Well, a constitutional amendment is too restrictive, we can't respond to circumstances such as recessions or downturns of the economy, a national economic emergency of some kind.'' So we are getting it from both sides—from those who say it is too restrictive and other opponents who argue saying it isn't restrictive enough. That is the problem here. Because in the final analysis, if we are truly interested in ensuring that we balance our budget, I suggest that we could overcome our institutional opposition by passing a constitutional amendment to balance the budget.

As I have said in the past to those who argue that, ''Well, it is just really a gimmick,'' if there was a gimmick, Congress would have passed it long ago because Congress loves gimmicks. But this constitutional amendment isn't a gimmick. It is an attempt to put our fiscal house in order.

It is interesting. We get this coming and going, if you listen to the debate. We have charts that show declining deficits. But what about the charts that show the deficits moving up beyond the turn of the century and even before that time? We will be required in the year 2002 alone to reduce the deficit to balance the budget by $188 billion. But the opponents will not tell you about the deficits in future years that will double and triple—double and triple. In the year 2025 alone, the deficit will be in that one year alone $2 trillion. You know 2025 isn't that far away, if you think about your children and your grandchildren and the staggering debt that they will be required to assume because we are just passing it on.

In fact, if we do not manage this debt, the next generation will be required to pay an 82-percent tax rate and see a 50-percent reduction in their benefits. And that is a fact.

Are we not required or obligated to address that question? An 82-percent tax rate and a 50-percent reduction in benefits. That is what we are leaving to the next generation. I know I and others as strong proponents of this amendment share a true responsibility to begin to address this question. I would like to think that we have faith in this institution sufficient enough to know that this can happen. But it will not and it has not.

The last time we balanced the budget in the U.S. Congress was the same year that Neil Armstrong landed on the Moon. That is what these 28 unbalanced budgets on this desk represent. That is the point. Since 1950, we have only had five surpluses—five. In a century, practically speaking, 27 times. That is the track record. That is the historical track record.

Is that the gamble we want to take for the next generation? I say not. And that is why I am prepared to take the risk in terms of the interpretation of a constitutional amendment to balance the budget, because it is that important to our future. And so each and every time we hear everybody saying: ''We can do it; it is important, I agree; we should have a balanced budget; we can do it on our own,'' just think for a moment. We have not had one since 1969.

The fact is we cannot even agree statutorily. We had that debate last year for a long time. In fact, a group of us on a bipartisan basis offered our own plan to try to serve as a catalyst for this debate. In fact, we received 46 votes. And I did not like everything in that budget, I have to tell you. But I was willing to agree to it because I thought the bottom line was that important. I do not doubt for a moment that it is difficult to reach an agreement among 100 Senators or 435 Members of the House, so a total of 535, plus the President of the United States. But there has to be some give-and-take in this process, some flexibility in order to reach the bottom line. Unfortunately, we have too much flexibility because we are not required to balance the budget. Oh, sure, we have some statutes, but Congress has long ignored those statutory requirements to balance the budget—long ignored them. That is why a constitutional amendment is so important.

I frankly think there is no greater issue, no issue more central to the economic future of our country as well as to our children and to our grandchildren than balancing the budget. I know the administration is touting an economic recovery, but I have to tell you there are not a lot of people in my State participating in a full economic recovery. Many people are feeling very anxious about the future, about their children's future. The overwhelming majority of Americans—in fact, some polls say as high as 88 percent—have said that they do not believe the next generation will achieve the American dream.

I say that is disheartening, and yet I can understand why people would feel pessimistic, because they know they are working hard to try to make ends meet, and they know their children will be working hard to make ends meet in order to maintain a decent standard of living.

We have heard, well, household income is up. But the real household income in America today is down below the levels of 1990 when we were facing a recession. And certainly my State and New England, California were the hardest hit regions in this country. But that is because there are more people working in the family today; they are having more jobs in order to make ends meet.

There was a cartoon last year showing the President touting the millions of jobs that had been created, and the waiter serving him lunch said, ''Yeah, and I have four of them.'' That is the point. People are having to work longer and harder than ever before to make ends meet.

So then you look at the tax burden. We have heard a lot of discussion about taxes. The tax burden is high. It now represents 38 percent of a family's income—more than food, shelter, and clothing combined. So not only are people working longer and harder in more jobs, but also they are facing a rising tax burden.

Then we hear about economic growth, and we have seen the projections for the future—2.3, 2.1, 2.5, but the average projected growth for America in the next 5 years is about 2.3 percent. If we had had that growth rate for the last 30 years, we would not have achieved today's economy until the year 2003. We would have had 13 million fewer jobs in America.

The point is that this balanced budget is crucial to American families because it means more income in their pockets. That is the bottom line. That is the mathematics of it all, because the less the Government spends, the less it borrows, the more money American families will have in their pockets. That means savings to them. It means their car loans, their student loans, their mortgages will be less costly. That is a fact. In fact, all combined, they could realize a savings of $1,500 a year because interest rates will be less.

That is real money to the average American family. It is less money they have to give to their Government. It is more money that they have to spend. Frankly, that is what this debate is all about, how we can improve the standard of living for American families and begin to think about our priorities here in the Congress and the priorities for our Nation. But when you do not have to meet a bottom line like every family does in America, every business, every State, you do not have to think about what is a priority anymore. You do not have to think how well or efficiently or effectively we will spend the hard-earned taxpayers' dollars. We just do not have to think about it because we can just incur deficits year in and year out. Even the President's budget that he submitted to the Congress last week adds another $1 trillion over the next 5 years. And that is supposed to be a balanced budget.

That is what we are talking about. So that is why I happen to think a constitutional amendment to balance the budget is the only course of action that we can take to ensure prosperity for the future.

I know we can have our differences, but in the final analysis we ought to agree that this is the one step we can take. A balanced budget will be great for American families. It will be great for America because it will expand economic growth, and economic growth is the engine that drives a healthy economy. It will help to increase wages, create more jobs, unleash millions, billions of dollars in capital to allow this country to expand and to grow. I do not think we ought to accept budgets that compromise our economic standards, our economic opportunities, because that is what unbalanced budgets do. We are facing a very competitive future in this global economy. The American people understand that. They understand that, and they are worried because they are not certain how their children will be able to prepare for that competitive economy.

That is why education has become a central issue and a central part, I know, of our agenda here in the Senate, and a central part of the President's agenda—because we are going to have to prepare to make investments in education, not only for the basic education needs of Americans but also in continuing education so they are constantly prepared for the changes in skills and technology. But, in order to

make those investments, we have to set priorities in our budgets. We have to have more money to spend. That is why I think balancing the budget and investing in education are not mutually exclusive goals; that you can be fiscally responsible but at the same time be visionary, be compassionate about the investments that we need to make as priorities for America. That is what a constitutional amendment to balance the budget will do, because it will require us to do it each and every year, to examine and reexamine our priorities and how well these programs are functioning.

We have an obligation to make sure that every dollar that is spent is spent wisely and efficiently. Under the current budget process, there is no such requirement.

John F. Kennedy once said, ''The task of every generation is to build a road for the next generation.'' I cannot think of a more important road than the one that leads to fiscal security for future Americans. We have no less an obligation to ensure that, because never before has one generation delivered to the next generation a lower standard of living. But we are in danger of doing that now, and that is why I think it is so important that we grapple with reality and reach the conclusion that the only way we can ensure that prosperity and security for Americans is by enacting a constitutional amendment to balance the budget.

I yield floor.

Mr. GRASSLEY addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. GRASSLEY. I see several of my colleagues are waiting. I am only going to speak 6 or 7 minutes. Do I have to ask unanimous consent?

The PRESIDING OFFICER. The Chair will observe that at 1:30 the Senate will proceed, under the previous order, to the Dodd amendment for 4 hours.

Mr. GRASSLEY. I will just take what time is left.

Mr. DORGAN. If the Senator will yield for a question? Mr. President, the Senator indicated he wished to speak for 6 or 7 minutes. The Senator from North Carolina, apparently, wishes to speak for 3 minutes, and I had come to the floor wanting to speak also on the legislation.

I ask the Senator to propound a unanimous-consent request that he speak for 7 minutes, the Senator from North Carolina follow for 3 minutes, after which I be recognized.

The PRESIDING OFFICER. The Chair would observe that we would need unanimous consent to deal with the Dodd amendment, as to whether or not that time would be extended.

Mr. HATCH. Mr. President, I ask unanimous consent that time be taken out of both sides equally in the Dodd amendment, because I think we have more than enough time. If we need more time, we will ask unanimous consent to get more.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY. I thank Senator HATCH very much for taking care of that, Mr. President. I appreciate that very much.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, the Senator from Maine had a very good statement that we all ought to take cognizance of, and that is based on her experience, being that her husband was Governor of Maine and they had to live within a balanced budget, year after year after year. It does force discipline upon policymakers. She gave an eloquent statement from that point of view, as well as a lot of other good reasons why we need a constitutional amendment to balance the budget.

FINANCIAL ACCOUNTABILITY AT DOD

Mr. GRASSLEY. I want to speak on a problem that I have been speaking about in the Department of Defense, but it also emphasizes the need for having a balanced budget, because the shenanigans that go on in the Defense Department would not go on if we had more discipline in this town in regard to the expenditures of taxpayers' money.

On January 28, I spoke here on the floor about irresponsible financial accounting policies being pursued over at the Department of Defense. This policy is the responsibility of the chief financial officer at the Pentagon. The person holding that position now is Mr. John Hamre, but it would be applicable to anybody holding this position. The chief financial officer is supposed to be tightening internal controls and improving financial accounting. That is exactly why we passed, in 1990, the Chief Financial Officer's Act. Mr. Hamre should be cleaning up the books at the Pentagon and watching the money like a hawk. If that had been the case, we would not need to have a constitutional amendment for a balanced budget, if we had been doing that properly over the last 25 years.

Sadly, the job is not being done. To make matters worse, the bureaucrats are pushing a new policy on progress payments that will loosen internal controls and cook the books. This new policy is embodied in draft bill language that was being circulated in the Pentagon for review as recently as January 30. I expressed my concerns about the new policy in my statement on January 28. In a nutshell, this is what I said then and it is still appropriate today:

I am afraid that this new draft language would subvert the appropriations process that is so key to keeping tight control on how the taxpayers' dollars are expended by the Congress of the United States.

I even alerted the chairman of the Appropriations Committee to the bad aspects of this language. The new language is not one bit constructive. It would not fix Defense's crumbling accounting system. It would merely condone and perpetuate crooked bookkeeping practices.

Since raising this issue here on the floor, I have exchanged letters with Mr. Hamre. I ask unanimous consent that correspondence be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

UNDER SECRETARY OF DEFENSE,
Washington, DC, January 29, 1997.

Hon. CHARLES E. GRASSLEY,
U.S. Senate,
Washington, DC.

DEAR SENATOR GRASSLEY: I was astounded yesterday to see that you went to the floor of the Senate to personally attack me. You made no effort to discuss your concerns with me either directly or through your staff. You did not contact me to ask me to explain my position on a draft proposal circulating within the Department for comment. And the ''concerned citizen'' you cite in your letter who provided this information has never contacted me. This was a Pearl Harbor attack, and I am very disappointed in it.

Frankly, we have done more in the past 3 years to clean up financial management problems in the Department than anyone else has done in the past 30 years. Secretary Perry deserves high praise for making this a priority. I have certainly dedicated myself to this task. You can ask any objective individual in town and they would tell you we have made enormous progress.

In the past 3 years we have closed over 230 inefficient accounting offices and consolidated them into new operating locations with improved business practices and equipment. We have closed over 300 payroll offices and transferred accounts from some 25 old outdated payroll systems into a new modern system with a 500 percent improvement in productivity. We have reduced problem disbursements by over 70 percent in 3 years. We have instituted new policies that freeze activity on accounts that are in deficient status, and I am forcing the Services to obligate funds to cover negative unliquidated obligations. We are prevalidating all disbursements of funds for all new contracts and have lowered the prevalidation threshold on existing contracts.

Yet without even offering to discuss the issue with me, you blast me from the floor of the Senate, claiming I am ''ready to throw in the towel'' on financial management reform. That is nonsense, and I am disappointed that you would suggest it. I don't blame you personally. I worked for the Senate for 10 years and I know how busy Senators are. I know that you are often given material by staff who represent the fact as correct. But it is disappointing that you would not even ask me to come over to discuss it with you. After you had heard my side, it would be perfectly fair for you to blast me if you still disagreed. But you didn't even ask me to meet with you.

For the record, the language which you criticized has nothing to do with the M account as you allege. It would not ''thumb our nose'' at the appropriations process or the law as you state in your speech. It would not pool funds at the contract level. This language merely clarified that progress payments are a financing device to lower borrowing costs. In their 40 year history, progress payments were never designed to do anything other than finance a contract. Every progress payment we make is linked directly to the source funds identified to the contract, and detailed audits are conducted

before the contract is closed. We don't reimburse contractors for the full costs they incur precisely to guarantee that we don't overpay contractors. This language was designed to clarify a problem we have with progress payments. Progress payments cannot be linked to funding sources unless the acquisition community mandates that every contractor in the country change its accounting systems to accommodate DoD fiscal law prohibitions and invoice us in terms of congressional appropriation categories. That would not be good business sense and violates the underlying purpose of progress payments.

Next time, Senator Grassley, please contact me first before you attack me on the floor of the Senate. You actually set back financial management reform by your attacks because people pull back from actions just to avoid the criticism.

Sincerely,

JOHN J. HAMRE.

U.S. SENATE,
Washington, DC, January 30, 1997.

Hon. JOHN J. HAMRE,
Under Secretary of Defense, 1100 Defense Pentagon, Washington, DC.

DEAR JOHN: I am writing in response to your letter of January 29, 1997, expressing anger and disappointment about my recent speech on the floor of the U.S. Senate about the lack of ''Accountability at the Department of Defense.''

Your anger and disappointment seem to flow from one main source. You think I made no effort to discuss this matter with you before blasting you on the floor of the Senate. You state, and I quote:

''You made no effort to discuss your concerns with me either directly or through your staff. You did not contact me to ask me to explain my position on a draft proposal circulating within the Department for comment.''

John, that statement is totally false, and I demand an apology.

As soon as the draft language on progress payments came to my attention, my staff contacted your personal office directly at 703–695–3237 to express concern about it. That was the very first thing we did. My staff was informed that you were out of the building on travel and to call Navy Captain Mike Nowakowski, one of your congressional liaison officers. That was done immediately. Initially, on January 14th, Captain Nowakowski reported that he could find no trace of the draft language on progress payments but indicated that he would keep looking. At that time, my staff communicated my grave concerns about the proposal in detail, including a warning that I would go to ''battle stations'' if this language was, in fact, under active consideration. When Captain Nowakowski was unable to locate the language, I was able to obtain a copy elsewhere. My office faxed the document to him at 4:03 pm on January 14th. During a subsequent conversation on January 22nd, Captain Nowakowski confirmed that the language was indeed under review within the department. He also told me that he had personally briefed you on all my concerns.

John, those are the facts. The facts show that I did everything humanly possible to communicate my concerns directly to you. Your letter is out of line and inconsistent with the facts.

Furthermore, I believe Captain Nowakowski is telling the truth. He briefed you in detail about my concerns. He made that statement on January 22nd and reconfirmed it again this morning. I shared my concerns with you—as best I could through that unresponsive and cumbersome bureaucracy that is your office. So why did you say I made no effort to discuss my concerns with you either directly or indirectly through my staff? And why didn't you react and respond to my concerns? You should have called me and asked to see me. My door is always open to you.

John, you know that when I am disturbed about some development at the Pentagon, I usually go to the floor and talk about it. My staff informed one of your other congressional liaison officers—''Hap'' Taylor—that I was planning to do exactly that. When I do it, it is usually an unpleasant experience for some. But it's unpleasant only for those who fail to be responsible and accountable for the taxpayers' money. Since I am not a member of the Armed Services Committee, I think of the floor as my committee forum for defense issues.

John, you owe me two things. First, you owe me an explanation. If Captain Nowakowski is tell the truth—and I believe he is, then you need to explain the inaccurate assertions in your letter. Second, you owe me an apology.

I look forward to your response.

Sincerely,

CHARLES E. GRASSLEY
U.S. Senator.

UNDER SECRETARY OF DEFENSE,
Washington, DC, January 30, 1997.

Hon. CHARLES E. GRASSLEY,
U.S. Senate,
Washington, DC.

DEAR SENATOR GRASSLEY: I have received your January 30 letter demanding an apology. I am sorry that I won't do that because I believe I am the wronged party. You blasted me on the floor of the Senate and I wrote you a personal letter. It seems to me that a modicum of decency would hold that if you intend to criticize me *by name* on the floor of the Senate, I should have a chance to talk with you first before you do that. Yet you didn't do that.

You state in your letter ''I did everything humanly possible to communicate my concerns directly to you.'' I really don't know how you can conclude that. On two separate occasions in the past I had breakfast with you. I have spoken with you in previous occasions on the phone and at hearings. I have repeatedly stated my willingness to meet with you at any time. You have written me numerous letters and I have written back. Yet on this occasion you did not call my office, you did not ask me to come to meet with you, you did not send me a letter outlining your concerns.

My staff aid, Captain Nowakowski, told me that your staffer, Mr. Charles Murphy, had a copy of this language and ''had some serious concerns.'' At the time the document was in circulation for comment and did not represent Department policy. It is *still* in the coordination stage. We hadn't decided on what to do yet, so it was inappropriate to respond to a staff call expressing concerns on something that the Department had not adopted. Even then, Charlie (whom I have known for 10 years and consider a friend) didn't call me or ask to meet with me to relay your concerns.

Senator, I do respect you, but I owe you no apologies.

Sincerely,

JOHN J. HAMRE

U.S. SENATE,
Washington, DC, January 27, 1997.

Hon. TED STEVENS,
Chairman, Committee on Appropriations, U.S. Senate, Washington, DC.

DEAR TED: I am writing to express concern about a legislative proposal that is under consideration within the Department of Defense (DOD).

This provision, if approved, would significantly loosen controls over progress payments. DOD progress payments total about $20 billion per year. A copy of the proposed language is attached.

First, the Inspector General (IG) has been keeping a close eye on this whole problem for a number of years. IG audit reports consistently show that the department regularly violates the laws that the proposed language would undo. This is like legalizing the crime—instead of trying to fix the problem.

Second, this proposal is inconsistent with Comptroller Hamre's commitment to begin the process of matching disbursements with obligations before a payment is made. In last year's Report No. 104–286 (pages 18–19), your Committee directed Mr. Hamre to develop a detailed plan, including dollar thresholds and milestones, for eliminating all problem disbursements. The attached language would put that whole idea on a back burner indefinitely.

Third, the attached language would subvert the appropriations process. If DOD is to be authorized to merge and pool acquisition monies—R&D and procurement funds—at the contract level, then Congress must make some kind of corresponding adjustment in the way those monies are appropriated. To do otherwise might make the appropriations process irrelevant somewhere down the road.

I would like to ask you to urge Mr. Hamre to reconsider the attached proposal and search for a better way to solve the problem. Ted, there is obviously a problem in the payments process. We need to understand the problem before we try to fix it.

Sincerely,

CHARLES E. GRASSLEY,
U.S. Senator.

Mr. GRASSLEY. Mr. Hamre's letters tell me that he may not understand this issue. He seems confused. It is confusion like this that dictates more fiscal discipline in this town, and that can only come from a constitutional amendment requiring a balanced budget.

His letter of January 29, I think, contains two contradictory statements. In one breath he says that payments and appropriations are in sync. In the next breath, he admits that payments and appropriations are out of sync.

But then he goes on to say that the cost of getting them in sync would just be too high, that we cannot worry about whether payments are matched with a particular product or a particular invoice or appropriation account. He says, ''that would not be good business sense.'' It would place an unfair burden on the contractors.

Just think, when it comes to matching disbursements of money with an invoice, it might also place an unfair burden on contractors and government accountants.

So just what is the thinking of the chief financial officer? Clearly, there is a problem in the Department of Defense's payment process. There is a major disconnect. On the one hand, we have a whole body of law governing the use of appropriations; on the other, we have payments for factory work that are supposed to be matched with corresponding appropriations.

Unfortunately, the law and the payments just don't mesh. They can't be reconciled. So long as the two are not

in sync, the Pentagon is operating outside the law, and it doesn't reflect the fiscal discipline that we need in this town and that we would get with a constitutional amendment.

Unfortunately, the new policy in this draft language that is floating around the Pentagon does not put them back in sync. It will keep them out of sync permanently.

To understand the root cause of this problem, we need to step back in time. Bureaucrats do not like it when congressional overseers revisit history, but that is what we need to do. We need to revisit an old IG report, the inspector General's audit report dated March 31, 1992. That is number 92–064. It is on the Titan IV Missile Program.

That is where the problem was first detected and exposed, and that is the problem the bureaucrats are trying to cover up in this new policy.

The Titan IV was not an isolated case. Unfortunately, the practices uncovered on Titan IV typified common practices throughout the Department. This report showed the Defense Department regularly violates the laws that the draft language would undo. Instead of fixing the problem, this proposed language would legalize the crime.

Mr. President, the laws that were violated were designed to protect Congress' constitutional control over the purse strings. Progress payments to Martin Marietta on the Titan IV contract were made in violation of those laws. Those payments were made on a predetermined sequence of appropriations. Those are words that mean the money was drawn from available appropriation accounts using a random selection process.

What a way—random selection to justify the expenditures of the taxpayers' money. That is a blatant violation of the law. That is the inspector general talking, Mr. President, not the Senator from Iowa.

Yet, as difficult as it may be to comprehend, this unlawful procedure was sanctified by Air Force Regulation 177–120, starting February 15, 1988. In other words, that is an outlaw decree.

Congress appropriates money for specific purposes. Those purposes are specified in law, and that is how the money must be spent. That's what the law says. The Pentagon bureaucrats promise to straighten up this mess after the fact, down the road, after the money goes out the door. They try to retroactively adjust—that's their language—adjust the ledgers—to make it look like the payments and the appropriations were in sync.

That is fine and dandy, Mr. President. It makes the books look nice and neat, but the books then do not reflect the reality of how the taxpayers' money was spent or what the appropriators intended. The books do not tell you how the money was really spent. If they don't do that, then they are inaccurate, and that's what I call cooking the books.

Back in 1992, the inspector general tried to shut down the Defense Department's unlawful payment process. Mr. President, the inspector general told the Department to get on the stick, obey the law, fix the problem.

Well, guess what? The big wheels over at the Pentagon nonconcurred with the IG. That means, take a hike, in other words. They said the payment process was working just fine; it doesn't need any fixing; don't mess with it.

We should be thankful that the IG had courage and did not back down.

This dispute came to a head, after years of talk, in March of 1993. There was a high-level powwow at that time. The financial wizards in the Pentagon got together and signed a peace treaty. They said, basically, obey the law.

They were given 120 days to do it.

The treaty was signed by: Ms. Eleanor Spector, Director of Defense Procurement; Mr. Al Tucker, Deputy Comptroller; and Mr. Bob Lieberman, assistant IG for auditing.

Mr. President, 4 years have passed since that agreement was signed. Those same officials are still in the same place. But nothing has been fixed.

Now, we have the DOD CFO telling us that nothing will be fixed. The status quo will be institutionalized and legalized. Titan IV is the model for the future.

CFO Hamre is responsible for this mess.

Why didn't Mr. Hamre enforce the March 1993 agreement? What exactly has happened in the 4 years since the agreement was signed? How did we end up where we are?

We need to know the answers to these questions. We need to understand the problem before we try to fix it.

The PRESIDING OFFICER. The Senator from North Carolina is recognized.

Mr. FAIRCLOTH. Thank you, Mr. President. Mr. President, I ask unanimous consent to speak as in morning business for up to 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

AVIATION SAFETY

Mr. FAIRCLOTH. Mr. President, the White House Commission on Aviation Safety and Security is going to present its recommendations to the President today, and I commend the commission for its work and support most of its recommendations.

Aviation safety should be a prominent feature on the list of bipartisan issues upon which we can find common ground this year. There are 22,000 commercial flights every day in the United States. The American air traffic control system served 550 million passengers last year. Mr. President, in my home State of North Carolina, 22 million people last year passed through the Charlotte airport.

The safety of literally millions of Americans hangs in the balance of our commitment to aviation modernization. I have a rather personal interest in this issue. I was in a plane crash in 1983 and wound up in a lake surrounded by fire in an airplane without wings.

I want to stress the importance of the commission's call for rapid modernization of our air traffic control system. These efforts to upgrade the system will necessitate certain costs, and no one in this city is more concerned about the taxpayers than I, but the system is decades old and on the verge of collapse.

Mr. President, one of the better-kept secrets around Washington seems to be the $1.4 billion that we have squandered on a failed effort to upgrade the aviation computer network over the last several years. IBM worked for years to create a modern air traffic control computer system and spent more than $1 billion of the taxpayers' money. The exact figure is unclear, but the contractors think—they think—that they will be able to salvage some of this work—some of it—as the process starts anew.

The system at O'Hare Airport in Chicago includes computers that are more than 30 years old, and, as you know, its failures leave some air traffic control personnel with blank screens. The lives of the passengers are in the hands of air traffic controllers hobbled by a system that is both inadequate and obsolete.

The Federal Government called for installation of a Doppler radar system to detect wind shear at airports around the country. However, Mr. President, the system is operative at just a few airports. This Congress maintains an obligation to the air passengers of this country. Clearly, this obligation is not yet met, and too much money has been wasted.

As a member of the Transportation Appropriations Subcommittee, I intend to keep a keen eye on the dollars as I always do, but I also want to see a cost-effective modernization of the system. We owe a safe system to the taxpayers. Their tax dollars are paying for it, and they are entitled to it, and they need it. It is incomprehensible that the computers at one the busiest airports in the world can go blank. This is a condition that boggles the mind.

I believe the hiring policies of airline companies and airports also merit serious thought. The airlines need to be certain that the people who service and maintain airplanes do not have questionable backgrounds. These security issues are critical to the safety of the American flying public.

There are other safety concerns of note. The American airplane fleet is aging. We need to ensure that inspections are thorough and frequent on these older aircraft. There is nothing wrong with an older airplane, but it needs to be inspected and updated, lest problems go undetected and new technologies go unused.

We need to take these and other steps to ensure that the American air traveler is safe. We can ensure safe skies without excessive inconvenience and delay, and, Mr. President, I am committed to just that.

I thank the Commission for its efforts. I look forward to working with my colleagues and the administration to implement some of these recommendations.

Mr. President, I yield the floor.

Mr. DORGAN addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

BALANCED BUDGET AMENDMENT TO THE CONSTITUTION

The Senate continued with the consideration of the resolution.

Mr. DORGAN. Mr. President, I wanted to come to the floor of the Senate to respond to and to discuss some items on the constitutional amendment to balance the budget.

There has been a great deal of talk about the constitutional amendment here on the floor of the Senate. There have been press conferences on both sides and a great deal of literature distributed in the Senate. I want to talk about what the issue is and what the issue is not.

The issue is not, as some would have us believe, a discussion between those who think it is meritorious to balance the Federal budget and those who think we should not balance the Federal budget. Generally speaking, most Members of the Senate believe it is important for this country's long-term economic interest to find a way to balance the Federal budget. We ought to do that. This Federal Government has spent more than it has taken in for a good long while. I would just say, that it is the irresponsibility of Democrats and Republicans that have allowed that to happen.

It is true that there is a difference in how they want to spend money, but there is not a plug nickel's worth of difference between Republicans and Democrats about how much they want to spend. One side might want to spend more for Head Start and another might want to spend more for B–2 bombers or whatever. But nevertheless, if we take a look at the aggregate appetite for spending you will not find a plug nickel's worth of difference on either side of the aisle. Priorities and choices, though would be different.

But both political parties—Presidents who are Republican, year in and year out, Presidents who are Democrat, not quite as many, I might add—both have submitted budgets to the Congress that are wildly out of balance and that have had substantial deficits. So this is not a case where one can stand on slippery sand and say, ''It's your fault. You're the folks who are at fault over here.'' It is everybody's fault. And it ought to stop. We ought to balance the Federal budget because that will be good for this country.

The debate here is, shall we alter the Constitution of the United States? Shall we change the Constitution of the United States? I would observe that if it is done, 5 minutes from now the Federal debt and the Federal deficit will not have been altered by one penny. We will have altered the constitution of the United States, but we will not have changed by one penny the Federal deficit or the Federal debt.

I want to talk a bit about that because I think there are circumstances under which we should alter the Constitution. There are circumstances under which I will support a constitutional amendment to balance the budget. But I think when we do change the U.S. Constitution we ought to do it with great care and we ought to do it right, because you do not get many chances to correct a mistake.

First, I want to talk about debt. The discussion about debt is an interesting one because we have people coming to the floor of the Senate and they say, ''Well, these Federal deficits that we have had, you know, everybody else has to balance their budget. Business has to balance its budget. Consumers have to balance their budgets.''

We have about $21 trillion of debt in this country, about $21 trillion of debt. This chart shows what has happened to debt. The growth of debt in my judgment has not been very healthy for this country, not in the public sector, not in the private sector.

This shows what has happened to business debt, corporate debt, household debt, Federal Government debt. Take a look at the curve. And $21 trillion worth of debt.

Now someone might stand up and say, ''Well, everybody else has to balance their budget.'' That is not true. If so, what is all this debt about? In fact, we have developed a culture in this country in which it is fine for the private sector to send a dozen solicitations to college students who have no jobs and no visible means of support saying to them, ''Please take our credit card. You have a $1,000, $2,000, or $5,000 approved limit. Just go ahead and take our credit card. We want you to have a credit card. You don't have a job, no income. Take our credit card.'' That is the culture in our country. Is it good for this country? I do not think so.

I said also, the culture is walking down the street as a consumer, and the picture window of the business literally raps on your elbow and says, ''Hey, you, walking in front of me here,'' the window says, ''Come in and buy this product. It doesn't matter you can't afford it. Doesn't matter you don't need it. Buy the product. Take it home. You don't have to make a payment for 6 months. And we'll give you a rebate next week. And charge it.'' That is the culture. Is it right? No, it is not right.

We ought to change that. We ought to change it here in the Federal system by balancing our budgets responsibly. And we have a problem well beyond this Federal system. Take a look what is happening with credit card debt in this country. Take a look at consumer debt.

My point is, we ought to be concerned about the Federal debt and the Federal deficit, but we ought not stand up and say that is the only place debt exists. We have a whole culture of debt that raises real significant questions about where we are headed and how we are going to get there.

The discussion today is about altering the Constitution in order to require budgets be in balance. Last evening I was privileged to see a preview of something that is going to be on public broadcasting on the life of Thomas Jefferson. It is a wonderful piece written by Ken Burns. It describes Thomas Jefferson writing the Declaration of Independence at age 33. I got a copy of that today. I can only imagine having the kind of talent that he had. I mean, he was almost unique in the history of the world in his ability to think and write and express for us the spirit of what this democracy is.

Thirty-three years old and in a boarding house he writes:

> When in the Course of human events, it becomes necessary for one people to dissolve their political bands which have connected them with another, and to assume among the powers of the earth, the separate and equal station to which the Laws of Nature and of Nature's God entitle them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation.
>
> We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness. That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed.

You can see Thomas Jefferson's handwriting and his corrections, the words he has crossed out, the words he has added when he wrote this marvelous, wonderful document.

The year following the writing of this document when he was 33 years old, a group of 55 white men, largely overweight, we are told, convened in a small room in Philadelphia called the Assembly Room in Constitution Hall. They said it was so hot that summer in Philadelphia that—and those folks had such ample girth—that they had to cover the windows to keep the Sun out because it got very warm and they did not have air-conditioning in those days. And those 55 men wrote for this country a constitution.

The Constitution itself is quite a wonderful document. Thomas Jefferson was in Europe at the time. He contributed to the writing of the Constitution by sending substantial writing back about the Bill of Rights. The Constitution of course is the living document that is unique in the history of this world.

> We the People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defense, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America.

Language so clear and so wonderfully written, they established the foundation of this country, the fabric of a democracy that has now become the most successful surviving democracy on this Earth.

The spirit of that document, the spirit of that Constitution is, I think, attested to by virtually all who serve here in what it means to us, our families, our future, to our country. When we decide that we should consider altering that Constitution, provisions for which were made in the very Constitution, we should do it carefully.

We have had people propose all kinds of schemes to alter the Constitution of the United States. I am told there was a proposal to alter the Constitution that would require a President first coming from the northern part of America and then followed by a requirement that the next President come from the South.

There have been thousands of proposals—some good, some bad, some baked, some half-baked—to change the Constitution of the United States. In fact, it was not very long ago that we had three proposals to alter the Constitution, in the last session of Congress, proposed to be voted on by the U.S. Senate, in the period of 6 weeks—three separate proposals to alter the work of Franklin, Madison, Mason, George Washington, and so many others, who over 200 years ago framed this issue.

Mr. HATCH. Will the Senator yield?

Mr. DORGAN. I am happy to yield to the Senator.

Mr. HATCH. When I got the unanimous consent-agreement, I did so that all time would be divided equally. Can the Senator give me an indication of how long he will be speaking?

Mr. DORGAN. About another 10 to 12 minutes.

Mr. HATCH. Could we divide the time so the Republican time will be taken off our time and the Democratic time is taken off your time? It would be fairer.

Mr. DORGAN. I do not have a problem with that. There will be ample time for everyone to speak. I am happy to accommodate the Senator.

I ask unanimous consent I be allowed to speak for the next 12 minutes and it come off the Democratic time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. I observe that there will be no limit of time for anyone here to speak to their last breath about any subject they so choose on this issue, I guess.

I will continue because I wanted to provide a framework for what I was going to say. I respect the Senator from Utah, Senator HATCH. He has been on this floor on this issue and he has not wavered. He believes very strongly in what he is doing. I would support him if he would make one change in the constitutional amendment.

A columnist said, ''Call his bluff,'' naming me by name. I say to the Senator, you make the change and I vote with it. I expect the change will not be made. If you do, chalk me up. I am one more vote.

I want to talk about that change and the dimensions of it and the response of it. The change is in the issue of Social Security. We have had a lot of debate about this. Some said this is the biggest red herring in the world. Two political pundits this weekend said this is a fraudulent issue. Of course, pundits are either 100 percent right or 100 percent wrong and no one knows which or who. A columnist said this is a totally fraudulent issue. I want to describe the issue once again and describe why I think not only is it not fraudulent, it is one of the most significant issues we will face in fiscal policy. A position on this issue is now prepared to be put into the Constitution of the United States in a way I think hurts this country.

Let me describe it. Social Security is a remarkably successful program in this country. We decided some long while ago that we would have people pay in a payroll tax and that payroll tax would accumulate money which would be available to people when they retire. What has happened is we have developed kind of a ''bulge'' in our population, a very large group of children who were born just after the Second World War. I mentioned the other day, kind of kidding, but it was true, there was a tremendous outpouring of love and affection after the Second World War. A lot of folks came back and a lot of this love and affection blossomed into the largest baby crop in the history of our country. It caused some real long-term demographic problems, because when they hit the retirement rolls, what will happen is we will have the fewest numbers of workers supporting the largest number of retirees in this country's history.

What was to be done? About 13 years ago, a discussion was held about how do we finance that when the largest baby crop hits the retirement rolls and we do not have enough money. The answer was, let's accumulate some surpluses in the Social Security system to be used when we need them later. I do not expect there is disagreement about that, that we have a circumstance where we accumulate $70 million more now than we need to be put into a trust fund to be saved for the future. If there is disagreement, I want to hear that, but those are the facts.

Now, what is happening is a proposal is now made to alter the U.S. Constitution with this language, according to the Congressional Research Service, and the language says that all receipts and expenditures shall be counted for purposes of completing a balanced budget, and therefore the Congressional Research Service says ''because the balanced budget amendment requires that the required balance be between the outlays for that year and the receipts for that year,'' the moneys that we are ''saving in the surplus would not be available as a balance for the payments of benefits.'' That means if we save $70 million extra this year for Social Security to be made available in the year 2015 or 2020, and in the year 2020 we balance the rest of the budget but want to spend that surplus we have in the Social Security accounts, the Congressional Research Service says you cannot do it. You cannot do it. This ought not be a controversial conclusion. I do not know of anyone who disagrees with it. You cannot do it unless you raise taxes in the rest of the budget to accommodate it.

I say if that is the case, why are we raising more money than we now need in Social Security if it will not be saved and it will not be available for future use?

I want to read to my colleagues something from the Social Security trustees last year:

> ''Total income for Social Security is estimated to fall short of the total expenditures in the year 2019 and will continue thereafter under the immediate assumptions, but in this circumstance the trust funds would be redeemed over that period to cover the difference until the assets are exhausted in 2029.

That is what the Social Security trustees said. CRS says that cannot be done because the trust funds will not be able to be used in those years unless you have raised taxes on the other part of the budget or cut spending in the other part of the budget, and I say in the year 2029 it would require $600 billion that year alone.

I have a 9-year-old son. This is not rocket science. I think he would understand that double-entry bookkeeping does not mean you can use the same money twice. You cannot say I am using this money to show a balanced budget and then use this money to save over here for Social Security. You do it one way or the other. You cannot do it both ways.

My Uncle Joe used to own a gas station. Can you imagine him coming home to my Aunt Blanche and saying, ''We lost money this year, Blanche, but I put away money for my employees because I bargained with them and I told them I put money in their retirement account. So we got money in their retirement account for their pensions. But since I lost money in the service station, what I intend to do is take their money out of the retirement account I have put it in and use it over here so I can tell people I don't have a loss on my service station anymore.'' My aunt would say, ''Joe, you cannot do that. It is illegal. Somebody will send you to jail for that.'' Joe would say, ''Well, the folks down there in Washington, DC, seem to think it is OK. They think they can take $1 trillion in the first 10 years and put it first in this pocket and then in that pocket, thumb their suspenders and puff on their cigars and say, ''We balanced the budget.''

Guess what? The year in which the budget is presumably balanced and the year in which all of those who will

stand up on the highest desk in this Chamber and bray and bellow and trumpet and talk about how they balanced the budget, I ask every American to look at one number. What happened to the debt in that year in which they balance the budget? The answer: They say they balanced the budget and they have to increase the Federal debt limit by $130 billion, the same year in which they claim they balance the budget. Why? Because the budget has been balanced.

And it is not just me. I say to the Senator from Pennsylvania, who is on the floor, he raised the same points the other day. There are Republicans in the House, two or three dozen, that raised the same points. I do not know how he and others will vote on final passage, but I say, as controversial as this is, I agree with what the Senator from Pennsylvania said on the floor the other day. I agree with what Congressman NEUMANN and others are saying in the House. I agree with the presentation I am making. This is an issue that is not insignificant, $1 trillion in 10 years, and it is much more than that in the 20 to 25 years that you have to look out to see what will be the consequence of this kind of proposal.

Let me frame it in a positive way. I believe we ought to balance the Federal budget. I will support altering the Constitution to place in the Constitution a requirement to balance the Federal budget. We will vote on an alternative, on a substitute constitutional amendment to balance the budget that does that. I will offer it. I intend to vote for it. I will not vote for a constitutional amendment that accomplishes this—that essentially reduces by 10 years the solvency of the current Social Security system and guarantees that which we are supposed to be saving will not be saved and that which we are supposed to be saving cannot, by virtue of the language of this constitutional amendment, be available for use by Social Security recipients when it was promised.

Sometimes I get the feeling that the only thing we do in this Chamber is talk to ourselves. We just talk back and forth with ''budgetspeak'' and language and a priesthood of dialog that only we understand and that seems almost totally foreign to the American people. I will bet you that with a lot of this discussion that's the case. The American people, I think, want a balanced budget and should expect that we can do what is necessary to balance the budget. But let me emphasize again that, although I believe there is merit to alter the Constitution to require a balanced budget, if we alter the Constitution at 2:05, by 2:10—which is 5 minutes later—we would not have changed by one penny either the Federal debt or Federal deficit. That will only be altered by decisions on taxing and spending made individually by Members of this Congress, deciding what is a priority and what isn't, how much should we spend or should we not spend, or how we raise revenues or how don't we raise revenues. Only those decisions will bring us to a place we want to be—a balanced budget that provides for the long-term economic health of this country.

My hope is that, in the coming days, when we finish this debate, we will have accomplished something in that we will all have resolved not only to perhaps make a change in the Constitution, if we can reach agreement on how that is done, but we will have resolved that we should, as men and women, balance the budget. Changing the Constitution is not balancing the budget. Some want to substitute that as political rhetoric. But, ultimately, the question of whether we balance the budget will be determined by the choices that we make individually.

Mr. President, I see the Senator from Connecticut on the floor. I wanted to say to the Senator that I used a bit of the time in the 4-hour block. I hope he didn't mind. I wanted to make this point. I hope to come back in general debate, and I hope that the Senator from Utah and I can engage on the consequences of this language because I think it is a trillion-dollar question that remains unanswered. I would like to have a dialog back and forth rather than just presentations that vanish into the air when the presentations are completed. I thank the Senator from Connecticut.

I yield the floor.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER [Mr. SESSIONS]. The Senator from Pennsylvania is recognized.

Mr. SPECTER. Mr. President, I have checked with the managers of both sides and he has agreed to yield me 5 minutes. I ask unanimous consent that I may proceed as in morning business for a period of up to 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOMINATION OF ALEXIS M. HERMAN, TO BE SECRETARY OF LABOR

Mr. SPECTER. Mr. President, I have sought recognition to speak briefly on the issue of the pending nomination of Ms. Alexis M. Herman to be Secretary of Labor, and I urge that Ms. Herman be given a hearing on the subject so that there may be a determination, one way or the other, about her qualifications to be Secretary of Labor.

I talked at some length to Alexis M. Herman yesterday. A request had been made by the White House for me to meet with her, perhaps in my capacity as chairman of the Appropriations Subcommittee that has jurisdiction over the Department of Labor. And I met with Ms. Herman in the context of a number of questions that have been raised about her qualifications to be Secretary of Labor.

There has been an issue raised about her handling of her position as liaison for public matters in the Office of Public Liaison, as to whether there had been some activities that went over the line in political activities or fundraising. I questioned Ms. Herman about that at some length, although not in a dispositive form. But it seems to me that she is entitled to be heard on the subject and to have a decision made one way or the other about whether she is qualified or disqualified.

I questioned her about the circumstances where there was a coffee, which had started out in her department, where she had issued an invitation to Mr. Gene Ludwig, who was Comptroller of the Currency, to a meeting with bankers, at a time when she thought it was going to be a substantive meeting and it would not involve fundraising. Later, she found out that there were individuals from the Democratic National Committee who were involved, and she then did not attend the meeting herself, but had not informed Mr. Ludwig about the nature of the meeting in order to withdraw the invitation to him.

There have been other questions raised about the Anti-Deficiency Act, and perhaps other matters. But I think it is very important when someone is nominated for a position and there is public controversy and public comment, that that individual have his or her ''day in court'' to have a determination made as to whether she, or he, may be qualified to handle the position.

I thought it was very unfortunate, when Prof. Lani Guinier was nominated for a key position, Assistant Attorney General in the Department of Justice, that her nomination was withdrawn without having an opportunity for her to be heard. At that time, I met with her and read her writings and I thought she was qualified. But I thought, surely, there should have been a determination by the committee. I recall the withdrawal of the nomination of Zoe Baird, who was up for Attorney General of the United States, and I recollect when Judge Ginsburg had been nominated for the Supreme Court; neither of them had finished their hearings. I think it is very important, in the context where we are trying to bring good people into Government and, inevitably, they are under a microscope, which is the way it is, and that is understandable. But they ought to have a chance to be heard and have their day in court and have a chance to defend themselves and have the public know what has gone on. If they pass, fine, and if they do not, so be it. But they ought to have that opportunity.

I respected the decision made by Judge Bork back in 1987 when he wanted the matter to go forward and to come to a vote so that there would be a determination, because I think it is very unfortunate and unwise that when somebody allows their name to be put forward and you have these allegations in the newspapers about misconduct or impropriety, the impression is left with the public that that is, in fact, the conclusion, if the White House withdraws

the name—as the White House did with Prof. Lani Guinier—or if the person doesn't move forward to a hearing.

I talked to my colleague, Senator JEFFORDS, who chairs the Labor Committee, and Senator JEFFORDS has advised me that he is reviewing the outstanding questions, and the prospects are that there will be a hearing. But after meeting with Ms. Herman and having some say over her Department's activities in my capacity as chairman of the Appropriations Subcommittee, I did want to voice my sentiments on this subject to urge that her nomination go forward. I do not have a final view as to the merits, yes or no. But I think she is entitled to be heard.

Aside from the allegations that have been made about her, she has a very distinguished record. She is a graduate of Xavier University and has worked in the public and private sectors. She has quite a distinguished record as a businesswoman, has served in the administration of President Carter, and has served in the current administration. She may well be qualified, or the contrary may be the case. But I think it ought to be heard so she can have a determination on the merits. I thank my colleagues, Senator HATCH and Senator DODD, for allowing me this time.

I yield the floor.

Mr. DODD. Mr. President, before turning to the subject of my amendment here, let me commend my colleague from Pennsylvania for his comments. I associate myself with his remarks regarding Alexis Herman and the hope expressed by him that a hearing will be held promptly for Alexis Herman. She deserves that hearing.

I have known Alexis Herman for some time. She is eminently qualified, Mr. President, to fulfill the position of Secretary of Labor. There have been issues raised, and the purpose for which we have hearings is to allow those issues to be aired and to give a person an opportunity to respond. In the absence of that hearing, of course, the allegations remain. In many instances, as the Senator from Pennsylvania has pointed out, there is never the kind of opportunity to respond with the same voice and the same positioning with which the allegations are oftentimes made.

Under our system it is absolutely essential in my view that she be given that opportunity. I am totally confident that she will respond to those issues when she is asked publicly to respond to them. It is part of the process here going back years that when people are nominated for high office in any administration they are always advised not to respond or comment but to save their comments for a hearing. Oftentimes it happens that the nominee is left in the position of having to face an assault of questions that are raised and never gets the opportunity to respond because you are advised to the contrary. Then for whatever reason, if you never get that hearing, they stay out there.

So I applaud my colleague from Pennsylvania for coming to the floor this afternoon and raising this issue. I join with him in urging that our committee—and I sit on the Labor Committee—set up a hearing as soon as possible and move forward. Then, as the Senator from Pennsylvania has pointed out, the committee and/or this body will express its opinion one way or the other. But we will resolve the matter and not leave the individual out there to hang, if you will, in limbo. With all of the appropriate suggestions that the Senator from Pennsylvania has made, as we try to attract people to come serve in our Government and they watch examples like this, it is very difficult to convince people to step forward when they see what can happen to someone who is, in my view, entirely innocent of any of the allegations raised but never gets the opportunity to address them.

So I applaud my colleague.

BALANCED BUDGET AMENDMENT TO THE CONSTITUTION

The Senate continued with the consideration of the joint resolution.

AMENDMENT NO. 4

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of the Dodd amendment No. 4, with the time between now and 5:30 p.m. divided with 107 minutes to Senator HATCH and 95 minutes to Senator DODD.

Mr. DODD. Mr. President, I rise in support of the amendment I have offered here this afternoon. We have several hours of debate. It may not be necessary to consume all of that time. I will notify my colleagues. Others may want to come over and address the issue. Although we have set a time of 5:30 p.m. for a vote, we may find ourselves having exhausted all of the brilliance on both sides of this amendment and able to move to a vote earlier than that. It would take unanimous consent to vote earlier, but that may happen at some time here this afternoon.

In the meantime, Mr. President, let me state once again what this amendment does. I urge my colleagues and others to pay attention. I will put aside the debate of whether or not we ought to have a constitutional amendment to balance the budget. That matter has been debated and will be debated over the next several days.

The amendment that I raise, Mr. President, does not address the underlying question of whether or not we ought to have a constitutional amendment to balance the budget. But it addresses section 5, and section 5 only, of the proposed amendment. It raises what I believe to be a very legitimate issue in dealing with the national security of this country.

This is an amendment that I offer which you could support and do no damage—in fact, I would think strengthen—the argument in support of the constitutional amendment for a balanced budget. I myself have serious underlying problems with the constitutional amendment. I do not want my colleagues to have any illusions about that. But I am going to put aside that debate and ask my colleagues to draw their attention to section 5 and an amendment that I will offer that I think addresses a legitimate concern.

My amendment corrects two serious flaws in this section. Let me read this section, if I can. Section 5 of the proposed amendment, not my amendment, the proposed constitutional amendment, says:

> The Congress may waive the provisions of this article for any fiscal year in which a declaration of war is in effect. The provisions of this article may be waived for any fiscal year in which the United States is engaged in military conflict which causes an imminent and serious military threat to national security and is so declared by a joint resolution adopted by a majority of the whole number of each House which becomes law.

First of all, this most important section currently contains language, in my view, that would seriously undermine—the distinguished Presiding Officer is a former Attorney General, and someone who has had a serious amount of experience in judicial matters will appreciate that every word in the constitutional amendment is not a casual word. These words must be selected very, very carefully. So I do not treat this lightly at all.

''A declaration of war''—these are the words that are most of concern to me—and ''the United States is engaged in a military conflict which causes an imminent and serious military threat to national security . . .''

The provisions of the balanced budget are waived only if war is declared, or if the United States is ''engaged.'' The balanced budget amendment is quite clear in specifying that our Nation must be engaged in military conflict before a waiver can be granted.

The problem, as I see it, is that prudent foreign policy often requires responding to serious threats before we actually become involved in military conflict. Yet, the language of this amendment is ''engaged''—not ''might be engaged or there is a threat of engagement''—but rather is ''engaged'' in military conflict.

Throughout our history this Nation has often found itself necessarily engaged in conflict but yet in situations where immediate action was essential. The gulf war is one example that immediately comes to mind. I will discuss that example and others in the debate shortly.

My amendment removes this section 5 and would lift the provisions of the balanced budget amendment under a declaration of war or if the United States faces an imminent and serious military threat to national security. The requirement of being engaged is dropped.

The amendment that I offer would also clearly define the role of Congress in certifying the existence of an imminent and serious military threat. Under the current language, in section 5 the courts could conceivably be

called on to determine whether or not an imminent and serious military threat to national security exists.

My amendment—the amendment that I offer and is at the desk—makes clear that a resolution passed by Congress is the sole requirement for certifying that such a threat exists.

Finally, the amendment that I have offered restores a reasonable standard for voting. The balanced budget amendment creates a cumbersome, I believe, standard for passing the resolution certifying that a military threat exists. It says a ''majority of the whole number of each House'' must pass the resolution. In the case of the U.S. Senate, this means that 51 Senators would have to vote in favor of the resolution, no matter how many Senators were present and voting. This could be absolutely critical, particularly in a time of national crisis. When not all Senators are able to reach Washington on short notice, for instance, we could be prevented by our own Constitution from quickly and properly responding to an international emergency.

Furthermore, the ''whole number'' standard leaves open the question, I point out, of whether or not the Vice President would be allowed to cast a vote should we arrive at a tie of 50–50. My amendment alleviates this problem by requiring a simple majority of those present and voting for passage of the waiver resolution.

Mr. President, I am well aware of the heartfelt support, as I mentioned at the outset, of these remarks on the part of my colleagues who are squarely for a constitutional amendment to balance the budget.

I also know that many of us—myself included, clearly—have underlying problems with the whole balanced budget amendment. But I think we should all be able to agree, regardless of where we are positioned on the issue of a constitutional amendment to balance the budget, we should all be able to agree that any amendment to the Constitution should in no way shackle our country in time of an emergency.

The amendment that I offer, Mr. President, I think helps ensure that the Nation remains prepared and able to respond in time of an international crisis.

For these reasons, I hope that it will enjoy the support of a broad majority of my colleagues.

Mr. President, I want to cite the language of the amendment that we are offering.

Let me recite the copy of the amendment that I am offering:

On page 3, line 7, strike beginning with ''is'' through line 11 and insert, ''faces an imminent and serious military threat to national security as declared by a joint resolution.''

The point being here, if you are not actually engaged, or you don't have a declaration of war and the Nation, in preparation for such a conflict, wants to exceed the balanced budget requirements, we should be able to do that.

I do not know of anyone who would believe that, as important as this amendment is, it should have a higher priority than the national security interests of the country. Yet, my fear is based on the exact language of section 5—that that is the problem we have posed before us. If it requires a declaration of war, or requires, as the language reads, ''is engaged in a conflict,'' it seems to me that we would have to wait for one of those two conditions to be met in order to waive any constitutional requirements prohibiting deficit financing.

And so I would urge the adoption of this amendment which says, ''faces an imminent and serious military threat to national security as declared by a joint resolution,'' so that we do not allow the courts to decide. You can imagine a debate going on here about whether or not an imminent and serious threat existed, someone runs to the Federal courts and says, ''I don't think it is an imminent and serious military threat,'' and we have a panel of judges deciding whether or not that threat exists. I do not think any of us want to see that happen. So the joint resolution allows that a simple majority of Senators would be able to declare the threat in order to waive the provisions of the balanced budget amendment.

I mentioned earlier, Mr. President, that there are historical examples for this that I think point out the problem. They are historical and they may be 100 years old or 20 years old. None of us can say with any certainty what we may face tomorrow or next week or next year or the next century. But I will cite five examples to point out the problems.

Imagine, if you will, that this section in a constitutional amendment to balance the budget were in place at the time we faced these five crises. Ask yourself how would we have responded, what would have been the implications, putting aside whether or not you were for or against the particular issue at hand.

The gulf war is one; lend-lease, back in the late 1930's, early 1940's, the Cuban missile crisis in 1962, the Panama crisis back under the Bush administration, and the defense buildup during the Reagan administration.

Let me cite, first of all, the gulf war example. Saddam Hussein, as many in this Chamber will recall and, invaded Kuwait on August 1, 1990. We were running a deficit, I would point out, Mr. President, at that time of $221 billion, on August 1, 1990, putting us in gross violation requirements of the balanced budget amendment. There were only 2 months left in the fiscal year, no time to adjust spending or to raise taxes, I might point out. We were not certain ourselves how we were going to respond to that situation, but an invasion of Kuwait clearly had happened. Saddam Hussein was threatening not only Kuwait where he had invaded but Saudi Arabia, and clearly our security I think. By controlling Saudi Arabia, of course, he would have become a dominant force in the gulf, and the obvious implications of that for the United States and the West are clear.

We had to deploy troops to protect our allies and our security, and the President did so. But we were not engaged in a conflict, and we had not gone through the lengthy process of making a declaration of war. It was merely a question of whether or not we were going to be able to place those troops immediately in the Middle East in anticipation because an imminent threat certainly occurred, but we were not engaged. It was not until January 16, 1991 that we began the air war. The initial deployment to defend Saudi Arabia, Desert Shield as it was called, was 100,000 troops. The eventual deployment to prepare to invade Kuwait was 500,000 troops. The total cost was $71 billion. The deficit, as I pointed out, was $221 billion.

Our action, I would argue, could not have happened under a balanced budget amendment under section 5 because we were not engaged in military conflict. A resolution allowing military action to force out Hussein passed the Senate in January 52 to 47, after a lengthy debate about whether or not we ought to use military force immediately.

My colleague from Utah certainly was here and remembers that debate. My colleagues on both sides of the aisle who supported the action in the gulf ought to remember this and remember what happened.

If the balanced budget amendment had been in effect in 1990, a minority of Senators could have blocked those Senators who supported action and we would not have been able to have the waiver. I do not know what the implications would have been.

In 20–20 hindsight, we say, look, it was clear. As things worked out, there was an imminent threat. There was a debate here, heated debate in the country about what our action should be. You can imagine in addition to the complicated questions of whether or not we ought to respond, we would have had to go through and waive constitutional amendment requirements. This would have been with all of the people in this country divided, as many were, over whether or not we ought to be involved in the Middle East, putting United States servicemen and women at risk. With all the questions, we then either would have had to go through a process of declaring war, which we have not done in 55 years, or go through a process of waiting for an actual engagement to occur. As section 5 says, engaged—not likely to be engaged, not might be engaged, not a threat of engagement. It says you must be engaged.

So my amendment, as I pointed out earlier, which talks about the imminent threat, facing an imminent and serious military threat to national security, is a far better standard and test, it seems to me, in order for us to respond to those situations.

Let me cite the example, if I can, of lend-lease. There is no one in this Chamber who was serving at the time. Our colleague from South Carolina, Senator THURMOND, of course, remembers this debate, I am sure, very vividly, as someone who served in World War II, I believe the only remaining colleague of ours who served in World War II.

Britain was in a crisis. We were highly divided in this country in the late 1930's as to whether or not the United States ought to be involved. In fact, I think surveys at the time indicated most Americans were opposed to the United States being involved in a European conflict. We had in fact America First groups. Charles Lindbergh, I recall, was a leading proponent of the United States staying out of World War II. The conflict in Europe was raging. So we had a significant debate in this country over whether or not we ought to be involved.

I do not know of anyone today who would argue that the leadership of Franklin Roosevelt, putting together the creative lend-lease program, providing the military assistance Britain needed in its great hour of crisis, did not make all the difference in the world. And but for the lend-lease program, the map of Europe might look substantially different, not to mention what might have occurred elsewhere had we not taken that action.

We were not engaged in the conflict, under the standard asked to be met in this balanced budget amendment. You were not likely to get a declaration of war in 1939 given the divisions in the country. And yet we had a deficit. Now, it was not a huge deficit. It was, in March of that year, 1941, $4.9 billion. It sounds pretty small by today's standards, but as a percentage of the budget it was probably not substantially different than today. And even with someone with the prowess of Franklin Roosevelt, can you imagine if we had to go then through the waiver process in order to get the kind of resources necessary. I do not want to dwell on this particular instance but nonetheless I think the point is quite clear. We would have required a waiver. We were highly divided as a country. As it turned out, lend-lease got a lot of support. In the vote that occurred, actually a majority, a substantial majority here supported lend-lease. But certainly those who are students of history recall the great division in the country on this issue complicating the problem, and the difficulty that Franklin Roosevelt would have had in responding to that situation.

The Cuban missile crisis, in 1962. Again, we were not engaged. There was clearly a threat, in my view, to the security of the United States. We were not going to declare war at that particular point at all. The President had to respond to that situation. We had a deficit of $7.1 billion in 1962. But under the standards as laid out in the balanced budget amendment, the proposed language in section 5, the buildup that President Kennedy initiated to respond to that would have required us to go through all these difficulties of requiring waivers. Or you would have had to have the courts decide if in fact it met the standard of an imminent and serious military threat.

The invasion of Panama, again, another example. The deficit in 1989 was $153 billion. The cost of the operation was $163 million. Clearly we would have had to go through this process as well.

And the Reagan years of the buildup in defense. Again, you could argue—certainly everyone would have, I think—that there was an imminent danger of conflict with the Soviet Union. We were not going to declare war against them. We were not engaged in a military conflict against them. We had sizable deficits, and we increased defense spending between 1980 and 1988 from $134 billion to $290 billion. Of course, we were accumulating $1.5 trillion in debt at the same time. The amendment says: Declaration of war, engaged in a conflict. Many argue today the ultimate collapse of the Soviet Union was a direct result of our buildup at that time; that it was the Soviets' inability to meet that buildup, although they tried, that caused the kind of economic collapse that resulted in the downfall of the Soviet Union. Yet, we would have gone through this process, and you can only imagine the debate—and there was a significant one, by the way, over whether or not we ought to support that buildup or not—you can imagine what would have been heard around these Chambers about the constitutional amendment to balance the budget and whether or not we ought to be doing this. It could have complicated that process seriously.

I think you could have met the test in 1980 through 1988, of saying the Soviet Union posed an imminent and serious military threat to national security, and then had a joint resolution passed, as my amendment that I am offering today would have allowed us to do, that would have gotten you through the process. That is why I am offering the amendment. I am not just striking section 5, I am offering new language as an alternative.

So the Reagan buildup, I think, is another good example of what could have occurred. I am not arguing for or against it, where people were on that issue, but just imagine the kind of debate that would have ensued.

Let me also point up another argument here that I think deserves mention. One of the difficulties in preparing, of course, is you do not want to give your potential adversary any additional opportunities to take advantage of what is inherently a process that is slow in this country, our legislative form of government, our democracy. If a potential opponent knows that we have this balanced budget amendment, with section 5, that requires a declaration of war, that we have to be engaged, that we need waivers with a whole House voting, 218 House Members, 51 Senators, that is a pretty significant advantage to give. That is one more set of hurdles that we have to go over in order to respond.

I do not think that is engaging in hyperbole, Mr. President. Why would we in any way try to make it more cumbersome for the Commander in Chief of this country—not necessarily this one, because this amendment will not go into effect until long after this President has left office, but some future Chief Executive of our Nation—to be able to respond to those situations? I am not saying they ought to be able to do it without any check by the Congress, but I think stating the country needs only to face an imminent threat and then get a joint resolution ought to be enough to get a waiver of this amendment. To insist upon a declaration of war or actual engagement seems to me to be setting far too high a standard when the national security interests of this country could be in jeopardy. Yet, that is exactly what we are doing with this amendment.

So, for those reasons I hope my colleagues will look favorably upon this amendment, even if you are for the underlying amendment. I think this improves the underlying amendment. Some have suggested we should not have offered this amendment because, for those of us who have serious doubts about setting fiscal policy in the Constitution, the adoption of this amendment certainly takes away one of, I think, the most significant arguments against the balanced budget amendment. That is that we place the language of this amendment in a higher priority, in a higher standard, than the national security interests of the country.

I see my colleague from Michigan is here. I have some more comments I would like to make in a few moments, but unless my colleague from Utah, who may want to be heard at this particular moment, so desires—I have just been informed, by the way, I made the mistake of saying ''Senator THURMOND,'' and I have quickly been informed by several offices, Mr. President, here—not the senior Senator from Utah, but Senator BUMPERS, Senator CHAFEE, Senator WARNER, Senator INOUYE, Senator AKAKA, and Senator HOLLINGS, GLENN, HELMS, ROTH, and STEVENS have been ringing up the phones here. I apologize to my colleagues. I thought they were much younger than that, and assumed they were. How am I doing here? Am I recovering from that faux pas?

However you want to do this. I will yield the floor at this point, and, obviously, the Senator from Utah has priority.

Mr. HATCH. I understand the distinguished Senator from Michigan would like to make his remarks. I have some remarks I would like to make immediately thereafter, so I ask unanimous consent I defer to him so he can make his remarks in support of the amendment of the distinguished Senator from

Connecticut, and then I would like to proceed immediately thereafter.

The PRESIDING OFFICER. How much time does the Senator request?

Mr. HATCH. I ask how much time the distinguished Senator from Michigan needs.

Mr. LEVIN. I ask for 8 minutes.

Mr. HATCH. I ask unanimous consent he be permitted to speak for 8 minutes and then the floor return to me.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Michigan.

Mr. LEVIN. I thank the Chair, and I thank my friend from Utah.

Mr. President, I support the Dodd amendment because it would simplify the national security exception to the balanced budget amendment before us, and it would do so in a common-sense way that I would think both supporters and opponents of the balanced budget amendment should be able to support.

As currently drafted, the balanced budget amendment before us would limit the national security exception to cases in which the United States is already ''engaged in military conflict.'' This language would seriously limit our defense options by precluding the use of the exception to prepare for imminent military conflict.

The way the amendment before us is written, our troops must actually be engaged in battle in order for the exception to apply. The Dodd amendment addresses this problem by extending the waiver authority to any case in which the United States ''faces an imminent and serious military threat to national security, as declared by a joint resolution of Congress,'' even if we are not yet engaged in military conflict.

Former Secretary of Defense Bill Perry opposed the balanced budget amendment largely because, in his words, of ''the total lack of flexibility we would have in dealing with contingencies.''

Here is what Secretary Perry said:

Even if threats to America's global interests were increasing or our forces deteriorating, the BBA could lead to deep defense cuts. . . .

The fact that these consequences could be avoided with three-fifths approval of each house of Congress is no safeguard. Preservation of an adequate defense posture would become dependent on exceptional political efforts. . . . Even when a three-fifths majority minus one in either house believed that BBA cuts were unjustified, the minority view would prevail. Not exactly ideal for the world's most powerful democracy and best hope for future peace and stability.

This is not an academic issue—the security of our country could be at stake in a very real way. As former Secretary of Defense James Schlesinger testified at the same hearing, ''we would have had great difficult winning World War II'' without significant deficit spending in the years before we entered the conflict. Dr. Schlesinger explained as follows:

You will recall that the turning point in the Pacific war was the Battle of Midway. The ships, the carriers that won the Battle of Midway were built as a result of deficit spending during the latter part of the 1930's. It was the consequence of legislation on naval construction under conditions of severe deficit that were embodied in the Vinson-Trammell legislation.

At Midway the battle was won by the *Yorktown*, launched in 1937 after that legislation, the *Enterprise*, launched in 1938, and the *Hornet* in 1941. Those ships would not have been available under strict interpretation of this amendment. Even the battle of the Coral Sea might have been lost in the Pacific war. . . . [A]lmost all of the capital ships of the U.S. Navy had been laid down before the end of 1941, all of our battleships and virtually all of our carriers, the *Iowa* class, most of the *Essex* class, and the like.

. . . I point this out because this Nation was not at war until December 8, 1941, and the relief that was provided in this amendment would not have been applicable until December 8, 1941.

Mr. President, the appropriations bills that funded the construction of the ships that won the Second World War were all enacted at a time when we were running record peacetime deficits, and I say record deficits. The Senator from Connecticut made reference to some of these deficits, and they sound small by current standards, but by any kind of apples-and-apples comparison, they are very large.

In 1939, the deficit was $2.8 billion, which was over 30 percent of our total outlays. The deficit now, as a percentage of our outlays, is something like 7 percent. But in 1939, the $2.8 billion deficit was a significant percentage of our outlays, over 30 percent.

In 1940, the deficit was $2.9 billion, over 30 percent of our outlays. In 1941, the deficit was $4.9 billion, as the Senator from Connecticut said, and that was about 36 percent of our outlays. Our deficit now, as a percentage of outlays, is only about 7 percent. Plenty large, but still a lot less than it was in those years.

So we would have been in a situation in those years where 60 percent, or three-fifths of the votes, would have been required in order to do deficit financing for those classes of ships which won those battles which won World War II. And that is why Dr. Schlesinger's comments about the outcome of World War II are so significant. These are real-world battles which are determined by those votes.

The Naval Act of 1938, which authorized construction of every category of warships—3 battleships, 2 carriers, 9 cruisers, 23 destroyers and 9 submarines—passed the Senate on May 3, 1938, with 56 votes. Now, that is two votes short of the three-fifths majority that would have been required by the balanced budget amendment, had it been in effect at that time.

So the stakes involved in the Dodd amendment are very significant.

I wonder if the Senator will yield me 2 additional minutes, if that will be all right with the Senator from Utah.

Mr. DODD. Yes.

Mr. LEVIN. Mr. President, those two votes, which determined whether we would build those ships, had a huge effect on the outcome of this war. There is no reason, if we are serious about protecting our national security, why we should require that we actually be engaged in a conflict. If a joint resolution of the Congress says that conflict is imminent, which it was in 1938 and 1939 and 1940, surely that ought to be enough to allow us to act by majority vote in order to save this country.

Finally, as the Senator from Connecticut has pointed out, the same kind of issues could have been raised during the gulf war that were raised by Dr. Schlesinger relative to World War II.

If I still have time left, I want to finish with one other point that the Dodd amendment corrects. How much time does this Senator have remaining?

The PRESIDING OFFICER. One more minute.

Mr. LEVIN. I thank the Chair.

The Dodd amendment addresses a second problem with the text of the balanced budget amendment. The joint resolution, as currently drafted, requires that the United States be engaged in military conflict which ''causes an imminent and serious military threat to national security and is so declared'' by Congress.

That word ''and'' in the current language creates two requirements: First, that there be a declaration by Congress and, second, that there be an imminent and serious threat to national security. In other words, the word ''and,'' creates a second requirement—the actual existence of a threat—which opens this up to judicial review and creates a real problem which is corrected by the Dodd amendment.

The last thing that we need at a time when our Nation faces an imminent and serious threat is to place in question the legitimacy of Federal spending to meet that threat. When our national security is at stake, we cannot afford to wait for the courts to give a stamp of approval to emergency spending programs. The Dodd amendment would address this problem by making it clear that a congressional declaration that an imminent and serious threat to the national security would alone be sufficient to trigger the exception.

Mr. President, most of us hopefully want to bring the budget back into balance, but we must achieve that goal without undermining our ability to defend our vital national interests in the face of imminent threats or danger. Regardless whether we support the balanced budget amendment or oppose it, I would hope that we could all support the Dodd amendment and ensure that we have the flexibility we need to protect our national security where we face an imminent and serious threat.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER (Ms. COLLINS). The Senator from Utah.

Mr. HATCH. Madam President, I did not realize the distinguished Senator from Connecticut had not finished his remarks. I will be happy to allow him to finish.

Mr. DODD. No, go ahead.

Mr. HATCH. Madam President, I will proceed then on our time. I have to oppose this amendment proposed by the Senator from Connecticut, and I hope all of my colleagues will do the same.

Senator DODD has offered an amendment to section 5 of the balanced budget amendment. I might add, section 5 is a very important part of Senate Joint Resolution 1, the balanced budget amendment. We realize that protecting the security of the Nation is the most important responsibility that we have. Indeed, it is the most important duty for any government. Thus, we have dealt with that problem in section 5 of the balanced budget amendment. In that provision, we allow the requirements of this amendment to be waived in two circumstances. One is ''any year in which a declaration of war is in effect.'' The other is when the Nation is ''engaged in a military conflict which causes an imminent and serious military threat to national security and is so declared by a joint resolution adopted by a majority of the whole number of each House, which becomes law.''

Those are two very important protections. They protect us from all that the distinguished Senator has been talking about, and, frankly, his amendment, I think, gums this up pretty badly.

The balanced budget amendment, therefore, deals with the two situations in the modern era in which the Nation faces a challenge to its ability to survive, situations in which there is a declared war between this Nation and another country and situations in which there is a military conflict that is unaccompanied by a declaration of war, but that nonetheless causes an imminent and serious military threat to national security.

In those circumstances the authors of the balanced budget amendment believe that the Nation may need greater flexibility than the amendment otherwise allows. At the same time, the carefully balanced text of that provision makes sure that the circumstances in which such a waiver can be more easily accomplished are limited only to those situations in which such a waiver is necessary.

I have the greatest respect for my colleague from Connecticut, Senator DODD. We are very close friends, but his amendment would upset the balance that we have achieved in section 5.

Senator DODD's amendment would permit a waiver of the balanced budget amendment whenever we face a serious military threat by a simple joint resolution, but he explicitly removes the requirement that the resolution become law. That is troublesome in this context. Ordinarily, being silent about such a matter would be of no consequence. After all, any Member of this Chamber, like any Member of the House of Representatives, can introduce a joint resolution or can submit a resolution on this matter. The real work comes in getting a bill or a resolution passed. But here, by removing the requirement from section 5 of the BBA, [the balanced budget amendment], that the joint resolution ''become law,'' Senator Dodd's amendment could be read by an activist court as eliminating the requirement that the resolution actually become law.

Thus, in order to waive the balanced budget amendment under the Dodd amendment, the President would not have to sign the resolution, would not have to put himself on the line, or herself on the line, and neither House of Congress would have to pass or even vote on the resolution. No committee would have to mark up the resolution. No hearings need be held. Apparently, all that it would require is that any Member of either body merely introduce a joint resolution declaring that the United States faces a serious military threat.

That sole action would apparently suffice to waive the balanced budget rule for the entire fiscal year under the Dodd amendment. Clearly, that would be a bizarre state of affairs. I would be much more impressed with this amendment if it was sponsored by those who literally have been long-time supporters of a balanced budget amendment. Literally, this is an amendment that looks as though it is making every attempt to gut the balanced budget amendment.

Madam President, both the balanced budget amendment waiver for national security and the Dodd amendment use the threshold phrase of ''an imminent and serious military threat to national security'' as being a situation in which the balanced budget amendment requirements could be waived. Even though both the balanced budget amendment and the Dodd amendment used that phrase, there are two critical differences between the two.

The first critical difference is the following: Unlike the Dodd amendment, this amendment that is currently pending, the balanced budget amendment, Senate Joint Resolution 1, that we want to pass, also requires that the United States actually be ''engaged in military conflict'' in order to waive the balanced budget rule by less than a three-fifths vote. By contrast, the Dodd amendment does not require that this Nation be engaged in such military conflict. In fact, the Dodd amendment would delete the term ''military conflict'' from the final balanced budget amendment.

That alone is a significant difference between Senate Joint Resolution 1 and the amendment offered by our distinguished Senator from Connecticut. I understand what a military conflict is. It involves shooting, combat, or the like. By contrast, the term ''threat'' is far more expansive and far more pliable. That term embraces a broad range of situations that could fall far short of the type of circumstance in which section 5 of Senate Joint Resolution 1 as presently written would allow the balanced budget amendment's requirements to be waived.

It is easy to imagine various events that could occur that would trigger the waiver provisions of the permissive Dodd amendment. For example, last year China fired several missiles in the vicinity of Taiwan, a valuable friend of the United States, as is China. That could have triggered the provisions of the Dodd amendment if somebody merely filed a resolution, pursuant to the Dodd amendment. The United States also has been witness to oil embargoes which also could trigger the Dodd amendment in the future. These events and others—you can go down a long list—would have allowed the Congress to easily waive the requirements of the balanced budget amendment if the Dodd amendment became part of the final, passed balanced budget amendment.

Indeed, ever since the advent and proliferation of nuclear weapons, it could be cogently argued that the United States has ''faced an imminent and serious military threat to national security.'' You can argue that every year in a sense. And that threat would be presented not just by the republics of the former Soviet Union or by China, which are nuclear powers, but also by other countries that may be on the cusp of developing nuclear weapons, chemical weapons, biological weapons, and so forth, by terrorist nations, to say nothing of any other weapons that may come along. So anyone who sought refuge or seeks refuge from the tough choices necessary to balance the budget could invoke this threat and waive the balanced budget rule. So it would never be effective, that is, if the Dodd amendment is adopted. That is just as clear as the amendment.

The second difference between the balanced budget amendment, Senate Joint Resolution 1, the amendment we are trying to pass as written, and the Dodd amendment is closely related to the first. The balanced budget amendment requires that the military conflict cause the imminent and serious military threat to national security. That would be the only circumstance under which the balanced budget amendment's requirements could be waived. The existence of a military conflict, therefore, is not sufficient by itself to allow Congress to escape the requirements of the balanced budget amendment. No. That military conflict also must have a particular effect; namely an imminent and serious military threat to national security.

These two requirements in Senate Joint Resolution 1, Madam President, which the distinguished Senator from Connecticut would like to amend with this permissive language, are two important requirements. As much as we pray that these events do not occur, we must face the reality that there may be times when our Nation is at war. We also must face the reality that there may be times when our Nation is embroiled in a military conflict imminently threatening national security

but unaccompanied by a formal declaration of war, such as occurred during the gulf war. When either such event occurs, the Nation and the Congress may need greater flexibility than the balanced budget amendment would allow. I am sure we all agree that protecting the survival and safety of our Nation is our most pressing responsibility.

Senator DODD's proposal does not serve these goals. His amendment is not designed to allow the military to deal with threats to national security that do not rise to the level already discussed by me. Nor is his amendment limited to permitting the military to increase spending to respond to such a threat. No. His amendment would waive all the requirements of the balanced budget amendment even though Congress has not declared war and even though the President has not committed our Armed Forces to a military conflict. His amendment provides an escape hatch for all other—for all other—situations.

In short, Madam President, the Dodd amendment is a gigantic loophole. Its effect is to weaken and confuse the standard by which the balanced budget amendment may be waived and thus weakens the balanced budget amendment itself. In this age, it is well established that nations with greater economic power stand a much better chance of prevailing in sustained military conflicts. There is nothing that would be better for our economic strength than to pass Senate Joint Resolution 1, the balanced budget amendment.

If we pass this loophole offered by the Senator from Connecticut, it will be abused and thus allow our debt to continue to increase. In years when we should be in balance, the debt will continue to pile up. Our children will be saddled with even more debt, and we will be woefully unprepared as a nation if it is ever necessary to defend our liberty in the future.

By the terms of the President's proposed budget, we would spend nearly as much on net interest in the debt next year as we will on the defense needs of our Nation—just to pay the interest on the debt. That makes the need for the balanced budget amendment about as clear as it can be.

If we continue to allow this debt to skyrocket, if we put loopholes such as this into the balanced budget amendment, if we do not stop this fiscal insanity that currently pervades our Nation, we will simply not have the economic strength to stand on our own militarily or to protect our interests in times of threat. There is nothing better for our Nation's defense than to adopt Senate Joint Resolution 1, the balanced budget amendment, and be certain that we will have the economics necessary to keep our military the best equipped, best trained force in the world.

Indeed, the Dodd amendment could be abused in a way that hurts our military preparedness. Congress could purposely underfund the military at the beginning of the fiscal year to use the extra funds for other programs.

In fact, I suspect that is what is really deep down behind this. If we can waive the balanced budget for almost any reason that we call a threat to our national security, without the constraints that we have written in section 5, which is what the Dodd amendment would do, then those who want that to happen and want that loophole so that we can waive it any time we want to under almost any circumstances could spend more on liberal spending programs rather than really doing for the military what needs to be done.

Our amendment requires them to do what is right for the national security interests of this country, if this matter is going to be waived. It requires the President and the Congress to take some responsibility in that matter, and it does not just waive all these obligations that we think have to be there.

But under the Dodd amendment, they could underfund the military, knowing that during the course of the year they could take any international conflict and use it as a justification to waive the balanced budget amendment.

In effect, if we pass this amendment by the Senator from Connecticut, those who support it would generate their own crisis by having purposefully underfunded the military. I mean, if we in fact abuse the way the balanced budget amendment would be used, that is what it would amount to under the Dodd amendment.

Madam President, this sort of gaming of the system shows that the Dodd amendment is a risky gimmick that will endanger both our military readiness and our economic strength.

I might add that the amendment that will come later on Social Security is even a more risky gimmick that will endanger Social Security for all of our senior citizens because they would take it off the budget so that it does not have to be dealt with not just in times of surplus, but in times of tremendous default and in times when there are not enough moneys there to run it. We have to keep it on budget to keep the pressure on everybody to do what is right to keep Social Security going for our seniors.

Let me just take a few moments and elaborate on the military readiness issues.

The Dodd amendment is too vague. It merely acknowledges the status quo—that there exists national security threats that are routinely handled by the readiness components of our defense budget. Its adoption could actually undermine our ability to provide a responsive surge to escalating threats to our vital interests.

The amendment of the Senator from Connecticut does not acknowledge the differences of national security interests, nor does it tell us what is at stake. It is too broad, and by consequence so vague as to allow exceptions to the balanced budget amendment based on the status quo, day-to-day operation of our defense policy.

To quote from former Secretary of Defense William Perry:

> Vital U.S. interests can be at risk when the United States or an ally is threatened by conventional military force, economic force, by economic strangulation, or weapons of mass destruction. These threats to vital interests are most likely to arise in a regional conflict and, by definition, may require military intervention.

Madam President, as you can see, the Dodd amendment would allow the waiver of the balanced budget amendment at almost any time in our country's history where there is any kind of military threat that fits within the broad language that the then Secretary of Defense, in contrast, as seen from the statement, says that vital interests can be placed at risk by threat. And he continues, such threats by our vital interests ''may require military intervention.''

Senate Joint Resolution 1 complies with current defense thinking. It says that when the President takes a step beyond the normal acts of protecting national security interests and places our forces in harm's way, then should Congress, and only then should Congress, consider by majority vote suspending the balanced budget amendment restraints on defense spending.

My next objection is that military spending is not and was never intended to be the only way to meet national security threats. In fewer words, still, Madam President, the amendment does not acknowledge either the multiple military and nonmilitary strategies that meet our national security requirements, nor does it appear to realize that we employ a military strategy only when diplomatic and other foreign policy remedies fail.

Finally, the Dodd amendment contradicts and challenges some basic readiness, budgeting and programming concepts that both the President and the Congress support. The Secretary of Defense says, ''The number one priority of the Defense Department is maintaining the readiness and sustainability of U.S. forces.''

The concerns of the distinguished Senator from Connecticut are adequately covered by the program-budget process. This is explained by the Secretary of Defense as follows:

> The U.S. national military strategy outlines a broad spectrum of commitments, specifically that U.S. forces must be prepared to fight and win the nation's wars, deter aggression and prevent conflict, and conduct peacetime engagement.

The same report goes on to say that ''U.S. forces are ready to meet these missions.''

Now, Madam President, the day-to-day national security risks that the Dodd amendment worries about are, as we can see, already inventoried and covered in our defense budget.

Let me return to another statement of the former Secretary of Defense, William Perry:

[The] challenge is to make sure the Department of Defense has the right resources allocated to the right purposes in support of readiness.

Here, the Secretary emphasizes the need for the types of priority-making that the amendment before us would eviscerate since, again, everything under the DOD amendment becomes a priority.

But, to balance this debate, let me turn to Secretary Perry, who wisely cautioned:

Even with a solid foundation of readiness funds in the DOD budget, the costs of unbudgeted contingency operations can reduce resources to carry out training, maintenance, and other readiness-related activities.

We share with Secretary Perry the need to stress readiness and the corresponding need to be able to respond to exceptional or contingency threats.

In summary, Madam President, the balanced budget amendment as drafted offers a level of support to current defense planning that strengthens our defense policy. In stark contrast, the amendment of my friend from Connecticut would place our national security interests at a level of great risk by undermining the sound budget formulation, priority-making, and management practices that Congress and the President have worked out over the past decade.

Now, I do not think I need to say anything more about the Dodd amendment. I hope that all my colleagues will vote it down because this amendment would just be another way of eviscerating or doing away with the effectiveness of Senate Joint Resolution 1, once passed by us and ratified by three-quarters of the States. We have adequately protected our national security interests the way article 5 is written, and we do it in a way that does not allow phony loopholes so the people can spend more on liberal projects. I guarantee you, if we adopt the Dodd amendment that will cause the amendment to be waived over for almost any reason. And all the moneys raised will probably not be for the military over the year the amendment is thrown out. Those moneys will be spent on liberal social programs, precisely what we want to emphasize. If we do waive the balanced budget amendment and we provide a means to do that during serious crises, if we do waive it then, we have to stand up and vote to do so and we do it because we have to bolster our military, and it can be done only under very rare circumstances where it really needs to be done. Under the Dodd amendment, it can be done under almost any circumstance, almost any time anybody files a resolution to do so. That would just plain do away with the effects of the balanced budget amendment.

I think that is enough for me to say about the Dodd amendment. I take a few minutes now, because I think it is important to do so, to pay respect to my dear colleague and friend who spoke earlier on the floor, the distinguished Senator from West Virginia.

Everybody knows the esteem that all of us have for the distinguished Senator from West Virginia. The Senate means as much to him as anybody who has ever sat in the Senate. This country means a great deal to him. He feels very deeply about his positions, and he argues them forcibly and eloquently. I really do, indeed, after having thought for quite a while about what he said this morning and early afternoon—he spoke for about an hour and 40 minutes, as I recall—I thought I should at least speak a little bit about that here today if I can.

The balanced budget amendment is appropriate in its subject matter and approach to be included in the Constitution. It establishes a process-based control on the part of the Federal Government's spending abilities, specifically, on its ability to borrow. Inasmuch as borrowing affects all future Americans, our children and grandchildren, it is appropriate to place rules on the Federal Government to protect those Americans who will be affected but are not now represented in this political process.

Now, Madam President, I call myself a student of the Constitution, and I do not undertake to amend it lightly. However, our history clearly shows the need for a balanced budget constitutional amendment if we are ever going to balance the budget. Although the text of Senate Joint Resolution 1 is modest in length, it is very significant. Its language has been worked out by Members of both parties over many, many years of fine tuning, and that language has now reached the point where it is a bipartisan, bicameral approach.

Since constitutional amendments are of such importance, I will take a few minutes to walk through the provisions of the balanced budget amendment and discuss how they will cure us of our addiction to debt. Since the distinguished Senator from West Virginia did walk through these, I would like to maybe do the same. I will have more to say on this later.

Mr. DODD. Will the Senator yield, to respond to a couple of issues raised by the pending amendment?

Mr. HATCH. Yes, I yield if I do not lose my right to the floor.

Mr. DODD. I thank my colleague for that. I want to respond to a couple of provisions. The amendment we have before us, the amendment that I offered here, requires that we face an imminent and serious military threat to national security as declared by joint resolution. I was informed ''as declared by joint resolution'' does not mean someone really introducing a resolution, but that a joint resolution would have to pass both Houses. But I am fully prepared to offer an amendment. It would take unanimous consent to clarify any ambiguity about my intention here. This is not a declaration by an individual Member, but a decision by both Houses that an imminent and dangerous situation exists. I will modify my amendment so as to remove any question of my intention here and what the legislative office, in drafting this, informed this Senator that the language ''declared by joint resolution'' certainly means. If there is any doubt in anybody's mind, I'll do that. The last thing I want to do is have any one Senator able to offer a resolution that would trigger a waiver of the balanced budget amendment.

Second, I think it is important because the Secretary's name has been raised by my friend from Utah on numerous occasions. Allow me, for the benefit of my colleagues, to read from prepared testimony from the Secretary of Defense:

We are here today not to give you a comprehensive discussion of the balanced budget amendment, but rather to discuss specifically one very important aspect, which is the effect it would have [the balanced budget amendment] on our national security and particularly the effect it would have on our defense programs. Almost any reasonable assumption of how the balanced budget amendment would be implemented in spinning budgets and in specific programs would affect the defense programs in a fundamental way and I believe would fundamentally undermine the security of the Nation.

Let me emphasize that and repeat it:

. . . I believe it would fundamentally undermine the security of the Nation. In addition to that, the balanced budget amendment would threaten frequent interruptions of many long-term processes that are essential to maintaining a prudent defense posture.

The statement goes on longer, but those particular words certainly don't leave any doubt as to where the Secretary of Defense stands on this issue.

Third—and then I will allow my colleague from Utah to pick up where he wanted to—I urge my colleagues to read the report language in section 5 of the Judiciary Committee on this amendment, as it gives an explanation of what section 5 means. On page 22, Madam President, I am quoting, and it is dated February 3, 1997:

This section, as amended, guarantees that Congress will retain maximum flexibility in responding to clear national security crises, such as in declared war or imminent military threat to national security.

Now, if that is what it did, I would not offer this amendment. But it does not. It should take into consideration the declaration of war or imminent military threat to national security. But that is not what the amendment says. The amendment says in section 5, which is before us:

. . . the United States is engaged in military conflict, which causes an imminent and serious military threat to national security.

It is the ''engaged'' part that I have such difficulty with here, because if it just said ''imminent military threat to national security,'' then you could say, fine, I understand that. We have a threat out there; we are not engaged yet, but we have a threat. So we ought to be able to pass a joint resolution here that declares that threat to exist, and the waiver then would apply. But

this is not flexible. My colleagues ought to understand that. It is not flexible. You must have a declaration of war and/or this Nation must be engaged in military conflict, and it requires all 218 House Members and all 51 Senators—not 49 to 48, but 51—to then waive the provisions.

I think that is so restrictive. As important as my colleagues believe this amendment is in dealing with the fiscal matters of this country—and I am not here to argue that point today, Madam President, because that is an ongoing debate. I accept the sincerity of those who propose this amendment. But I hope no one would suggest that, as important as the fiscal matters of this country are, we would make it so restrictive for the Nation to respond to a military crisis that we would require a declaration of war or actual engagement in a conflict before we could decide to waive these provisions in order to respond to them. I think that is threatening.

This is a dangerous section, as written, regardless of how one feels about the constitutional amendment. This is dangerous. This is clearly dangerous. I ask my colleagues—this is not report language now. We are talking about the actual words included in the organic law of our country, the organic law. Every word, every letter is important. It is not insignificant. These are not casual words. To require a declaration of war or to be actually engaged in military conflict before you can waive the provisions of this constitutional amendment, I think, is dangerous indeed. I am offering an amendment which does not strike it altogether but which says ''faces an imminent and serious military threat to national security as declared by a joint resolution.'' That way, if there is an imminent threat to our national security, a majority of us here and in the other body can pass a resolution that declares that to be the case, and then we ought to be able to waive the provisions and respond to them.

My colleagues know as many examples as I do where we have not met the threshold of a declaration of war or been engaged in a military conflict. Examples where we, the overwhelming majority, I suspect, would have assumed there was enough of an imminent threat out there that we should have responded. We also see a highly divisive country when we see that. I do not offer this lightly, as others have suggested, as somehow a back-door approach for liberal spending programs. This goes right to the heart of our Nation's response to a crisis and whether or not we elevate the importance of fiscal prudence here to such a status that it exceeds the ability of the Nation to respond under its primary, essential function, and that is to protect the security of our Nation.

I suggest, Madam President—in fact, I will read this. On page 22, the last section—they define, by the way, in these sections what each word means. The bottom of page 22 of the report.

. . . is engaged in military conflict.

Here is how the report defines those words:

''. . . is engaged in military conflict,'' is intended to limit the applicability of this waiver to situations involving the actual use of military force which nonetheless do not rise to the level of a formal declaration of war.

This isn't my language. This is the report language. I am not interpreting this language. It must involve the actual use of military force before they meet the threshold of imminent danger.

There are just hundreds of cases where something that does not involve actual use of force can meet the threshold of imminent danger. Yet, the authors of the section, very clearly—and you can imagine a Federal court, some day in the next century, reading this language as to what the words mean, and it doesn't say likely use of force or maybe a use of force, but actual use of force. We have the awkward situation, to put it mildly, of this Nation responding to its primary function—that is, to protect its citizenry when placed under threat.

Again, I will offer at the appropriate moment—I don't know why I need to, but if certain people think I have drafted this in a way to suggest that any one Member can offer a resolution and that is going to trigger a waiver—again, I submitted my language to the legislative offices here to prepare this, and they tell me that the ''declared by a joint resolution'' meets that standard of what the intent is here—clearly, not just any one Member offering a resolution, but obviously both Houses passing it. I haven't gotten to the language in the amendment about the whole House, in terms of having 51 people. We have seen situations where Members don't get back, for whatever reason, where some crisis faces the Nation and Members can't get here. What a ridiculous situation to place this body in. I know we're not living in the horse-and-buggy age here, when Members couldn't get here and where they sat around and waited for enough Members to arrive which would allow a majority of both Houses to respond. But we sat here and determined that somehow meets purity, and insisted upon the whole of both Houses, and then, of course, I believe we excluded the Vice President from casting a vote in a tie. You have to have 51 votes of the Members, and the Vice President while the Presiding Officer is not a Member of this body. And I think that is a shortcoming as well. It is minor compared to the actual language here that requires a declaration of war, or as the report language defines is engaged in military conflict, it must involve the actual use of military force. I think that standard is way too high for us to be able to waive the provisions of this balanced budget amendment to respond to a security crisis in this country.

You can vote for my amendment, and you can be for the balanced budget amendment. It does not threaten the underlying purpose of a balanced budget amendment. I believe it is a lot wiser to be cautious on all issues of national security. This is not some secondary or collateral issue. This is the primary function of any government. The primary function is to protect the security of the people. We have set a standard here that I think places that primary responsibility in some jeopardy.

So for those reasons, I urge my colleagues to accept this amendment. And I will be glad to yield the floor at this point. I will raise a couple of additional issues in a few minutes. But let me yield the floor.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Madam President, of course the underlying amendment of the Senator from Connecticut threatens the very purpose of the balanced budget amendment. Even if he does make this small change of adding language that makes the resolution became law, this certainly would improve his amendment. That is a small matter. The reason he would have to do that, if his intention is that the resolution be passed by both bodies and signed by the President, is because he has deleted specifically our requirement that any resolution become law, meaning it passes both Houses and it is signed by the President.

So there is no other way the court would construe it other than the way I have suggested it. But that is a small matter because Senator DODD's new amendment, assuming that he modifies his current amendment, clarifies his intent in one regard. He would make it clear that a joint resolution must become law. That would be an improvement.

But my other criticisms remain. There would be too many instances in which Senate Joint Resolution 1's requirements could be waived. Today, any action by a foreign nation can pose an imminent and serious military threat to our Nation. Under Senator DODD's amendment, any such action would allow Congress to engage in increased social spending, and waive this balanced budget amendment.

To me that is ridiculous. It isn't a protection. It is just another way to continue business as usual. I frankly am not for that, and I do not think most others will be either.

Look closely at the Dodd amendment that allows all spending to increase—not just military spending. The ostensible purpose is to protect us militarily and our national security. But it waives the budget for all spending. It makes one wonder why. And it allows virtually any action by any country—certainly countries like Russia or China—to justify increased social spending.

I have to admit that my colleagues are ingenious at wanting to keep the status quo going, and that is their

right to unbalance the budget and spend and spend and spend so they can go home and claim, ''Look at what we are doing for you.'' They are putting us into bankruptcy. And all of us are doing it, both parties, without any restraint. Now they want to remove this restraint. To be honest with you, I think basically what people want to do is just keep business as usual.

Secretary Perry in accepting the Dodd amendment would admit that the readiness principles are wrong that he articulated. For example, he would be saying that current threats are not covered. The Dodd amendment has no plan for a contingency. National security is always a justifiable budget buster regardless of the crisis of the moment.

Let us just read the language that the Senator would change. The way the original amendment, the underlying amendment, Senate Joint Resolution 1 reads, section 5 says, ''Congress may waive the provisions of this article for any fiscal year in which a declaration of war is in effect.'' That is the same. ''The provisions of this article may be waived for any fiscal year in which the United States is engaged in military conflict which causes an imminent and serious military threat to national security and is so declared by a joint resolution adopted by a majority of the whole number of each House which becomes law.'' That is what the current amendment says. That is a tremendous protection. Declaration of war or waiver by a joint resolution passed by the whole number, a majority of the whole number of both Houses, meaning a constitutional majority, which becomes law and signed by the President. Under those circumstances this balanced budget amendment can be waived.

There are those who are strong supporters of the balanced budget amendment which didn't want this language in here. Senator Heflin and a number of us worked this out so that both sides would feel that they are adequately taken care of. But it is no secret. There are a lot of people who do not want this section at all because they believe that a patriotic group of Senators and Congresspeople would naturally waive the balanced budget amendment by a higher vote, by the three-fifths vote necessary to do it to put us into more debt to pay for it. But we have made it a much lesser standard. It will be a constitutional majority required by both Houses.

Look at the way the distinguished Senator from Connecticut would have this read. ''The Congress may waive the provisions of this article for any fiscal year in which a declaration of war is in effect.'' ''The provisions of this article may be waived for any fiscal year in which the United States is engaged in military conflict which causes'' but in which the United States ''faces an imminent and serious military threat to national security.'' And then he strikes ''and is so,'' and then just says ''as declared by a joint resolution,'' period. I imagine he is willing to modify his amendment and add ''which becomes law.'' The ''which becomes law'' would make this amendment a little bit better. But, frankly, it doesn't solve the problem of the easy ability anybody would have for anything that can be called ''facing an imminent and serious military threat to our national security'' which can include almost anything. That would be the easiest way to waive this amendment at any time any social spending becomes the desire of the people and the Congress. And, by the way, that is what is causing our problems for 28 straight years now—social spending.

I am so afraid I am going to knock these over sometime and squash somebody, and they would squash somebody. It would probably break somebody's leg. I have been told by a number of Senators that we are violating OSHA. Too bad OSHA doesn't have control over this separated power. But there is no other way to show to the American people just how really bad it is—28 straight years of unbalanced budgets. And now we are going to put changes in this amendment that would allow us to go to 29, 30, right up to 68 years, or more. We will never get it under control, if we have amendments like this. So we have to stand up and do what is right.

Mr. DODD. Will my colleague yield for a question or so?

Mr. HATCH. Yes.

Mr. DODD. First of all, I raised the issue about the Vice President because it is unclear.

Mr. HATCH. The Vice President would not have a right to vote here, but he doesn't have a right to vote for this amendment either.

Mr. DODD. Let me ask my question. Under section 5, as drafted in the proposed constitutional amendment, then the vote by the whole of both Houses would exclude the vote by the Vice President. Is that correct?

Mr. HATCH. That is correct, just like a vote for this constitutional amendment excludes the Vice President, and countless other votes exclude the Vice President.

Mr. DODD. We are talking about a waiver issue here.

Mr. HATCH. In any event, he would be excluded.

Mr. DODD. Is there any other situation which my colleague from Utah can cite in which we have excluded the vote of the Vice President in a tie vote?

Mr. HATCH. Every constitutional amendment that has ever been passed.

Mr. DODD. I am talking about a matter that would come before this body.

Mr. HATCH. Sure. On cloture votes; all cloture votes. You will have to have 60 votes.

Mr. DODD. That is a procedural vote.

Mr. HATCH. Procedural or not, that is what this vote would be.

Mr. DODD. To waive.

Mr. HATCH. Sure. That would be both procedural and substantive. Cloture votes are substantive and procedural.

Mr. DODD. A cloture vote is not a tie vote. There you have to have a number of votes.

Mr. HATCH. Neither would they be. In other words, what we are doing——

Mr. DODD. You don't get cloture 50–50.

Mr. HATCH. No, you get cloture at 60——

Mr. DODD. Right. On matters that require a simple majority, will my colleague cite a single example where a simple majority is required in this body where the vote of the Vice President would be excluded?

Mr. HATCH. Yes. Every vote where it is not 50–50.

Mr. DODD. I am saying where the vote is 50–50.

Mr. HATCH. Well, where the vote is 50–50, where that is required, yes, but we are talking about a constitutional amendment.

Mr. DODD. I am not talking about the amendment. I am talking about a provision——

Mr. HATCH. Let me finish.

Mr. DODD. That requires that this body act, and that is the provision of the constitutional amendment, requires that the whole House of both Chambers vote.

Mr. HATCH. That is right.

Mr. DODD. And it requires 51.

Mr. HATCH. Right.

Mr. DODD. My question is, can my colleague from Utah cite a single example where a supermajority is not required, where there is a 50–50 tie, that the vote of the Vice President would be excluded in that situation?

Mr. HATCH. Yes. In every vote in the House of Representatives.

Mr. DODD. No, in the Senate.

Mr. HATCH. Let me finish. I cannot cite a single example in the Senate, but that is irrelevant. The fact is the reason we are writing the constitutional amendment is to provide a means whereby you have to have a constitutional majority, without worrying about the Vice President, who is not a Member of this body other than to preside, if he wants to, and break majority vote ties. We are saying that we need a constitutional majority of at least 51 Senators to resolve this problem, and at least 218 Members of the House. And since it is a constitutional amendment, we would be changing the current method of budgeting to require higher majority votes in order to waive the balanced budget amendment requirements. That is what we are doing.

Mr. DODD. Let me ask my colleague a couple other questions.

Mr. HATCH. Sure.

Mr. DODD. Under the language of this amendment, would the decision to send 100,000 troops to the gulf——

Mr. HATCH. Will the Senator yield?

Mr. DODD. Certainly.

Mr. HATCH. Because I do think I just need to make a couple more comments on the Vice President.

Mr. DODD. I am sorry.

Mr. HATCH. Just to make the record. The question does arise, as the Senator

phrased, as to how Senate Joint Resolution 1 affects the obligations of the Vice President, as President of the Senate, to vote in case of a tie vote in the Senate. The answer is that a balanced budget amendment does not change the Constitution's basic reliance on simple majority votes or the Vice President's role in casting a vote in those cases where Senators are equally divided.

Article I, section 3 of the Constitution provides that ''The Vice President of the United States shall be President of the Senate, but shall have no vote, unless they be equally divided.''

By the plain meaning of this provision, the Vice President is not a member of the Senate. He is merely the Presiding Officer, the President of the Senate, a neutral empire, and thus cannot vote or take part in the deliberations of the Senate. And even though our current Vice President is a former member of the Senate, he is no longer a member of the Senate. He is a member of the executive branch. But he does have that function.

The only exception to this is where there exists a tie vote. In that case to ''secure at all times the possibility of a definitive resolution of the body, it is necessary that the Vice President should have only a casting vote.''

That was taken from Federalist Paper No. 68 written by Hamilton.

But the situation where the Vice President can break a tie vote only applies to a simple majority vote, the run-of-the-mill ordinary vote of the Senate. It very seldom happens but it can happen under those circumstances. Where the Constitution, however, provides for a supermajority vote, in situations where the Framers of the Constitution feared the passions of the majority rule would retard reasoned deliberation, there really is no occasion for a tie vote, and therefore the Vice President may not vote.

These include the two-thirds requirement of each House to override a veto. When the President formally rejects legislation passed by both Houses of Congress, the drafters of the Constitution contemplated the simple democratic majoritarian rule does not serve the best interests of this country. A constitutional majority will not even do in that instance. Congress may override the President's veto only by a supermajority vote.

The two-thirds vote requirement of the Senate to give its advice and consent to treaties and the two-thirds vote requirement of the Senate to convict on impeachment are other examples where the Vice President has absolutely no vote whatsoever.

I add the votes on cloture. You are going to have at least 60 votes in order to invoke cloture. You could go on I think.

In each of these cases the Vice President has no role in casting a deciding vote.

The balanced budget amendment supermajority provisions, whether the three-fifths number of the whole number of each House of Congress—that section 1 waiver to allow outlays to exceed receipts; section 2 waiver to increase the limit on the debt, or the constitutional majority provisions—a majority of the whole number of each House—section 4 requirement to raise revenue, section 5 requirement to waive amendment when the United States is involved in military action that is a threat to national security—would work the same way as the Constitution's other supermajority provisions.

Because these supermajority provisions require a majority vote of the whole number of each House of Congress, and it is clear that the Vice President is not a Member of either House, these provisions, like the two-thirds vote in the Senate for treaties, is an exception to the simple majority vote general rule that the Vice President may vote in cases of a tie in the Senate.

Moreover, with a supermajority requirement, a tie vote is meaningless. For instance, 60 votes in the Senate would be required to raise the debt ceiling, where a three-fifths vote is required under section 2 of this amendment, and 51 votes would be needed to raise taxes as required by section 4. A 40 to 40 vote or even a 50 to 50 vote does not meet that requirement. Therefore, the Vice President would have no role in casting a deciding vote. But that does not in any way diminish his constitutional authority.

Madam President, what we are debating here is very important. What the balanced budget amendment does is establish a constitutional requirement that Congress live within its means, that we quit doing this to America, as represented by these 28 years in a row of unbalanced budgets since 1969. All the supermajority requirements are saying is that if Congress wants to waive the Constitution, a simple majority will not do. You have to have a true majority—in the case of the section 4 requirement to raise revenue and section 5 requirement to waive the amendment when the United States is involved in a military action that is a threat to national security—or a supermajority in the case of the section 1 waiver of the balanced budget requirement or the section 2 waiver of the debt limit. And every Senator and every Congressman must be on record and thereby accountable to his or her constituency.

Now, I have at least 3 or 4 hours more that I could go on on this subject.

Mr. DODD. I am not going to press my colleague. The point I wanted to make, if my colleague will yield further, is that we are creating an unprecedented exception. The waiver provision—put aside the constitutional amendment. I am not debating that. I am debating this one section.

Mr. HATCH. All right.

Mr. DODD. Under this one section we are carving out a unique exception for the first time in the history of this country. Section 5 says adopted by a majority of the whole House and its Members. We exclude the Vice President in a 50–50 tie.

Mr. HATCH. Right.

Mr. DODD. In casting a vote.

Mr. HATCH. That's right.

Mr. DODD. We do not do that under any other circumstance in the 208-year-old history of this Republic——

Mr. HATCH. Other than the ones I have listed.

Mr. DODD. I say to my colleague. It is not a supermajority here. It is a dangerous precedent in my view. So on a 50 to 50 vote on whether we met the other standards would fail and the President of the United States would not be able to act.

Let me ask my colleague from Utah just a couple quick questions. I cited examples earlier, putting aside whether you agreed or disagreed with the action taken. In August 1990, when President Bush sent 100,000 troops to the Middle East, were we in actual—to quote the language of this section 5, were we engaged, in the Senator's opinion, in military conflict at that point?

Mr. HATCH. Sure.

Mr. DODD. Were we engaged at that point in August 1990 for the United States——

Mr. HATCH. When we sent troops to Saudi Arabia?

Mr. DODD. Yes. By the way, the interpretation of engaged is actual use of military force.

Mr. HATCH. Well, we already had had attacks by the Iraqis and we were there to protect our people. I would say that.

Mr. DODD. How about lend-lease, under President Roosevelt?

Mr. HATCH. One thing about lend-lease that I felt was very important is that during that period of time if we had any deficits at all, they were very minor.

Mr. DODD. They were large. They were 36 percent of the overall budget, much larger than they are today.

Mr. HATCH. Before that they were minor in comparison to what we have today.

Mr. DODD. The point I am trying to get at here is the question of actual—the language here of section 5 is ''is engaged in military conflict.'' I make a strong case to the Senator here that in those situations we were not engaged in military conflict.

Mr. HATCH. Sure, we were.

Mr. DODD. We ultimately became engaged.

Mr. HATCH. They were moving forces and materiel and——

Mr. DODD. That's not engagement.

Mr. HATCH. It may not be, until we shot the first shot, but the fact is that is what happened, and when it did happen, I cannot imagine either House of Congress not voting to provide a constitutional authority to provide whatever help the military needed.

Mr. DODD. Doesn't it make more sense to leave out your declaration of

war language here and then have the threshold as an imminent threat? We all have to vote here. It's not as if it happens by one person. But at least you could respond without a court. Because I could imagine you might take the position in the Persian Gulf that that could have been the outcome. Let us say I disagreed with you. I run to Federal court. I read the language there and I cite the report language and the report language says, under this section, ''is engaged in military conflict involving the actual use of military force.''

My point to the court would be that is not actual use of military force. Therefore you cannot waive this provision.

Mr. HATCH. You don't think moving billions of dollars worth of military force into the Persian Gulf——

Mr. DODD. I think actual use of military force is my interpretation. I don't understand——

Mr. HATCH. That might be an argument in this body. If it is, then those who want to increase military spending or waive this budget, all they have to do is get a constitutional majority to do so. We are just saying it should not be easy to waive the constitutional amendment.

Mr. DODD. I don't think this is easy, as you are suggesting it is. But you are putting a straitjacket, in my view——

Mr. HATCH. Hardly.

Mr. DODD. Putting a straitjacket on the ability of this country in future years to respond to a threat to national security by insisting on a declaration of war and actual conflict—actual conflict.

Mr. HATCH. Hardly. What we are saying is if it's an actual conflict and something that deserves the United States of America risking its soldiers and its young men and women, then the President ought to declare a war or come up here and say, ''I want a constitutional vote to support me.''

Mr. DODD. My colleague knows how mischievous people can be in utilizing things like this.

Mr. HATCH. Not when it comes to our young men and women. Give me a break.

Mr. DODD. If you are short of a conflict and try to get ready for it and try to get the votes to prepare for it, we have seen the debates that rage here.

Mr. HATCH. True, and those debates——

Mr. DODD. And you are offering, I suggest, to a potential enemy a wonderful arrow, an additional arrow in their quiver, where they can sit there and say, ''They are at the end of the fiscal year. These people have difficulties. They'd have to rearrange their budget. It is going to require votes of the whole House. People could not show up.'' I see this as an advantage. You are subjugating, I say with all due respect to my wonderful friend, you are subjugating national security interests to the fiscal concerns you raise in this budget. Your priorities are switched. As important as fiscal matters are, to place in jeopardy the ability of the United States to respond quickly and efficiently to an imminent threat to its national security, for the life of me, I don't understand why we would be risking that.

Mr. HATCH. If I could regain my control of the floor?

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. We are saying precisely the opposite. We are saying to keep this country secure, to have this country remain the greatest country in the world, quit spending it into bankruptcy and put some fiscal mechanism in the Constitution that requires us to quit spending it into bankruptcy. If we want to have a strong military, then, by gosh, let us be willing to stand up and vote for it.

I have to tell you, this Senator for 21 years has been a strong supporter of a strong national security. I voted for virtually everything that would help this country and protect our young men and women. I think, in a time of imminent threat to this country, I have never seen a case since I have been here where liberals, moderates and conservatives alike would reject protecting our young men and women. We are not going to see it in that case.

But I will tell you this, there is no justification whatsoever to put into this amendment the changes that the distinguished Senator from Connecticut wants, which would allow the amendment to be waived for almost any circumstances and, frankly, waived for what? Because they are going to spend more money on the military? Give me a break. It is going to be so they can continue spending the way they always have, so they can continue to build this mountain of paper, of national debt that we have had for 28 straight years, and out of the last 66 years, 58 years of debt.

That is what we are trying to stop. If we want a strong military, if we want strong national security, if we want to protect ourselves from imminent threats, if we want to protect ourselves from war, if we want to protect ourselves from being invaded, if we want to protect ourselves and our allies, then by gosh we better get spending under control. And this balanced budget amendment is about the only thing the vast majority of us in Congress right now can think of that will help us to do it.

Mr. DODD. If my colleague will yield?

Mr. HATCH. What the amendment of the distinguished Senator from Connecticut would do is it would just plain make it so anybody could waive the balanced budget amendment for any reason at any time. And I guarantee it will not be waived to increase military spending.

Mr. DODD. If my colleague will yield, my colleague had read this amendment. My colleague is getting a bit emotional. If he would read the amendment——

Mr. HATCH. I am not getting emotional.

Mr. DODD. ''Faces an imminent and serious military threat to national security as declared by joint resolution.''

Mr. HATCH. I read that.

Mr. DODD. Is my colleague suggesting, that the majority would go along willy-nilly with this resolution because they wanted to spend more on the program. Are we not faced with the perverse situation of having Presidents declare war in order to meet the standard of some imminent threat here?

Mr. HATCH. I don't think so.

Mr. DODD. This language is very clear. It is pointed at a very important situation that would be before us. And to suggest somehow this is a back-door attempt to fund spending programs on domestic issues, does my colleague really believe the majority in the Senate here today would vote for a back-door domestic spending increase——

Mr. HATCH. No, I don't think it would.

Mr. DODD. On the grounds there was imminent threat to our national security?

Mr. HATCH. I don't think a majority would vote to do that. But I am saying that is what this amendment would allow a majority to do, a simple majority. We are saying that is wrong. We have provided enough of a safety hatch to protect the country the way the amendment is written. If we adopt the amendment of the distinguished Senator from Connecticut, my goodness gracious, we could have the balanced budget amendment waived for a year any time we want to and it would just nullify the effectiveness of the balanced budget amendment.

I do not see anything wrong with the President either declaring war or coming up here to make a case he needs more money for the military, but he or she ought to come up here——

Mr. DODD. If my colleague will yield, that is what the amendment says.

Mr. HATCH. No, I am not yielding here. I want to finish my comments.

Mr. DODD. I thought the debate was kind of healthy.

Mr. HATCH. I will yield to my colleague, but I would like to be able to at least finish a sentence now and then, or at least once in a while.

I think it is very important that Presidents make their case, and I think Presidents can make their case, whoever the future Presidents would be. I think we would be very loathe to reject a President's case that the national security is being threatened. I cannot imagine the Congress doing that, to be honest with you, since the Second World War. Up to then we kind of blithely went along, acting like nothing is ever going to happen because we are way over here. This is now a very small world, and our country knows we have to back keeping ourselves strong because we are, frankly, the bulwark for freedom all over the world.

One thing I really don't think we should do, and I think a vast majority

in this body will also not think we should do, is to make it possible to waive this amendment at the mere majority vote of some future Congress, just because somebody alleges, through a resolution, that there is some imminent threats.

I yield to my colleague from Idaho.

Mr. CRAIG. I thank the chairman for yielding.

Mr. President, the Dodd amendment is more loophole than law.

Whatever the Senator's intentions, this amendment actually would put a two-step loophole in the balanced budget amendment and in the Constitution:

Step one: Declare a military threat with a simple majority;

Step two: Deficit spend as much as you want, on whatever you want.

That's it. The plain words of this amendment actually do nothing to help military preparedness.

The relevant wording of the amendment, as it would be amended by Senator DODD's words are as follows:

The provisions of this article may be waived for any year in which the United States faces an imminent and serious military threat to national security as declared by a joint resolution.

Nothing in the Dodd amendment requires its deficit spending to be dedicated to defense. Nothing in the Dodd amendment requires its deficit spending to be dedicated to meeting the ''imminent and serious military threat.'' After declaring a military threat, Congress could then vote to cut defense spending—maybe with the argument that a gesture of peace and good will would defuse that imminent military threat. Then Congress could vote, by simple majority, for unlimited deficit spending for any and all non-military spending programs. Would Congress use this loophole cynically as an excuse to deficit spend? I'm reminded of the movie, ''Field of Dreams,'' in which the lead character was told, ''If you build the ball field, they (the players) will come.'' When it comes to the hard choices of balancing the budget, you could say, ''If you build the loophole, they will borrow and spend.''

The Dodd amendment still follows that old, status quo, borrow-and-spend mentality. There are those who really cannot conceive of a world without deficit spending.

They believe the American people want to have their cake, eat it too, and send a big credit card bill to the next generation. They believe you can have everything, if only you keep deficit spending. The trouble is, if we don't stop deficit spending, we will lose everything: our prosperity, millions of jobs, economic security for our senior citizens, and the American Dream of a better life for our children.

I suggest we really can have an adequately prepared defense and regularly balanced budgets, too.

In fact, the more we balance our budgets, the more we will have to spend on defense—and every other priority—because of a healthy, growing economy, because we'll stop devoting about 15 percent of our annual budget just to net interest payments.

And, in fact, at the very height of the cold war, during the 15½ years of the Truman and Eisenhower administrations, we still managed to balance the budget 7 times before spending on domestic social programs really took off in the 1960's.

The debt is the threat to defense. Escalating interest payments crowd out all other priorities. In 1976, 7.2 percent of the Federal budget went to make interest payments on the Federal debt. In 1996, net interest consumed 15.5 percent of the budget. As a result, Defense and other programs have already felt the budget knife.

According to the report of the National Entitlement Commission chaired by our colleague Senator KERREY of Nebraska, and our former colleague Senator Danforth:

By 2012, unless appropriate policy changes are made in the interim, projected outlays for entitlements and interest on the national debt will consume all tax revenues collected by the federal government.

That means no money left for defense—or capital investment, education, the environment, national forests and parks, law enforcement, science, or other domestic discretionary programs.

The balanced budget amendment is the best friend our national defense could have. The Congressional Budget Office estimates that moving toward a balanced budget during fiscal year 1998–2002 will reduce Federal debt service costs over that period by $36 billion and improve economic performance enough to produce a ''fiscal dividend'' of another $77 billion in revenues and interest rate savings, making more money available over the long-term for priorities within a balanced budget.

Committing to a balanced budget—and it's not a convincing commitment without this constitutional amendment—actually helps pay for itself.

The balanced budget amendment places trust in the people—the Dodd amendment distrusts the people. I am willing to risk my priorities under a balanced budget. That's the whole point of balancing the budget—it requires us to set priorities.

When former Senator Simon used to join us on this floor in sponsoring the Balanced Budget Amendment, he was quite clear in his priorities under a balanced budget:

Raise taxes, cut defense, increase social programs. And I have been quite clear in my priorities under a balanced budget: Restrain the overall growth of spending; cut wasteful domestic social programs; safeguard our national defense; and cut taxes to be fairer to families and spur economic growth, if possible.

But Paul Simon and I both felt it was so imperative that we require balanced budgets, that we were both willing to risk our individual priorities for the greater good—the economic survival of our Nation and the security of our children. If we balance budget, we take the risk that our individual priorities may or may not prosper. If we don't balance the budget—if we don't pass this amendment—we risk the future of our Nation and our children. I trust the American people to have the right priorities—and to elect Senators and Representatives who reflect those priorities, at last, in a series of balanced budgets.

The balanced budget amendment—Senate Joint Resolution 1 unamended—already takes national security into consideration. Look back at our history.

Traditionally, our Nation ran deficits during wars and paid back its debts during peacetime. Senate Joint Resolution 1 would restore exactly that norm of behavior. Only in the last few decades has the Government borrowed and spent in good times and bad, in war, peace, and cold wars.

Senate Joint Resolution 1 is careful and precise: A waiver may be had by a simple majority in the case of a declared war. There are serious consequences—both to the people here at home and in terms of international law—when you declare war. It is an act of survival, an act of the highest urgency.

Next, Senate Joint Resolution 1 requires a vote by a ''majority of the whole number''—a constitutional majority—to deficit spend if we are actually in a military emergency and engage our armed forces. This is a slightly higher threshold—added by former Senator Heflin, who was both a deficit hawk and a defense hawk—and it is appropriate, since we are talking about a conflict here that is still legally not a declared war.

Finally, in all other cases, we require a three-fifths vote to deficit spend because deficit spending has become a cancer on our economy and it should be hard to run up ever-higher debt.

Mr. President, what the amendment does, and I think the Senator from Connecticut is well aware, is it returns us to the traditional pattern of defense spending. We used to, in times of war and national emergency, deficit spend only to pay it off afterward because we believed in the fiscal solvency and the fiscal importance of a balanced budget. Somehow, about three decades ago, we went screaming away from that idea. We borrowed through World War I and then we paid it back. We borrowed through World War II, and we worked every effort to pay it back. That is exactly what the constitutional amendment does. In neither of those cases did we find ourself in imminent danger, other than our own philosophy as a nation.

But, when it came to rally to the cause of human freedom for this country, we deficit spent. But we paid it back afterward. The tragedy of today is that we fail to recognize that form of fiscal responsibility.

Mr. DODD. Will my colleague yield?

Mr. HATCH. I will be happy to yield for a question, but could I yield on your time?

Mr. DODD. Please. I am not suggesting here—let us put aside the underlying debate on the constitutional amendment to balance the budget. Even if my amendment were to be adopted, I say to my colleague from Utah, he knows I have serious reservations with the underlying amendment. I merely wanted to address this one section here.

Mr. HATCH. I understand.

Mr. DODD. The language—I urge again my colleague to read it—I am not making the language up and writing the report language—says, ''in which a declaration of war is in effect,'' and, also, ''The provisions of this article may be waived for any fiscal year in which the United States is engaged in a military conflict.''

Put aside the issue of how we vote here. The language says ''is engaged in a military conflict.'' I turn to the report language that defines those words. On page 22, it says it must involve the actual use of military force.

I just know my colleagues can think of numerous examples—not phony ones, not insignificant ones—where there was imminent threat, the national security of this country was in jeopardy, we were not engaged, we were not actually using military force, but we would have wanted to waive the provisions of this particular section in order to respond to it.

Whether you are for or against the constitutional amendment, it seems to me is a collateral issue at this point. The question I raise is: This language is so restrictive, it requires a declaration of war or actual engagement. Courts will interpret every word of this language in the constitutional amendment.

My suggestion is not to get rid of this altogether. Keep in the declaration of war, but add or replace the language ''engaged'' and talk about the imminent threat to the national security and require a resolution to be adopted by both Houses so that it isn't just one person's interpretation, but that a majority of those present and voting in both Houses.

That is not a slight hurdle to overcome, particularly when it amounts to waiving the provisions of a balanced budget amendment. I presume my colleagues will take that seriously. But we ought to be able to do it short of actual engagement in a conflict, and if we don't, I think we restrict this Nation's ability to respond to future conflicts that could jeopardize our national security and the people of this country.

We do not take our jobs lightly. We would have to meet that threshold. We would understand by doing so, we would waive the provisions of the Constitution. That is a very serious matter to undertake. It is not just a casual resolution. But it seems to me we ought to be able to do so in preparation for something that may involve the engagement of our men and women, our forces, and prepare them for it and prepare the Nation for it. We cannot do that under section five as presently written.

The PRESIDING OFFICER [Mr. FAIRCLOTH]. The Senator from Utah.

Mr. HATCH. Mr. President, my colleague, as I can see, feels very deeply about his position. I am not casting aspersions on him. I know he is very sincere in what he is doing here today, but all we are saying is unless the President declares a war, which he has in his amendment, that this article can't be waived for a fiscal year, for any fiscal year unless the United States is ''engaged in military conflict which causes an imminent and serious military threat to national security and is so declared by a joint resolution adopted by a majority of the whole number of each House, which becomes law.''

If we take what the distinguished Senator from Connecticut wants, then it would be a tremendous loophole. It would allow people who are not as sincere as he is to come in here and waive, on simple majority vote, the whole balanced budget amendment for almost any reason at all it will ruin our chance for fiscal responsibility.

The Senator from Connecticut is confusing the question of congressional authorization of military action with spending measures. The balanced budget amendment has no effect on the ability of Congress to approve actions like Panama. It has no effect at all. What the balanced budget amendment does require is that when it comes to paying for those actions, that we act responsibly and only waive the amendment in the case of a declaration of war or if we have a three-fifths vote of both bodies to do so. It is just that simple.

Or, if we actually are ''engaged in a military conflict which causes an imminent and serious military threat to national security and is so declared by a joint resolution adopted by a majority of the whole number of each House,'' in other words, by a constitutional majority, that is all this amendment does.

I think to a degree, the distinguished Senator from Connecticut is mixing the President's Commander in Chief authority to act with congressional authority to provide resources. The Commander in Chief can act. There is nothing that stops the Commander in Chief from acting, and if the moneys are there, he can act in ways that utilize more money. But the fact of the matter is, if the moneys are not there, he or she is going to have to come up here and make a case, and I can't imagine where there is an imminent and serious military threat to national security that the Congress will not provide the necessary votes. We do not challenge the President's authority. Rather, the balanced budget amendment opponents resist congressional control over all spending, including defense, and that is really what is the thrust of this amendment, in the eyes of many.

I respect my colleague from Connecticut. Yes, I get a little excited about these kind of amendments, too. The whole purpose of a balanced budget amendment is to give us some mechanism to try and stop this charade, and, frankly, I think most people in America, if they really look at it, become very cynical about Congress, because they see this charade that's been caused over 28 straight years now. They see us trying to find every way we can to spend more and more. Some are so cynical that they believe people around here spend so they can keep themselves in office and go home, beat their breasts, and say, ''Look what I have done for you.'' They never say ''with your own money, your own borrowed money.''

We are trying to stop this charade. We are trying to at least put some dents in it, and the balanced budget amendment might do that.

Mr. LEAHY. Mr. President, I think that Senator DODD has put his finger on a very serious flaw in the language of the proposed constitutional amendment.

Section 5 of the proposed amendment requires the United States to be engaged in military conflict before a waiver may be obtained. The military conflict must be one that causes an imminent and serious military threat to national security. Moreover, the Senate report's section-by-section on this language compounds the problem by indicating that only certain kinds of military conflict may qualify. Only military conflict that involve the actual use of military force may serve as a basis for this waiver.

I hope that this is not what the authors, sponsors and proponents of this constitutional amendment truly intend. If it is, they are creating constitutional circumstances that make military spending and preparations easier only when military force is actually used and military conflict ensues. Arming to deter aggression would no longer be the preferred course, aiding allies in a conflict rather than dispatching U.S. military forces would no longer be as viable and alternative and rebuilding our military capabilities after a conflict would no longer be possible without a supermajority vote of three-fifths of the Congress. I cannot believe that anyone in the Congress would propose such restrictive measures.

I have spent much of my time in the Senate working with Republican and Democratic administrations to avoid the actual use of military force. This amendment is written in such a way that it serves to encourage such use. Nothing that would serve to place our men and women in harm's way more quickly or leaves them less well equipped or prepared should garner the support of this Senate. I hope that all Senators will consider favorably Senator DODD's important amendment. I

urge the manager and the sponsors of the resolution to abandon their no-amendments strategy and consider the merits of the Dodd amendment.

Mr. HATCH. Mr. President, I think maybe we spent enough time on this. I would like to spend a few minutes replying to Senator BYRD, who I respect deeply and who is one of the people I most admire in this body. He spoke for about an hour and a half, an hour and 40 minutes this morning in a very intelligent and eloquent way, but I think there are a number of things about his remarks that do need to be clarified.

Like I say, the text of section 1 of this amendment before the body is modest in length. It is very significant. It is language that has been worked out over many years in a bipartisan, bicameral way. Constitutional amendments are of great importance, and I would like to just take a few minutes to walk through the provisions of the balanced budget amendment and discuss how they would cure our so-called addiction to debt.

The core provision of Senate Joint Resolution 1 is contained in section 1, which establishes, as a fiscal norm, the concept of a balanced budget amendment. That section mandates that:

> Total outlays for any fiscal year shall not exceed total receipts for that year, unless three-fifths of the whole number of each House of Congress shall provide by law for a specific excess of outlays over receipts by a rollcall vote.

This section does not require a particular process the Congress must follow in order to achieve a balanced budget. There are many equitable means of reaching that goal. Each program will have to compete on its own for the resources available. Thus, the balanced budget amendment, Senate Joint Resolution 1, does not dictate any particular fiscal strategy upon Congress.

Section 1 also provides reasonable flexibility by providing for a waiver of the balanced budget amendment. In order to invoke this waiver, both Houses of Congress must provide by law for a specific default which must pass by a three-fifths rollcall vote. This careful balancing of incentives creates enough flexibility for Congress to deal with economic or other emergencies. However, the waiver will not be easy when a future Congress is simply trying to avoid the tough choices necessary to balance the budget. Many supporters of the balanced budget amendment have suggested that in the future it might be in the Nation's interest to plan to run a reasonable surplus to ensure easier compliance with its terms and to be able to begin to pay down the debt with any surplus funds.

Another important aspect of this section is that in a year that the Congress chooses to waive the balanced budget rule, it must do so ''for a specific excess of outlays over receipts . . .'' That means that the maximum amount of deficit spending to be allowed must be clearly identified. By forcing Congress to identify and confront a particular deficit, this clause will prevent a waiver for a specific purpose, such as an economic downturn, from opening the door to a whole range of deficit-funded spending.

Another key feature of section 1 is that it requires any waiver to be by rollcall vote. A rollcall vote will be required to ensure the required three-fifths vote has been recorded so that the American people will be able to see who stood for fiscal responsibility and who for adding more debt on our children's and grandchildren's heads. The balanced budget amendment will increase accountability in Government. Gone will be the days of late-night unrecorded voice votes to spend away America's future. If there is to be a deficit, the American people will know who wanted it and why they wanted it. They can make their own judgment as to who has the right priorities.

Section 2 provides that:

> The limit on the debt of the United States held by the public shall not be increased, unless three-fifths of the whole number of each House shall provide by law for such an increase by a rollcall vote.

So that is pretty clear. Section 2 works in tandem with section 1 to enforce the balanced budget amendment. Section 2 focuses public attention on the magnitude of Government indebtedness.

To run a deficit, the Federal Government must borrow funds to cover its obligations. If borrowing will go beyond a previously enacted statutory limit, the balanced budget amendment will require a three-fifths vote in order to raise that limit.

This section acts as an incentive to not only balance the budget in good times, but to start paying down the existing debt that is so high now that it is mind-boggling. By doing so, Congress will provide more flexibility for itself by opening more breathing room between the actual debt and the debt limit. This is, in truth, what we should have been doing for years.

We hear so much about the recent and temporary decline in the annual deficit. It is amazing to me that some people consider a smaller increase in the debt a reason to celebrate. I do not think it is. The debt is still increasing. We must balance the budget. It is over $100 billion this year, that deficit.

We must balance the budget and stop increasing the debt at all. Indeed, our goal should be to run a surplus during prosperous times so that we can start paying down the debt and meet threats to our national security.

I wonder how a credit card company would respond if I told them that although my debt was more than three times my annual income, I overspent by less this year than I did last year. They would sure as heck cut me off, as they would any of us.

Section 3 provides:

> Prior to each fiscal year, the President shall transmit to the Congress a proposed budget for the United States Government for that fiscal year, in which total outlays do not exceed total receipts.

That is important. While this may not seem important to some people, consider how long it has been since we had a balanced budget—28 solid years now. These are all unbalanced budgets for 28 years. That is why this stack of books next to me is so high.

The President's budget does not balance this year either. He claims it will get us to balance by 2002. I hope we can work with him to do that. But without a balanced budget amendment, I fear it is not going to happen. If you look at his budget, 75 percent of the cuts are in the last 2 years, when he is out of office. So it is pretty clear to me that it is not as sincere an attempt as I would like to see it. The President understands this game. His budget, like I say, saved 75 percent of the cuts for only after he leaves office—another plan to leave it to the future and let the next guy pay the bill.

It is time for us to break our habit of deficit by default. People propose deficit spending in Washington without a second thought. I believe that by the simple action of having the President propose a budget that balances in that fiscal year, we will go a long way towards changing the debt-happy attitudes in this town and that, in turn, will help us stay in balance after we reach it.

Section 4 requires approval by a majority of the whole number of each House by a rollcall vote for any bill to increase revenue. This will provide a responsible and balanced amount of tax limitation and improve congressional accountability for revenue measures. It is important to stop borrowing, but to unduly borrow burdens hard-working Americans and would also be deleterious to the Nation and to its citizens.

Section 4 will help us to curb spending and taxing by requiring a majority of the whole Congress, not just those voting at a given time, and by forcing Members of Congress to go on record with a rollcall vote. These reforms are a crucial part of putting our fiscal house in order.

Section 5 guarantees—and I will not read it; we have been reading that—but it guarantees that Congress will retain maximum flexibility in responding to clear national security crises such as a declared war or imminent military threat to national security.

This section provides a balance between the need for flexibility to react to a military threat to the Nation and the need to keep the balanced budget amendment strong. Clearly, if the United States is involved in a declared war, the situation is serious and the waiver of the balanced budget rule should not be overly difficult. Unless clear situations, but still in instances of military conflict, the threshold is slightly higher.

In order to waive the balanced budget rule Congress must pass the waiver by a majority of the whole number of both Houses and it must become law, must

be signed by the President. This prevents the balanced budget amendment from being too easily waived.

Thus, taken together, section 5 allows the country to defend itself but also protects against a waiver that is borne more of a desire to avoid the tough choices needed to balance the budget than of military need.

Section 6 states:

The Congress shall enforce and implement this article by appropriate legislation, which may rely on estimates of outlays and receipts.

This section makes explicit what is implicit. The Congress has a positive obligation to fashion legislation to enforce this article. Section 6 underscores Congress' continuing role in implementing the balanced budget requirement. This provision precludes any interpretation of the amendment that would result in a shift in the balance of powers among branches of Government.

We have heard from time to time claims by opponents of the balanced budget constitutional amendment that the President or the courts will become unduly involved in enforcing the amendment. This section, together with the plethora of legal precedent and documents, shows that such claims are misplaced.

This provision also gives Congress appropriate flexibility with which to fashion the implementing legislation by permitting reliance on estimates. Since obviously no one can predict the future with absolute certainty, we must rely on estimates when we plan budgets. This provision recognizes that we must rely on estimates to make the constitutional amendment workable.

Section 7 defines ''receipts,'' ''outlays.''

Section 7 defines receipts and outlays. Receipts do not include money from borrowing—it is high time we stopped thinking of borrowing as a normal source of income. Outlays do not include money used to repay debt principle. This will further encourage future Congresses to start to pay down our mammoth debt.

Perhaps more than any other section, opponents try to change this one most often. By altering the definitions of receipts and outlays they know they could tear a giant loophole in the balanced budget amendment. So they come forth with a parade of exemptions, for every interest under the sun, and each would provide those who are addicted to debt a way to get their fiscal fix. We must not allow it. The supporters of honest, fiscal responsibility should not be distracted from their goal of balancing the budget in spite of the desires to respond to all manner of sympathetic political causes.

Finally, section 8 states that the amendment will take effect in 2002 or 2 years after it is adopted, whichever is later. This will allow Congress a period to consider and adopt the necessary procedures to implement the amendment, and to begin the process of balancing the budget.

In conclusion, Mr. President, let me reiterate that the balanced budget amendment is the only way we are going to be able to balance the budget. We have tried statutes, they don't work. We have tried mustering the political will, it hasn't worked. And we have tried just letting the debt grow, that can't work. We need to end our cycle of debt with a hard and fast rule, that cannot be easily discarded when it becomes inconvenient. We need the balanced budget amendment.

Mr. President, let me respond to a few charges which have been leveled against the amendment.

Some suggest a conflict between the general requirement of balance and the allowance for a waiver.

Allowing for a waiver by vote is not inconsistent with the purpose of Senate Joint Resolution 1, which is to make it harder to borrow as a general matter, yet provide flexibility to borrow in case of need demonstrated by the appropriate consensus.

Section 6 of Senate Joint Resolution 1 provides that ''Congress shall enforce and implement this article by appropriate legislation, which may rely on estimates of outlays and receipts.'' To be sure, reliance on good faith estimates is necessary to make the balanced budget amendment workable. No budget cannot be balanced to the penny; particularly the $1.6 trillion Federal budget.

Opponents of the balanced budget amendment contend that this reliance on estimates is improper because CBO budgetary estimates are not always precisely accurate, specifically if you compare the estimates for the beginning of the fiscal year with what the actual numbers are at the end of the fiscal year. It seems to me that by definition an estimate is not necessarily going to match up to the exact figures at the end of the year. But that is no reason to stop using estimates. They are a reasonable and logical way to approach the uncertainty inherent in trying to predict the future.

The balanced budget amendment will still function smoothly even given this lack of absolute certainty at the beginning of the year. If, over the course of the fiscal year outlays exceed receipts in a way not previously anticipated, we have two choices. We can either pass a reconciliation bill to bring the budget back into balance, or, if necessary, we can waive the balanced budget rule for that year as provided for in the text of the amendment.

Further, under the Budget Act, both OMB—for the President's budget estimate—and CBO by law must provide for three budgetary estimates: one at the beginning of the fiscal year, the second as a mid-course correction, and the last before the end of the fiscal year. Thus, there exists a statutory fine-tuning process that assures a degree of accuracy—not perfect accuracy—but one that provides for workable budgetary estimates. If we see during the course of the year that our estimates are going to be off, we have time to make the necessary corrections.

I believe that reliance on estimates is both reasonable and sound. If we did not permit a reliance on estimates, I have little doubt that someone on the other side would be on the Senate floor arguing that the balanced budget amendment would be unworkable because it does not let us rely on estimates.

The bottom line is that at the beginning of the year, we have no crystal ball, only reasonable estimates to work from. The balanced budget amendment accepts that plain truth and accordingly provides for the use of estimates. We use budget estimates in Congress every day. The President just sent a budget that he claims will balance by 2002. That is an estimate. We will pass a budget resolution here in the Senate, and that will rely on estimates. The balanced budget amendment merely continues this time-honored, logical, and reasonable practice.

If the opponents of the balanced budget amendment succeed, we will be condemning our children to even higher debt, even higher taxes, and even lower wages, by any estimate. I hope that everyone in the Senate will keep that in mind as this debate continues.

The Senator raises two points that were discussed in the committee report that accompanied Senate Joint Resolution 1. While I understand the concerns, I believe that they are based on a misreading of the report.

The report allows that, ''Congress could decide that a deficit caused by a temporary, self-correcting drop in receipts or increase in outlays during the fiscal year would not violate the article.'' This does not mean that the budget will be out of balance at the end of the year. It simply states that the budget need not be in perfect balance every second of the year. And there is nothing in the text of the balanced budget amendment to indicate that it should. However, the temporary condition described in the committee report must be self-correcting by the conclusion of the fiscal year, in order to avoid a three-fifths vote. I see no harm in allowing this flexibility during the course of the year.

Additionally, the report states that Congress could permit negligible deviations be made up in the next year. Again, this is not nearly as remarkable as some have made it out to be. We all know that sometimes the very last few outlays and receipts of the year are not known until after the fiscal year is over. The balanced budget amendment neither requires nor envisions that this logistical truth become a problem. In such an event, the Congress could provide itself with the flexibility to make up any negligible deficits to be made up the next year. What is crucial is that the funds must be made up, thus keeping us in balance. It simply would not make any sense to bring the Government to a halt over a 4-cent deficit.

And the balanced budget amendment does not require that we do. That is all that this statement in the committee report is saying.

Some opponents claim that the BBA is too inflexible. It has been repeatedly referred to as a ''straightjacket.'' On the other hand, we also hear that the BBA is not stringent enough. In fact, the balanced budget amendment strikes just the right balance between strict provisions to counter the strong incentives in Congress to deficit spend and the reasonable flexibility necessary for the amendment to function in the real world.

What we need to do is focus on the problem—our national debt is over $5.3 trillion and climbing. Only the balanced budget amendment will put us in a position to end that climb.

Meeting the requirements of the balanced budget will require a heightened vigilance of Congress; it will require that the Federal Government be more aware of and concerned about our borrowing and spending habits. No, it will not be as easy as simply spending and then borrowing if we did not plan well. It will require that we plan better and be better stewards over that plan. I think that is appropriate, given the importance of the problem, and of our duty.

The point has also been raised that Congress will not know precisely if we are in balance of the size of the deficit to the dollar before the end of the year. That is why we have the workable flexibility of relying on estimates, yet we will need to plan and administer the process with care.

Congress may and should shoot for a small surplus to avoid a last minute unforseen deficit, and if the estimates near the end of the year suggest we will run a deficit, we can approve a deficit at the high end of the estimates. If we approve an estimate that is slightly larger than we needed, it is not like we actually spent the money.

While some may say that relying on estimates creates a loophole, I submit that the risks of this provision are substantially less than our current process of simply spending and borrowing as a matter of course.

DEBT CEILING SUPER MAJORITY

Concerns have also been raised that under section 2 it will be too hard to get the three-fifths currently required and that a minority in Congress will be able to hold us hostage with the threat of forcing a default. For one thing, threatening default is not likely.

This Nation has never defaulted on its debt. And let me tell you, if this country ever reached a point where there were 41 Senators, nearly the entire current Democratic membership of the Senate, who were so militantly disillusioned with this Nation that they were truly willing to let us default on our debt, the 60-vote requirement to raise the debt ceiling would be the least of our problems.

Now, the opponents of the three-fifths requirement cite the budget battles of last Congress as evidence that it is sometimes difficult to raise the debt limit. But Mr. David Malpass, an expert on financial markets who testified at the Judiciary Committee's hearings, showed that those very budget battles—where the word ''default'' was being bandied about with regularity—were seen by the markets as a very positive step. Indeed, he noted that ''The U.S. bond market had a very strong rally from August 1995 through January 1996, with yields falling from 6.9 percent to 6.0 percent.'' He termed this as a very significant positive development for the economy.

Through all the tumult and uncertainty of those budget battles, American investors were excited and encouraged that Congress was finally moving towards a balanced budget. That encouragement manifested itself in lower interest rates, which in turn is the kind of market conditions that can help us balance the budget and strengthen the economy.

Mr. Malpass was prescient enough to foresee this very objection to the balanced budget amendment when he wrote:

> Financial markets are practical. [T]he threat of a default would not be taken seriously as long as both the Administration and Congress expressed the intention not to default. The requirement of a super-majority would not affect this calculation.

A step toward fiscal discipline like passing a solid balanced budget amendment would similarly be viewed positively by the markets. Enacting a weakened one, one like the proposal before us contemplates, with no real debt limit restraint, would undermine the amendment's credibility and its effectiveness.

We have a choice—we can either continue on the downward spiral of more debt, higher interest rates, higher taxes, and lower incomes, or we can move ahead with the balanced budget amendment and lower interest rates, lower taxes, with greater job growth and a stronger overall economy.

Mr. President, we already have several supermajority requirements in the Constitution. Some were in the original text, some have been added by amendment. The one thing they have in common is that they were all meant to come into play in unusual circumstances. That is what we expect of the balanced budget amendment, that the vote to raise the debt of this Nation be an unusual circumstance.

Those who believe the supermajority vote will be the rule rather than the exception betray their mental habit of thinking in terms of deficit spending. We must break this habit and make deficit spending the exception instead of the rule. The balanced budget amendment does not require a supermajority to pass a budget—only a budget that is out of balance. The balanced budget amendment creates a positive incentive for current majorities to avoid borrowing to avoid supermajority votes and risking the kind of intrigue opponents say could happen when supermajorities are required. This is wholly appropriate and reasonable to break Congress of its borrowing habit.

The debt ceiling has sometimes been raised by supermajorities and often it has been raised by simple majorities. What is important is that we have never defaulted. When we have had to have the votes, the necessary votes have always been there. When votes are tallied, it is easy for Members to vote against raising the debt ceiling, knowing that the ceiling will be raised. I expect when we are living under the balanced budget amendment, once again, the necessary votes will be there, but not many more than necessary, because Members may wish to vote against it knowing the necessary votes are there.

Let me conclude with some comments on the objections to supermajorities in Senate Joint Resolution 1.

According to Prof. Harvey Mansfield, Jr. of Harvard, in his scholarly book ''The Taming of the Prince,'' the real genius of our Constitution is that having placed all power in the hands of its citizenry, the American people consented to restraints on that power. Understanding that direct or pure democracies in history were inherently unstable and fickle, the Framers placed restraints on popular rule and congressional power—what we now call supermajority requirements.

Let me mention some of them: Article I, section 3, the Senate may convict on an impeachment with a two-thirds vote; article I, section 5, each House may expel a Member with a two-thirds vote; article I, section 7, a Presidential veto is overridden by a two-thirds vote of each House; article II, section 2, the Senate advises and consents to treaties with a two-thirds vote; article V, a constitutional amendment requires two-thirds of each House or a constitutional convention can be called by two-thirds of the State legislatures, and three-quarters of the State legislatures must ratify; article VII, the Constitution itself required ratification of 9 of the 13 States; the 12th amendment requires a quorum of two-thirds of the States in the House to choose a President and a majority of States is required to elect the President, the same requirements exist for the Senate choosing the Vice-President; the 25th amendment, dealing with the President's competency and removal, requires that if Congress is not in session within 21 days after Congress is required to assemble, it must determine by two-thirds vote of both Houses that the President is unable to discharge the duties of his office.

The Constitution requires that a supermajority approve a constitutional amendment. To pass the balanced budget amendment, we must have 67 Senators vote for it. Is this inappropriate? Or should we allow some number between 26 and 51, or 50 with the Vice-

President casting the tie-breaking vote to approve the balanced budget amendment? The Constitution requires that three fourths of the States ratify the balanced budget amendment. Perhaps our majoritarian friends would prefer that some number of States between 26 and 51 ratify the amendment, with the District of Columbia, Puerto Rico, or Guam casting a tie-breaking vote if the States are evenly divided.

Mr. President, if majority rule were the fundamental principle of our Government, as I have heard some in this debate say, we would not have the Government we do. We would have a unicameral parliamentary system without judicial review, and indeed without the Bill of Rights or a written Constitution, because each of those features of our Government is an intrusion into the principle of majority rule. And they are certainly not the only examples.

The first amendment does not say Congress shall not abridge free speech unless a fletting majority wants to. It does not say that Congress shall not interfere with the free exercise of religion or establish a religion, unless a majority of those present and voting want to. The first amendment takes those options away from even supermajorities of Congress, except through constitutional amendment. Shall we tear up the Bill of Rights and the Constitution because they contain checks on the power of transient majorities? I do not think so.

As I have said, as Thomas Jefferson said, as even Professor Tribe has said, the power of transient majorities to saddle minorities or future majorities with debt is the kind of infringement on fundamental rights that deserves constitutional protection. The Framers wished to protect life, liberty, and property; they reacted harshly against taxation without representation. As I have pointed out throughout this debate, our deficit spending taxes generations which are not now represented; it takes their property and their economic liberty. It is wholly appropriate that we at least increase the consensus of those currently represented to allow them to shackle those who are not—future generations—with the debt, the taxes, and the economic servitude that go with citizenship in a country with high national debt.

Mr. President, opponents of the balanced budget amendment charge that supermajority requirements will create some new kind of sinister bargaining among factions to gain advantage in return for supporting the necessary consensus. This objection strikes me as strange because that kind of negotiation is as old as the legislative process. It happens now in the search for a majority.

Mr. President, under the balanced budget amendment, majorities will continue to set budget priorities from year to year. Only if the majority attempts to borrow money from future generations to pay for its priorities would there have to be a supermajority vote. This allows a minority to play the conscience of the Nation and protect future generations from the type of borrowing sprees we have seen in recent decades.

I would note, Mr. President, that those who believe the supermajority vote will be the rule rather than the exception betray their mental habit of thinking in terms of deficit spending. We must break this habit and make deficit spending the exception instead of the rule. The balanced budget amendment does not require a supermajority to pass a budget—only a budget that is out of balance. The balanced budget amendment creates a positive incentive for current majorities to avoid borrowing to avoid supermajority votes and risking the kind of intrigue opponents say could happen when supermajorities are required. This is wholly appropriate and reasonable to break Congress of its borrowing habit.

Mr. President, it is absolutely clear that to restore the constitutional concept of limited government and its protection of liberty—as well as to restore fiscal and economic sanity—we must pass this balanced budget amendment. We need the supermajority provisions of Senate Joint Resolution 1—a modern day ''auxiliary precaution'' in Madison's words—to put teeth into the balanced budget amendment—to be a force to end business as usual here in Congress—and most important, to foster the liberty of limited government that the Framers believed to be essential.

Mr. BYRD. Mr. President, would the Senator yield for a question?

Mr. HATCH. I would on the Senator's time. I think our time is running down. I know some others want to speak. I would be happy to yield.

Mr. BYRD. How much time do I have?

Mr. HATCH. Mr. President, how much time is remaining for both sides?

The PRESIDING OFFICER. Forty-three minutes for Senator HATCH and 40 minutes for Senator DODD.

Mr. HATCH. I will yield on that basis, that this——

Mr. BYRD. Be attributed to the Democratic side.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. He might prefer to finish before entertaining questions——

Mr. HATCH. I would like to. Listen, my friend from West Virginia, I am happy to accommodate him any time I can. I know how sincere he is. I know the efforts that he put forth this morning in making his eloquent statement. I am happy to yield, if he desires me to, at this time.

Mr. BYRD. Is the Senator undertaking to——

Mr. HATCH. Under those circumstances.

Mr. BYRD. Is the Senator addressing the concerns I expressed this morning, as I went down the amendment section by section, or is he merely reading the various sections?

Mr. HATCH. I am undertaking to explain some of them. I believe that I will do so some more tomorrow or when we get back from recess. But I am making an effort to do some explanation here today. And, hopefully, I am explaining away some of the difficulties that the distinguished Senator has raised.

Mr. BYRD. Mr. President, will the Senator yield?

Mr. HATCH. I will say that I will make more specific responses later.

Mr. BYRD. Would the Senator explain to me why the Judiciary Committee, in its analysis of section 6, took the pains to explain that '''estimates,''' for example, ''means good faith, responsible, and reasonable estimates made with honest intent to implement section 1,'' without also indicating in the committee report the definition of what is meant by ''good faith,'' what is meant by the word ''responsible,'' what is meant by the word ''reasonable'' in connection with the word ''estimates''?

Mr. HATCH. I believe any reasonable interpretation of section 6 knows that there is no way—and the distinguished Senator was right when he made the comment earlier in the day—that there is no way of absolutely being accurate on estimates. We have to do the best we can to estimate the outlays and receipts at the beginning or at some time during each year for the next succeeding year. There is just no question about it, because there is no way we can absolutely predict what will happen in the future. But I think through implementing legislation we can resolve the budgetary problems with regard to estimating outlays and receipts in a way that would be workable. And we would have to do so under this amendment.

Mr. BYRD. Mr. President, will the Senator yield?

Mr. HATCH. Under the same terms I would, on the Senator's time.

Mr. BYRD. May I ask the distinguished Senator, who is going to be the judge of whether an estimate has been rendered in good faith, whether it is a responsible estimate, or whether there is a reasonable estimate?

Mr. HATCH. I think the terms of the committee report should be given the ordinary dictionary meaning. I think that is the way we would have to do it. But Members of Congress would be responsible. Members would define them.

Mr. BYRD. Members of the Congress will be the judge as to whether an estimate is responsible?

Mr. HATCH. We are today, of all of the estimates. We will have to be.

Mr. BYRD. If the Senator will allow me to use a chart, this chart shows the estimated revenues annually from 1980 to 1996. If the Senator will notice, in each of these years, keeping in mind that the green line means that the estimate was right on target——

Mr. HATCH. Or above target?

Mr. BYRD. No. The green line means the estimate was, indeed, right on target. It was not above or below the line. It was not too high. It was not too low.

Would the Senator agree with me that based on this chart, in every year from 1980 to 1996, the estimate was wrong? It was off. It was not correct. In some years the revenues were more than estimated and in some years they were less than estimated. The point of the chart being to show that the estimates have never been absolutely correct. In many instances they have varied; in one instance here, $78 billion. The estimate was off $78 billion. In another instance, the estimate was off $65 billion.

This is the record. This is not a Member's estimate here of what should have been in each of those particular years. This is the record. These bars indicate what went wrong, by how much the estimate was off for each year. Would the Senator tend to believe that in the future the estimates are going to be better than they have been on this chart, which represents 17 years of experience?

Mr. HATCH. Let me answer the first question. Here are 28 years of similar inaccurate estimates. Wait, wait, let me make my point. Here are 28 years of missed estimates. We have been wrong every time in 28 years and we have been wrong because these are all unbalanced budgets.

I agree with the Senator on the second question. Yes, from 1980 to 1996 we have been wrong every time on estimates. On a couple of occasions not very wrong, but during all of that period, the whole 28 years since 1968 and during all of the period between 1980 and 1996 we did not function pursuant to a balanced budget amendment.

Mr. BYRD. What makes the Senator believe——

Mr. HATCH. If I could finish my remarks.

Under the Budget Act, CBO and OMB give estimates each year. CBO is the Congressional Budget Office; OMB is the Office of Management and Budget. They correct the estimates twice during the year as they acquire new data. Congress ultimately has to decide how you balance the differences.

Now, we should plan to get above balance, as the usual course. Most years we should try to stay above balance with regard to estimates and try to stay on the course by amended estimates through the year. That is what we will have to do. I think the implementing legislation will do that.

Let me make another comment, and I will turn back to my dear colleague. Meeting the requirements of the balanced budget amendment will require a heightened vigilance of Congress. It is apparent it will make us get tough on budgets. During those years we had five different statutory balanced budget approaches that led us to that morass and this morass. What we are saying is that the balanced budget amendment will require us to have a heightened vigilance in the Congress. It will require that the Federal Government be more aware of and concerned about borrowing and spending habits. No, it will not be as easy as simply spending and then borrowing if we do not plan. It will require that we plan better and that we use better standards in that planning. I think it is appropriate, given the importance of this problem and the duty we owe to our country.

Now, I think what I am saying is, I agree with my colleague. He makes a very compelling point here that we have not been very accurate in estimating receipts, in estimating outlays and receipts through the 16 years, although I say through 28 years, or 58 of the last 66 years, we have run unbalanced budgets. One reason is we have relied on statutory schemes that have been circumvented in every one of those years, none of which have really worked. The distinguished Senator, by the way, to his credit, pointed out that some of those statutory schemes at the time would not work. I believe some of the rest of us felt that way as well.

What we are saying is from 1997 on, or whenever this amendment is ratified and becomes law and part of the Constitution, by the year 2002 on, and really before that if we can get it ratified before then, we are going to no longer have the luxury of these inaccurate estimates. We will have to do a better job. We will have to be more vigilant. We are going to have to heighten that vigilance, and we will have to meet the requirement of a balanced budget or face the music of having to stand up and vote for higher deficits or more spending by supermajority votes.

I think comparing this time and saying, because we have been inaccurate during times when statutory methods have not worked, with post-balanced-budget-amendment-enactment times where we will have to be more vigilant and we will have to come up with a way of being accurate during the year—right, OMB and CBO now only check that twice. We are going to have to do a much better job.

Now, can we be absolutely accurate? Everybody knows we cannot.

Mr. BYRD. That is the point.

Mr. HATCH. There is no way you can. I do not want to keep going with this system and then this system when we have an alternative that really would put some fiscal discipline in the Constitution that makes us get serious.

Mr. BYRD. Will the Senator yield?

Mr. HATCH. I yield under the same set of circumstances.

Mr. BYRD. The Senator does not want to continue with this system. He refers to this system as a statutory system. And yet—and yet—the amendment itself tells us who will enforce this amendment once it is in the Constitution.

I will read it from section 6:

> The Congress shall enforce and implement this article by appropriate legislation.

So we are going to continue to enforce it. We are going to continue to operate under a statutory system. That is what I am saying. We have been operating under a statutory system. This amendment says we will continue to operate under a statutory system because it says that the Congress will enforce this amendment by appropriate legislation.

What makes the Senator feel that under the new statutory system, that the estimates will be any better than they have been under the old statutory system when both systems are going to be the work of the Congress?

Mr. HATCH. You mean under the new constitutional system if this becomes——

Mr. BYRD. There will not be any different system because the Congress itself will enforce that amendment by appropriate legislation.

Mr. HATCH. Let me answer that question. You have raised a point that Congress will not know precisely if we are in balance or a deficit to the exact dollar before the end of each year. That is why we have the workable flexibility of relying on estimates. Yet we will need a plan to administer that process with care.

Now, Congress may, and I think this would become the norm, instead of now just planning on deficits, Congress may and should plan for a small surplus to avoid a last-minute, unforeseen deficit. If the estimates near the end of the year suggest we will run a deficit, we can approve a deficit at the high end of the estimates. If we approve an estimate that is slightly larger than is needed, it is not like actually spending the money. While some may say relying on estimates creates a loophole, I submit that the risks are substantially less than our current process of spending and borrowing, and that is exhibited by these 28 years of unbalanced budgets. That has been the matter of course. I think we have to change course, and I think the normalcy—I think the distinguished Senator from West Virginia, if I know him as well as I think I do, would be leading the fight to have at least small surpluses each year to take care of any fluctuations that might occur. I don't think he would permit us to get into this mess, which neither he nor I have been able to prevent under the current statutory scheme. But under a balanced budget amendment, we are going to have to be real.

Mr. BYRD. This is not going to be real—section 6. It is not real. It talks about estimates. Now we are going to switch from section 1, which says total outlays shall not exceed total receipts in any fiscal year. In the first place, how do we know whether the outlays have exceeded the receipts before the end of the fiscal year, or even two or three weeks subsequent to the end of the fiscal year? That is number one. Number two, then, we switch to estimates. Why do you proponents of the amendment purport to do two things—one, in the first section, balance outlays with receipts—no ifs, ands, or buts—to the exact dollar. But in section 6, they say, well, just forget about section 1 and balance the estimates. We have all seen how the estimates run.

The estimating is going to be done by the very same people, under the amendment, as have been doing the estimating prior to the adoption of the amendment.

The proponents are promising, absolutely pledging to the people of the United States, that this amendment will balance the budget. That is what they are promising. The Senator just said that. We cannot possibly get the estimates right. The Senator just said that. We can't possibly get the estimates right.

Well, then, may I ask the Senator, are we not misleading the American people with these elaborate claims that we are going to balance the budget when what we are really going to balance is the estimates? Then the Senator admits that we can't be accurate in these estimates. We never have been, and we never will be. There won't be any computers made that will come up with the correct estimates.

Mr. HATCH. This amendment does not mandate a balanced budget as the only option. This amendment requires us to move toward a balanced budgets, because it requires a balanced budget or supermajority votes if we are going to run deficits. So the pressures——

Mr. BYRD. Will the Senator yield on that?

Mr. HATCH. If I could be allowed to finish. So the pressures will be on us to try to have surpluses rather than continue to spend, because sooner or later we have to face the music. Let me make this point. The accuracy of estimates is self-correcting, because OMB and CBO must, by law, correct their estimates twice a year, under current practices. Usually, the original estimates are always off by OMB and CBO. Under the current system, there is not nearly as much pressure to be accurate as there will be under the constitutional amendment system, if we pass this by the requisite two-thirds vote of both Houses and it is ratified by three-quarters of the States. So what if CBO and OMB correct it? The balanced budget amendment does nothing to correct that procedure. It puts pressure on them to, maybe, do more than twice a year corrections.

The balanced budget amendment actually will further budgetary discipline. Congress is the one that must always enforce the system. Every one of us take an oath to uphold the Constitution. If this becomes part of the Constitution, we will have to live up to that oath. We will have to devise a system that really does it. We will still operate under a statutory system of implementing the constitutional rule. We can't order perfection; not even we can order perfection. But the balanced budget amendment will put the appropriate amount of pressure on Congress, which is not there now, as easily can be seen by the Senator's very important chart. It will put the pressure on Congress to ensure truthfulness.

Public reactions will punish those who act cowardly. Everybody will know because we will always have to vote. We can't do it on voice votes anymore, or hide it in the dead of the night, which I know Senator BYRD understands well and does not approve of, as I don't. We would all have to stand up and vote, and the public will know who has voted which way. They are going to expect us to do a far better job than that which has done and than these 28 years of unbalanced budgets.

Let us be honest. There is no way anybody can absolutely, accurately tell what the outlays and receipts are going to be in advance. When we say ''total outlays of any fiscal year shall not exceed,'' it has to be written that way because that is the force that says, Congress, your estimates better be good, a lot better than these statutory estimates we have had in the past, because then we will be under a constraint to balance the budget, or vote by a supermajority vote not to balance it. That is the difference.

Mr. BYRD. If the Senator will yield, Mr. President, permit me to say that I have the utmost admiration for the distinguished Senator from Utah.

Mr. HATCH. And vice versa.

Mr. BYRD. I marvel at his equanimity, his characteristic, and his never-failing courtesy. This is the way he has always been with me. But I must say that, notwithstanding that, I am amazed to hear the distinguished Senator stand on the floor this afternoon and admit that this amendment doesn't require a balanced budget.

Mr. HATCH. It doesn't—it's not the only option.

Mr. BYRD. What about that, he said it again. It doesn't.

Mr. HATCH. It doesn't. We can do whatever we want to. We just have to vote to have an unbalanced budget by the required supermajority or margin.

Mr. BYRD. What about all the Senators coming to the floor and saying the sky is falling, debt is bad, interest on the debt is bad, deficits are bad, and we have to do something about it and take the burden off our children, and vote for a balanced budget amendment?

The Senator has been perfectly honest. He says this amendment doesn't require a balanced budget. Well, let's quit saying, then, that it requires a balanced budget. He is saying that the estimates here are wrong. He may be implying that the people who make the estimates, once the constitutional amendment is adopted, will have greater expertise than those, who are the best in the world right now, who made these estimates.

Mr. HATCH. Will the Senator yield on that point?

Mr. BYRD. The Senator has the floor, so I am glad to.

Mr. HATCH. I appreciate that, to make a comment. I believe there is no question that they would do a better job, because there won't be the same number of games played on budget matters if everybody knows that we have the constraint of either balancing the budget, or voting on a supermajority not to balance it. We all have to face our electorate. Right now, we do a lot of these things for by voice votes and other shenanigans that help to cause these things. When I say ''we,'' I would rather say ''they,'' because I try not to, and I know the Senator tries not to. But it's apparent in that our current system isn't working. I think your chart makes one of the best arguments for the balanced budget amendment of any chart we have had up here in this whole debate, because it shows that what we are doing right now, and what we have done for 28 solid years, doesn't work.

Mr. BYRD. Well then, why are we going to wait 5 years to do something better if the Senator has something better?

Mr. HATCH. We are not. If we pass this through the Senate—hopefully, within the next week or so—by the requisite two-thirds vote, and it passes through the House by the requisite two-thirds vote, that is a notice to everybody in these two bodies that we better start hustling to get a real balanced budget by 2002, where all of us know that the only part of the President's budget that really counts is next year's budget.

It is not the budget as extrapolated out to 2002, especially since 75 percent of it is balanced in the last 2 years after he leaves office. No, it is this next year, and each year thereafter. If we passed this and it is submitted to the States, I can't predict what the States would do. I believe they would ratify this amendment if we have the guts to pass it through both Houses of Congress. And if they ratify this amendment, then, by gosh, I have to tell you that I think the game will be over. We will not be able to do this anymore. There will have to be rollcall votes under the same terms.

Mr. BYRD. Mr. President, will the Senator yield?

Mr. HATCH. Certainly.

Mr. BYRD. Mr. President, the Senator speaks of guts. It doesn't take guts to vote for this thing. It takes guts to vote against it.

Mr. HATCH. I think it takes guts both ways.

Mr. BYRD. It takes guts to vote against it because the great majority of the American people have been bamboozled about this amendment. They support this, and they are very much in favor of it. So it takes guts to vote against it.

Why does the distinguished Senator think, No. 1, that we are going to be any better at our estimates once this amendment is adopted than we have been in the past? That is No. 1.

Then he talks about—he said something to the effect that once we get this amendment in place, as I understood he was saying to the effect that we will not be able to find ways around it, or some such.

Mr. HATCH. We will not be able to get around these things with voice votes. We will have to stand up and vote by rollcall.

Mr. BYRD. We can vote now by rollcall vote.

Mr. HATCH. But we don't, and there is nothing that requires us to do so, necessarily.

Mr. BYRD. Except the Constitution, if one-fifth indicate that they want to vote. That doesn't happen often. That is very seldom on raising the debt limit. That is very seldom on passing the final budget here.

Mr. HATCH. Let me answer the distinguished Senator's question. It is a good question.

The reason that I think we will be more accurate afterwards is because the incentives will switch. The incentives will switch because unless we balance the budget year after year and start working toward surpluses and not working on deficits, we are going to be in real trouble constitutionally, and we all know that. There will no longer be the game that occurred during the 1980 and 1996 years, as shown by the Senator's very interesting chart. I think that makes one of the best cases I have ever seen for the balanced budget amendment, because the current system is not working.

Mr. BYRD. Mr. President, will the Senator yield?

Mr. HATCH. Always.

Mr. BYRD. I think the committee report language that was prepared by the committee, of which the distinguished Senator from Utah is chairman, makes one of the best cases against this amendment. He says there won't be any more games played. Take a look at this report. It tells you what games to play.

Let me read it. Talking about the estimates of outlays and receipts, it says, ''Estimates means good faith, responsible, and reasonable estimates made with honest intent to implement section 1, and not evade it. This provision gives Congress an appropriate degree of flexibility.''

We have got more and more ways to play games.

It ''gives Congress an appropriate degree of flexibility in fashioning necessary implementing legislation. For example, Congress could use estimates of receipts or outlays at the beginning of the fiscal year to determine what the balanced budget requirement of section 1 would be so long as the estimates are reasonable and made in good faith.''

Now we are going to play games about who is reasonable, what is reasonable, and what isn't.

''In addition, Congress could decide that a deficit caused by a temporary self-correcting drop in receipts or increase in outlays during the fiscal year would not violate the article. Similarly, Congress could state that very small or negligible deviations from a balanced budget would not represent a violation of section 1.''

Will the distinguished Senator indicate to me what would be considered ''negligible,'' what would be considered ''small,'' and what would be considered ''not small,'' and ''not negligible''? We have a budget now of $1.7 trillion. Let us say it is off by $50 billion. Would that be ''negligible''? Would that be ''small,'' $50 billion?

Mr. HATCH. I think the Senator is very logical. But he also has to allow the logic to take into account that Congress may, as I said before, and should shoot for a small surplus—the incentives will be to have surpluses to avoid a last-minute unforeseen deficit. And if the estimates near the end of the year suggest that we are going to run a deficit, then it would be a simple matter for us to approve a deficit at the high end of the estimates. If we approve an estimated deficit that is slightly larger than we need, it is not like we actually spent the money.

Again, I will say some may say that relying on estimates creates a loophole. But there is no other workable way to do it. I submit that the risks that might arise from those provisions in the constitutional amendment are substantially less than our current process, which is clearly not working, of simply spending and borrowing with no restraints whatsoever.

I go back to my point. The distinguished Senator may be right in this regard. Perhaps Senators should not come out here and say, ''This is going to always make us balance the budget.'' I think, more accurately, it should be said that the incentives will be toward balancing the budget, because you will have supermajority votes of three-fifths in order to run deficits, or you will have to have constitutional majorities to increase taxes, which means at least 51 Senators would have to vote for it, and at least 218 Members of the House. That puts pressure on Members of both parties to be accurate, and it puts pressure on them to try to get surpluses rather than deficits. It puts pressure on them in writing implementing legislation to make sure you have legislation that really does work rather than the five failed plans that we have had since 1978, none of which have worked. My friend and colleague knows that. I don't know of anybody more intelligent and more concerned about these matters than the distinguished Senator from West Virginia.

Mr. BYRD. Mr. President, will the Senator yield?

Mr. HATCH. If I could just finish this one sentence, but I have to say that his chart makes my case better than I have made it. I congratulate him for it, and I am grateful that he has put the chart up, because I don't know how anybody can argue for the current system when you look at that chart.

Mr. BYRD. Mr. President, will the Senator yield?

Mr. HATCH. Of course.

Mr. BYRD. Let's take a look at this chart. The green line, the horizontal line, means that the estimated revenues were right on target. They were not overestimated. They were not underestimated. The revenues were exactly estimated to be exactly on target.

Note the chart which the Senator says makes his case. The chart says that in only one year, 1987, did the estimates even come close to being on target. They were off just $2 billion. So the chart makes my case.

The committee says you can do it by estimates. ''Estimates of outlays shall not exceed estimates of receipts in any given fiscal year.'' The chart shows that you cannot depend upon the estimates, that the people who have the most expertise of any in the world cannot be accurate in their estimates. Why? Because we cannot foresee what the unemployment rate is going to be, we cannot foresee what the rate of national economic growth is going to be, and we cannot see what interest rates are going to be in a year or more down the road. That is why people cannot be accurate in their estimates.

So this committee language makes my case—makes my case when it turns to the use of words like ''estimates,'' and then defines the word ''estimates'' as meaning ''good faith, responsible, and reasonable estimates made with honest intent to implement section 1.''

Let me ask the question of my dear friend, who will be making up these estimates?

The Congress will make the estimates. The Congress will enforce the amendment. So what assurance is there that the Congress is going to make estimates that are correct?

What encouragement does that give to the American people to believe that this amendment, which the distinguished Senator from Utah says does not say we are going to balance the budget, what assurance can the American people have when it is even worse than that by saying that the estimates of outlays will not exceed the estimate of receipts?

Mr. HATCH. Frankly, I think if you have the incentives to produce more accurate estimates of receipts and outlays, there will be an incentive to have the top line have the bars going up every time, where right now we do not have that incentive. We have every incentive to just spend today. There is no restraint on spending whatsoever. The balanced budget amendment would not mandate that you balance the budget if a supermajority is willing to vote not to, but it does change the incentive so that literally you will not want to go into deficit because sooner or later you are going to have to pay the piper under that amendment. Again, I think the Senator's chart makes my case.

Mr. BYRD. What makes the Senator——

Mr. HATCH. I do not think I need the Senator's chart to make the case that our country is in trouble, that we are not doing what is right, that we are continuing to spend us into bankruptcy. And even though there are arguments made that we are only going to have a $107 billion deficit in 1997, that is still a deficit of over $100 billion.

Mr. BYRD. Mr. President, if the Senator will yield, what makes the distinguished Senator believe, when we have a constitutional amendment, Senators are going to have any more backbone than they have now?

Mr. HATCH. Because I believe Senators will live up to the constitutional mandate and the oath of office that they take to do what is right, where at this particular point there is no constitutional mandate to live within budgetary constraints, and it is apparent.

Mr. BYRD. They did not live up to it last year.

Mr. HATCH. Well, there was not——

Mr. BYRD. When they voted for the conference report on the line-item veto. They voted to shift the power of the purse away from the legislative branch to the executive. What makes the Senator believe that they will live up to the Constitution anymore nearly and dearly once this language is in it?

Mr. HATCH. Although I tend to share the Senator's view on the line-item veto, I think the Senator would have to admit there is a question whether that is going to be judged constitutional or not. If we pass a balanced budget amendment, it will become an official part of the Constitution, which is a considerably different situation.

Mr. BYRD. Will Senators be more inclined to vote to increase taxes once this is part of the Constitution than they are now?

Mr. HATCH. Senator Simon thinks so. One reason why he——

Mr. BYRD. Mr. Simon isn't a Senator anymore.

Mr. HATCH. I understand. What Senator Simon argued last year as the leading proponent of this amendment was that he felt there would be a greater propensity to increase taxes to solve these problems. I have to say that I do not believe that is so, but that is what he felt. I do not think that is so. I think it would be very difficult to get constitutional majorities to increase taxes except where they are clearly needed to be increased, and that is why we put in a constitutional majority. Now, it is no secret, and my friend knows this, that there are those on my side who do not think that is adequate.

Mr. BYRD. Do not think what?

Mr. HATCH. Do not think that is adequate. They want a three-fifths majority before you can increase taxes. But the reason we have a constitutional majority is because my friends on the Democratic side would not agree with the three-fifths majority.

Mr. BYRD. Would not what?

Mr. HATCH. Would not agree that it should be a three-fifths majority to increase taxes. I happen to believe that this has to be a bipartisan amendment. It is even though there are, as a percentage, less Democrats supporting it than Republicans. But Democrats have helped to formulate this amendment, and I have to give credit to those who are standing here with us. I think they have guts to stand up under the circumstances and vote for this amendment, as they should.

Now, that does not mean that those who vote against it do not have guts, too, because there is a price that will be paid for voting against this amendment. We all understand that. And let me just say this. I happen to believe that the distinguished Senator from West Virginia has never lacked intestinal fortitude. In fact, I have been through a lot of experiences here that prove that as a matter of fact to me. I could not have more respect for anybody than I do for him as a U.S. Senator.

But again, I think he makes our case. I think these 28 unbalanced budget volumes make our case. I think it is apparent our system is not working. I think if we keep going this way, our children and grandchildren's futures are gone. I know the distinguished Senator is a great family man. I know that he loves his children and grandchildren, as I do mine. We are expecting our 16th and 17th grandchildren within 2 weeks, Elaine and I. I want them to have a future as we have had. But right now with what is happening in accordance with the chart of the distinguished Senator from West Virginia, it is pretty apparent their future is being bartered away because we are unwilling to make the tough choices. I would lots rather have the balanced budget amendment helping us to estimate receipts and outlays than to have this system estimate them, I will tell you that right now. And it is a better system to have a balanced budget amendment.

Mr. BYRD. Well, the Senator is very disarming when he talks about how I love my family and my children and grandchildren.

Mr. HATCH. You do.

Mr. BYRD. He is correct about it. But he still has not answered my question as to why the committee and the proponents of the amendment felt after saying in section 1 that total outlays shall not exceed total receipts in any fiscal year, which is pretty straightforward language, which says that the budget has to be balanced every year, it says that the budget has to be balanced every year, why do we take an approach which says, on the one hand, the budget must be balanced—and that is what I have been hearing from the speakers who are proponents of this legislation—why did they say in the first section that the budget will have to be balanced every year and then in section 6 say, as it were, ''Well, you do not really have to believe that first section? We are not going to hold you to it. We know it will be difficult, if not impossible some years, to hold you to that. So we are not going to require you to equal the outlays with the receipts. But what we are going to do is this. We are going to let you get by by just balancing the estimates.''

Who makes the estimates? Cannot the estimates be cooked? The administration cooked the numbers when they were sending up budgets in the early part of the Reagan administration. They cooked the numbers. These numbers can be cooked once this constitutional amendment becomes a part of the Constitution. They can be cooked. The estimates can be cooked. When can the American people believe us and believe that we mean what we say?

That is all I have been saying here. I have been saying that we do not mean what we say in this amendment. We do not mean what we say in section 1. So what are the American people to believe?

I compliment the distinguished Senator for coming to the floor. He is a man after my own kidney, as Shakespeare would say. He is a man after my kidney. He came to the floor. And I had suggested that someone should come and give us an analysis of these sections and explain how they are going to work and what are we expected to do to make them work.

Well, he came to the floor, and he has been reading the sections of the amendment one by one, which was not exactly what I asked for. I do not have any more faith in the amendment now than I had to begin with. I can read the sections.

I read the sections a number of times. And the distinguished Senator has prepared a chart here so that we can read them over and over again. I want somebody to explain to me how they will work and what is there about that amendment that can assure those people who are looking through the electronic eye that this budget is going to be balanced if this amendment is adopted—the budget is going to be balanced.

Mr. HATCH. Well, I have to ask the distinguished Senator from West Virginia, if this balanced budget amendment passes, as much as he wishes that it would not, and it is ratified by the States, would the Senator from West Virginia, once it is placed in the Constitution, not do his level best to comply with the constitutional requirement, if the amendment is adopted, to meet these estimates that are in there, as he suggested that I would do my duty under the Constitution? I think what I am saying is this: Both charts that the Senator has put up, show that the current system is not working.

Mr. BYRD. Is the Senator—

Mr. HATCH. The reason I point out the current system is not working is because there are not the same pressures to make it work that there would be under a balanced budget amendment.

Second, if we have these wild fluctuations under the balanced budget amendment, there is going to be an awful lot of heck to pay to our voting populace, because they are going to hold us responsible for these wild fluctuations.

Mr. BYRD. You bet they are. They are going to hold you responsible.

Mr. HATCH. They are not doing it now because they do not know who is

responsible for them. If we have to stand up and vote and make supermajority votes to spend and borrow more, then they will know who is doing it to them. If we have to make a constitutional majority to increase taxes, they will know who is doing it to them.

I have to say, if we do not, as a congressional body, have our CBO do better numbers, and the OMB as the executive body do better numbers, then there are going to be changes that will get them to where they have to do better numbers.

Will they always be accurate? There is no way we will always be completely and absolutely accurate.

Mr. BYRD. I have a couple of things to say to what the Senator has said, Mr. President, if the Senator will yield?

Mr. HATCH. Sure, under the same circumstances.

Mr. BYRD. Is he asking me whether or not I will do everything I can, everything in my power, to help to balance the budget? Was that the force of his question?

Mr. HATCH. I am sorry, I missed the question. Excuse me.

Mr. BYRD. Was he asking me that, if this amendment becomes a part of the Constitution, will the Senator from West Virginia do everything he can do to help to balance the budget and get the deficit down? Is that what he was asking me?

Mr. HATCH. Well, let me put it this way. I don't have to ask that question. I know the distinguished Senator from West Virginia would. But I asked it rhetorically because I know that the distinguished Senator from West Virginia would do all in his power to live up to the Constitution, even though he disagreed with the provision of it, once it is part of the Constitution. As would I.

And, frankly, I think that he is not alone. I think there are as many as 535 others in Congress who would, likewise, try to live up to the constitutional amendment.

Mr. BYRD. Mr. President, will the Senator yield and let me answer his question?

Mr. HATCH. Sure. I will be happy to.

Mr. BYRD. I have proved that I will do everything I can to balance the budget. But not only this Senator. They are standing in rows on this side of the aisle.

In 1993, they voted to lower the deficits by almost $500 billion. Working with the President, we had a package to reduce the deficits. I voted for that package. The Senator from Connecticut voted for that package. Many other Senators on this side of the aisle voted for that package. Not one—not one—Senator on the other side voted for that package, to bring down the deficits.

So we do not need a constitutional amendment. We just need the courage to vote for it. I do not know what there is in this constitutional amendment that will give us any more courage and backbone than we already have. I do not know how many will figure that out.

Mr. HATCH. Let me just respond to that. Even, in spite of the reductions in deficit that have occurred over the last 4 years after the enactment of one of the largest tax increases in history—some on our side say the largest tax increase in history; it is debatable, but it is one of the two largest tax increases in history, both of which, I think, were motivated by Members on the other side of the aisle—we are still in hundred-plus billion dollar deficits, going up to $188 billion and on up beyond that by the year 2002.

The fact of the matter is, if it was up to the distinguished Senator from West Virginia and the Senator from Utah, we would have the will.

Mr. BYRD. If it were up to the Senator from West Virginia, we would not have any tax cuts this year.

Mr. HATCH. I was saying, if it was up to the Senator from West Virginia and the Senator from Utah, I believe we would have the will to do what is right.

Mr. BYRD. Would the Senator vote with me to increase taxes?

Mr. HATCH. Let me just finish. But the problem is, it is not up to just the two of us. It has been up to everybody in Congress for 28 years of unbalanced budgets. I know that people do not like these two stacks because they are embarrassing. It is embarrassing to me to have to point to these and say for the 21 years I have been here, these have been unbalanced. For all of those 21 years I fought for a balanced budget amendment. But I have to say, we do not have the will. It is apparent and we are not going to have the will unless we do something about it constitutionally, where everybody will have to face the music.

Right now they do not. And where some on our side love more defense spending and some of the Democrat side love more social spending in ways that may be irresponsible, under the balanced budget amendment I think we are going to all have to be more responsible.

I just wish—this is an erstwhile wish, I understand—but I wish my colleague from West Virginia were on our side on this, because I think it would be a much easier amendment to pass.

But I understand why he is not, and I know how sincere he is. But, like Paul of old—

Mr. BYRD. Like who?

Mr. HATCH. Like Paul of old, who held the coats—

Mr. BYRD. A great Apostle.

Mr. HATCH. The man who held the coats of the men who stoned the first Christian martyr, he is sincerely wrong.

Mr. BYRD. Paul was?

Mr. HATCH. Paul was, yes, for holding the coats of those who stoned the first Christian martyr, Stephen. Paul was sincere. He meant what he said. He really was sincere. But he was wrong.

Mr. BYRD. Mr. President, we are getting off the track.

Mr. HATCH. I don't think so. Sometimes going back in history is a very good thing to do.

Mr. BYRD. Mr. President, the Senator from Utah wishes I were on his side?

Mr. HATCH. I do. I would feel much better.

Mr. BYRD. I am on the Constitution's side.

Mr. HATCH. So am I.

Mr. BYRD. I am on the Constitution's side. And I do not want to see that Constitution prostituted by an amendment that is nothing more than a bookkeeping manual on accounting principles. It has no place in the Constitution. It is not going to give this Senator or any other Senator any more backbone than the good Lord gave to me in the beginning to stand up and vote the tough votes.

I do not want to see the faith of the American people in this book—forget the stack of books there, ever so high. This is the book. I do not want to see the faith of the American people in this Constitution undermined. And it is going to be undermined when we write that language into it and the budgets do not balance.

Let me at least thank the Senator for being honest to the point that he says that this amendment is not going to balance the budget.

Mr. HATCH. No, I didn't say that. I said the amendment does not mandate a balanced budget. I think this amendment will lead us to a balanced budget.

Mr. BYRD. It does not mandate it.

Mr. HATCH. But let me say this. I happen to believe that this little booklet that contains the Constitution of the United States, without the balanced budget amendment, will hopefully have a balanced budget amendment in it. Because, if we do—and I know that sincerely dedicated people like my friend from West Virginia will be voting for more fiscal responsibility and restraint than we do now. And he will have more leverage on not only his side, but our side, to get people to stand up and do what is right.

I do not think that these comments, ''Let's just do it''—I have heard that now for 21 years. ''Let's just do it. Let's just have the will to do it.''

Here is the will of the Congress of the United States. Mr. President, 28 years of unbalanced budgets. I think these volumes speak worlds of information for us, of how ineffective we have been in doing what is right. The Constitution provides, in article V, for ways of amending it when it becomes necessary in the public interest to do so. I cannot imagine anything more necessary in the public interest than a balanced budget amendment, Senate Joint Resolution 1, if you will, a bipartisan amendment, bicameral bipartisan amendment, that literally, literally puts some screws to Congress and some restraints on Congress and makes Congress have to face the music.

Right now, we don't face any music. Let's have the will? Give me a break,

we haven't had the will in almost 66 years, but certainly not in the last 28 years, as represented by these huge stacks of unbalanced budgets of the United States of America.

I have to pay respect to my colleague, because I care for him so much. He is sincere, he is eloquent, and he is a great advocate, and I respect him. In fact, it could be said I love him. The fact of the matter is, I think he is wrong. He thinks I am wrong. But I think his charts are very, very good reasons why, and these books are very good reasons why something has to be done. We cannot just keep frittering away our children's future and the future of our grandchildren. I know he shares that view with me, and I just wish we could do more together to protect their future. I am doing everything I can with this amendment.

Mr. BYRD. You are being honest about it, too——

Mr. HATCH. I am being honest.

Mr. BYRD. Saying it doesn't promise a balanced budget.

Mr. HATCH. I think it promises a balanced budget, I don't think it mandates one. It gives us the flexibility to do whatever we want to do, as long as we comply its requirements.

Mr. BYRD. To cook the estimates.

Mr. HATCH. No, no, it gives us the flexibility to do whatever we want to do, but we have to stand up and vote to do it by supermajority votes. If you want to increase the deficits, you have to stand up and vote by a supermajority to do it. If you want to increase taxes, you can do it, but you have to vote on a constitutional majority of both Houses, to do it. That is a considerably different situation from what we have today where there are no constraints and, in many cases, or some cases that are very important, at least over the last 21 years, no votes. It has been done in the dead of the night, to use a metaphor, a metaphor that is all too real. These budget volumes are real. These are not mirages. These volumes are actually real. They represent 28 years of unbalanced budgets, 8 years longer than I have been here, and I see many, many more in the future if we don't pass this balanced budget amendment.

Mr. BYRD. Mr. President, here is the mirage, right here. This is the mirage, this amendment to the Constitution. The Senator says that we should write two or three more supermajority requirements into the Constitution. It already requires eight, including the three amendments—five in the original Constitution and three amendments, 12, 14 and 25. Now we are going to write some more in. This is going to head us more and more in the direction of minority control—minority control. This is a republic, which uses democratic processes. This is a representative democracy, a republic for which it stands. A republic.

I just close by saying this amendment is a real gimmick—a real gimmick. It is not going to cause us to balance this budget any more than if we didn't have it; may even make it more difficult to balance the budget.

Moses struck the rock at Kadesh with his rod. He smote the rock twice and water gushed forth and the people's thirst and the thirst of the beasts of the people were quenched. This amendment is not the rock of Kadesh. You won't be able to smite that amendment. The waters of a balanced budget are not going to flow from that piece of junk. I say that with all due respect to my friend. But that will not work. That's the long and the short of it, and it is misleading the people. It is misleading the people. The amendment doesn't require us to balance the budget, it only requires us to balance the estimates. So there we go again. There is a wheel, and we seem to be on it, around and around. Balance the estimates. We have seen the estimates.

So we can see by looking at this chart where the estimates have been wrong—always wrong—in the past, and we should know by that lamp that they are going to be wrong in the future.

So what faith can we have in this kind of an amendment? The Senator says we would be under greater pressure to balance the budget. Why not start now? Why wait 5 years, at least 5 years, perhaps even longer under that amendment? Why wait for pressure? The pressure is just as great today and we will be even deeper into the hole by 2002 than we are now.

Mr. HATCH. Let me just say this, Moses also struck the rock at Meribah and gave water and was forbidden from entering the promised land after 40 years of traveling in the wilderness.

Mr. BYRD. Struck the rock at Horeb.

Mr. HATCH. That's right, Horeb. The fact of the matter is that he was following, in a sense, the same pattern, but without God's will. And I am tired of following the same pattern which I cannot believe is God's will. I am sorry that we have 28 years of unbalanced budgets in a row, and we are looking at 28 more because we are unwilling to do what is right.

Now, look, the balanced budget amendment moves us toward a balanced budget by requiring supermajority votes if we want to unbalance the budget or increase the taxes to balance it. It requires a balanced budget unless there are emergencies in which we need a three-fifths majority to waive balanced budget requirements.

In all due respect, my friend from West Virginia is actually arguing that one should oppose the balanced budget amendment because it doesn't require utopia, because we can rely on estimates. Well, utopia, means ''nowhere.'' But relying on good faith estimates, as the report does say, is ''somewhere,'' rather than ''nowhere.'' And it will lead us to balanced budgets.

The first Congress and the States ratified the Bill of Rights. If we took the Senator's line, one should have opposed them, let's say, the first amendment, for instance, free speech, because it did not define free speech or show how free speech was going to be enforced. But we all know that's ridiculous, and I believe it's ridiculous, but I believe we should be better equipped to deal with estimates of outlays and receipts with a balanced budget amendment in the Constitution that all of us are sworn to uphold.

Mr. BYRD. Mr. President, will the Senator yield?

Mr. HATCH. Sure.

Mr. BYRD. Senator DODD needs to speak on his amendment a bit more, so I am going to leave the floor for now.

Mr. HATCH. Well, I will miss my colleague.

Mr. BYRD. I beg your pardon.

Mr. HATCH. This has been a good colloquy. I will miss my colleague, and he teaches me a lot every time he comes to the floor.

Mr. BYRD. I would like to hear the distinguished Senator explain how the States balance their budgets and how they operate, not only on a budget that provides for the operating expenses of Government from day-to-day, but also on the capital budget, and why under this amendment the Federal Government will not be able to have a capital budget.

Why does not someone explain that the States operate on two budgets? Not only an operating budget, but also a capital budget. And then why do we continue to say that the Federal Government should balance its budget like the States do, without the explanation that there are capital budgets in States?

Mr. HATCH. I will not go into that very much right now, but I think the Senator makes a very good point.

One reason is the States do not print the money. No. 2 is some States cannot do much in the capital way because they do not have the money and they do not balance their budgets the way they should. No. 3 is that there are rating systems that make it possible for States to borrow on bonds, and they discipline the use of bonds by the States. There would be no similar system for the Federal Government. No. 4 is that, frankly, the Federal Government can create surpluses that should work. No. 5 is that the States, at least 44 of them, have balanced budget amendments. If they did not have their balanced budget amendments, many of them would not be balancing their budgets either, even with the capital budget. And they have done better than the Federal Government at restraining their borrowing.

So there is no real comparison between the Federal Government and the States. There is nobody to keep the Federal Government in line without a balanced budget amendment. I think that is what this balanced budget amendment is all about. I appreciate my colleague. We have had a good debate. He certainly always raises very interesting issues and very pertinent issues and I think adds to the quality of the debate around here every time

he comes on the floor. So I personally appreciate it.

With regard to capital budgets, let me say OMB, CBO and GAO, among others, have opined that debt-financed capital budgets are not a good idea for the Federal Government. All of them have said that. See, for example, President Clinton's fiscal 1998 proposed budget. The Analytical Perspectives volume, I think on page 136, there are some remarks on this.

The Clinton administration said, ''The rationale for borrowing to finance investment is not persuasive'' and that a ''capital budget is not a justification to relax current and proposed budget constraints.'' I agree.

Besides the fact that the U.S. Government does not need to borrow to finance its investment, it is not subject to the constraints that families, business and States face.

Families and businesses are disciplined by markets. States are disciplined by bond ratings. A Federal capital budget is bound to be abused. Future Congresses could redefine many kinds of spending as capital. It would be a monstrous loophole in the balanced budget amendment.

Let me just say that I do agree with OMB, CBO, the Office of Management and Budget, the Congressional Budget Office, the General Accounting Office, that a Federal capital budget is not a good idea. Especially, I think, in the context of a constitutional amendment. So that is all I will say about it today. But I hope that is enough because a capital budget is really not the way to go constitutionally. But this amendment, Senate Joint Resolution 1, is the right way to go. It will help us to make some dents in what has been going on for the last 28 years at least, or should I say 58 of the last 66 years where we have had unbalanced budgets.

Could I ask the Chair, how much time remains on both sides?

The PRESIDING OFFICER (Mr. ABRAHAM). The Senator from Utah has 14 minutes, 25 seconds, the Senator from Connecticut has 1 minute, 32 seconds.

Mr. DODD. Can I get 6 or 7 minutes?

Mr. HATCH. Go ahead.

Mr. DOMENICI. Would the Senator yield some time? Two minutes?

Mr. HATCH. Could I yield to the budget——

Mr. DOMENICI. Go to him first.

Mr. DODD. I would like to make some concluding remarks on my pending amendment. So if the Senator from New Mexico wants to take a couple minutes to do that, and then I would like to wrap up on my amendment before the vote at 5:30.

Mr. HATCH. I yield such time as he needs.

Mr. DOMENICI. Two minutes.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. I might say to the distinguished senior Senator from West Virginia, Senator BYRD, I did not hear your entire argument with reference to estimates, but I would suggest that in due course—I have difficulty getting time on this floor because when there is time I cannot be here and then when I get here, eminent Senators are using all the time. I am not complaining.

But I would like tomorrow to explain a bit about estimating. I would just suggest that we need not use the estimating that has taken place to produce that chart. There is another way to estimate it. You can estimate right up close to the end of the period of time, and you get estimates that are pretty close.

I would also suggest that whether it is red or whether it is black——

Mr. BYRD. Will the Senator yield? But there, they are still estimates.

Mr. DOMENICI. That is correct.

I will talk about it tomorrow. And everything about us, the Government, is built on estimates. We rely on it very, very much.

Mr. BYRD. Will the Senator yield?

Mr. DOMENICI. Yes.

Mr. BYRD. We rely on it and the charts show how much we fall short.

Mr. DOMENICI. Half that red and half that black is not estimates at all. Half or more is based upon programs that cost more than you estimate. Frankly, that has nothing to do with economic estimates. It has to do with us not doing a good enough job figuring what programs are going to cost. That could be fixed. In fact, we are doing much better at it already in terms of that.

But my last observation has to do with a thought you had as you captured the notion that this would make this budget so unreliable that you called it all a gimmick.

Frankly, I want to make sure that everybody knows that the best use of the word gimmick for anything going on on this floor has to do with the gimmick that some on that side of the aisle are using when they speak of taking Social Security off budget so you will assure Social Security's solvency and the checks. That is a gimmick of the highest order. For you do that, and there is no assurance that Congress will not spend the trust fund surpluses for anything they want. It is no longer subject to any budget discipline. It is out there all by itself.

Second, there is no assurance that programs for senior citizens that are not Social Security would not be moved there, and that that trust fund becomes more vulnerable then when it is subject to the discipline of the give-and-take of a budget. And on that I am certain.

And last, some Senators today got up and said that the Congressional Research Service had given them all they needed because it had apparently said that you risked Social Security in the outyears. Well, that did not sound right to any of us. We called them up and they have issued a correction. It could not conceivably be what they said and what was implied from it. They are now saying—and I quote:

> We are not concluding that the Trust Funds surpluses could not be drawn down to pay beneficiaries. The [balanced budget amendment] would not require that result.

So it does not stand for the proposition that was used. They made a mistake in the translation, in the way they interpreted and we can debate that a little tomorrow. But I just thought we ought to make sure that we understood that.

Now, I know that my friend from West Virginia is a proponent of the Constitution. And when you speak of amending it, he stands on it. But let us face it, you cannot stand on it when you are talking about amending it. Because that would have meant none of the amendments that were added to it would be there. You would have held up the old Constitution when it was first drawn with no amendments and said, I stand on it.

Mr. BYRD. Oh, no, no, no, no.

Mr. DOMENICI. You could.

Mr. BYRD. No, no, no. The Senator was quite right he was not here to hear my statement.

Mr. DOMENICI. I do not have any additional time.

Mr. President, I ask unanimous consent that the memorandum from the Congressional Research Service be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CONGRESSIONAL RESEARCH SERVICE,
THE LIBRARY OF CONGRESS,
Washington, DC, February 12, 1997.

To: Hon. PETE V. DOMENICI; Attention: Jim Capretta.

From: American Law Division.

Subject: Treatment of Outlays from Social Security Surpluses under BBA.

This memorandum is in response to your inquiry with respect to the effect on the Social Security Trust Funds of the pending Balanced Budget Amendment (BBA). Under S.J. Res. 1 as it is now before the Senate §1 would mandate that ''[t]otal outlays for any fiscal year shall not exceed total receipts for the fiscal year. . . .'' Outlays and receipts are defined in §7 as practically all inclusive, with two exceptions that are irrelevant here.

At some point, the receipts into the Social Security Trust Funds will not balance the outlays from those Funds. Under present law, then, the surpluses being built up in the Funds, at least as an accounting practice, will be utilized to pay benefits to the extent receipts for each year do not equal the outlays in that year. Simply stated, the federal securities held by the Trust Funds will be drawn down to cover the Social Security deficit in that year, and the Treasury will have to make good on those securities with whatever moneys it has available.

However, §1 of the pending BBA requires that total outlays for any fiscal year not exceed total receipts for that fiscal year. Thus, the amount drawn from the Social Security Trust Funds could not be counted in the calculation of the balance between total federal outlays and receipts. We are not concluding that the Trust Funds surpluses could not be drawn down to pay beneficiaries. The BBA would not require that result. What it would mandate is that, inasmuch as the United States has a unified budget, other receipts into the Treasury would have to be counted to balance the outlays from the Trust Funds and those receipts would not be otherwise

available to the Government for that year. Only if no other receipts in any particular year could be found would the possibility of a limitation on drawing down the Trust Funds arise. Even in this eventuality, however, Congress would retain authority under the BBA to raise revenues or to reduce expenditures to obtain the necessary moneys to make good on the liquidation of securities from the Social Security Trust Funds.

JOHNNY H. KILLIAN,
Senior Specialist, American Constitutional Law.

Mr. DOMENICI. I yield back to the chairman. I will be glad to come down and discuss this in more detail.

Mr. BYRD. I will be happy to join the Senator.

Mr. DODD. I wanted to yield to my colleague from West Virginia, who wanted to make a comment on the pending amendment.

The PRESIDING OFFICER. The Senator from Utah has 9 minutes and 21 seconds remaining, and the Senator from Connecticut has 1 minute and 32 seconds.

Mr. HATCH. How much time does the Senator need?

Mr. BYRD. Three minutes.

Mr. HATCH. Mr. President, I yield 3 minutes of my time to the distinguished Senator from West Virginia, and then I have the Senator from Nebraska waiting to speak.

Mr. BYRD. Mr. President, I thank the distinguished Senator from Utah for his courtesy in yielding time.

Mr. President, I commend the distinguished senior Senator from Connecticut for his amendment, and for his very thorough explanation of it. There is, as he has said, no higher duty than this body has than to safeguard the security and liberties of the American people. This is the height of pernicious legislative mischief to provide the ready and robust forces when the Nation faces a serious threat to our national security. Can we define the specific nature of such threats that might face us? Of course not. Do we need the flexibility to react in time, in advance, and with sufficient credibility so as to show down all such conceivable threats to our security? Of course, we should.

The Constitution should not be used as a straitjacket which has the effect of throwing into doubt our ability to perform this most basic of our duties. Thus, the Dodd amendment is a very useful one, as essential improvement to the constitutional proposal which is before the body. The definition of ''imminent and serious military threat to national security,'' as a test for waiving the requirements of the balanced budget, as proposed by the distinguished Senator from Connecticut is a valuable improvement to the amendment offered by the Senator from Utah, and I strongly encourage my colleagues to support it.

I again thank my friend from Utah, who is my friend, who is a fine Christian gentleman, who is always fair and courteous. I salute him for that, and I thank my colleague from Connecticut.

Mr. HATCH. How much time remains?

The PRESIDING OFFICER. The Senator from Utah has 6 minutes and 42 seconds

Mr. HATCH. I yield 3 minutes to the Senator from Connecticut.

AMENDMENT NO. 4, AS MODIFIED

Mr. DODD. Pursuant to a discussion earlier, I ask unanimous consent to send to the desk a modification of my amendment along the lines we discussed earlier. I ask unanimous consent my amendment be allowed to be modified.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 4), as modified, is as follows:

On page 3, line 7, strike beginning with ''is'' through line 11 and insert ''faces an imminent and serious military threat to national security as declared by a joint resolution,''. which becomes law.''

Mr. DODD. Mr. President, let me briefly sum up, if I can, this amendment. I think the handwriting is on the wall. It is one of those moments, the wave is moving here, and I deeply regret it.

I have the feeling my colleagues have just not read section 5 as carefully as we should. I emphasize again and draw their attention to this not based on the argument that I asked them to not support the constitutional amendment to balance the budget, but merely that we improve this section to reflect, I think, what ought to be the priorities of a nation; that is, to be able to respond to an imminent threat to our national security and be allowed to do that in a way that would permit us to waive the restrictions of this amendment. The priority of responding, I think, is a higher one than the issue of the constitutional amendment to balance the budget.

I draw the attention of my colleagues to some pivotal words in this section, ''a declaration of war,'' or the United States must be ''engaged in military conflict,'' particularly that latter one, Mr. President. It does not talk about imminent danger. We must actually be engaged.

It is ironic in many ways that we can have a declaration of war which can be reached by a simple majority here. A simple majority of Senators present and voting can declare war. You do not require that all Members be here to declare war. No vote we ever cast could ever be more profound than to commit our Nation to war. Yet, to waive the budget requirement of this amendment requires a special parliamentary proceeding which excludes the vote of the Vice President, and requires a majority of all Members regardless of who is present in order to waive the restrictions of this so we can respond to a conflict. How ironic that in the very same section you have a declaration of war that can be reached by a simple majority of Members present and voting, and yet to waive the restrictions of this amendment requires a ''super'' number, if you will, beyond that which is necessary to commit this Nation.

So I urge my colleagues to look at this amendment that will be at the desk when you come to vote in a few minutes. We replace this language by saying that the Nation faces an imminent and serious military threat to national security as declared by a joint resolution that is passed into law. We must vote that we are facing that imminent threat. If we vote accordingly, that we are facing an imminent threat, then it seems to me that to waive the restrictions here is the only sensible thing to do. To require today that we have a declaration of war, the perverse idea that a President and Congress, in a future time may declare war just to avoid the restrictions of this amendment, or to actually be engaged in a conflict and not allow our Nation to prepare for a likely conflict, concerns me deeply.

Mr. President, I urge my colleagues, and I thank my colleague from West Virginia for his support of this amendment, but I urge my colleagues to please read this amendment and read this section and realize what great harm and danger we could be creating for our Nation if we adopt this amendment with this section as written, which I think places this Nation in an unrealistic and dangerous straitjacket.

I thank my colleague from Utah for yielding the time.

Mr. HATCH. Let me take 1 minute of my remaining time, and that is to say that this amendment will have a loophole in the balanced budget amendment second to none, and a loophole for any kind of spending—not military spending, any kind of spending. It means more of the 28 years of unbalanced budgets. I hope my colleagues will vote down this amendment.

I yield back the balance of my time.

Mr. DODD. I yield back my time.

Mr. HATCH. I move to table, 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.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table the amendment, as modified, of the Senator from Connecticut.

On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced— yeas 64, nays 36, as follows:

[Rollcall Vote No. 10 Leg.]

YEAS—64

Abraham	Chafee	Enzi
Allard	Coats	Faircloth
Ashcroft	Cochran	Frist
Baucus	Collins	Gorton
Bennett	Coverdell	Graham
Bond	Craig	Gramm
Brownback	D'Amato	Grams
Bryan	DeWine	Grassley
Burns	Domenici	Gregg
Campbell	Dorgan	Hagel

Hatch	McCain	Smith, Bob
Helms	McConnell	Smith, Gordon
Hollings	Moseley-Braun	Snowe
Hutchinson	Murkowski	Specter
Hutchison	Nickles	Stevens
Inhofe	Reid	Thomas
Jeffords	Robb	Thompson
Kempthorne	Roberts	Thurmond
Kyl	Roth	Warner
Lott	Santorum	Wyden
Lugar	Sessions	
Mack	Shelby	

NAYS—36

Akaka	Feingold	Lautenberg
Biden	Feinstein	Leahy
Bingaman	Ford	Levin
Boxer	Glenn	Lieberman
Breaux	Harkin	Mikulski
Bumpers	Inouye	Moynihan
Byrd	Johnson	Murray
Cleland	Kennedy	Reed
Conrad	Kerrey	Rockefeller
Daschle	Kerry	Sarbanes
Dodd	Kohl	Torricelli
Durbin	Landrieu	Wellstone

The motion to lay on the table the amendment (No. 4), as modified, was agreed to.

Mr. HATCH. Mr. President, I move to reconsider the vote.

Mr. NICKLES. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

WELLSTONE AMENDMENT NO. 3

Mr. KOHL. Mr. President, yesterday the Senate voted on the first of several potential amendments to exempt certain programs from the balanced budget constitutional amendment. I greatly appreciate the comments made on the amendment by the Senator from Minnesota regarding the importance of programs that benefit our children. Senator WELLSTONE spoke passionately and I could not agree more that we must protect our children.

However, I disagree with the notion that we should exempt certain categories of programs from the strictures of the balanced budget amendment. I don't see balancing the budget and helping our children as two mutually exclusive goals. In fact, these are two of my highest priorities and they are critically linked.

I heard the compelling arguments about the difficult spending cuts that occurred during the last Congress. I agree that more should be done to balance the burden of spending reductions in the future. As a society and as a government, we must maximize our commitment to the well-being of our children or suffer the consequences in the world economy. But what's more important, if we fail our children, we fail as a people.

Mr. President, I am committed to the concept of the balanced budget amendment. I am committed to the idea that the financial security of this Nation rests on the ability of the Federal Government to curb the practice of spending beyond its means. And I am deeply committed to the belief that our Nation's future depends on the investment we place in our children. In reviewing the fiscal history of this Nation over the past 25 years, it has become clear to me that the will to exercise the necessary spending restraint does not exist within this body without a strict requirement. I believe that the balanced budget amendment provides such a framework, and that is why I support it.

The Wellstone amendment was certainly difficult to vote against. But I strongly believe that the very arguments made by the proponents of the amendment are exactly those that will help preserve critical children's programs from future budget cuts. Our children are already saddled with a tremendous debt burden created by past federal budget excess. It makes no fiscal sense to further hinder their ability to pay off that debt by short-changing their education or health. The very viability of our economy depends upon the opportunity of our children to flourish.

We clearly can not afford to ignore the needs of our children. But if we are serious about passing a meaningful balanced budget amendment, then we must reject efforts to dismantle that effort through piecemeal exclusions of programs, however worthy the particular program. I fear that such exemptions will lead to a cascade of further exemptions and ultimately leave little room to create a truly fair and balanced budget. That is exactly the scenario that has caused us to get to a 4 trillion dollar Federal debt.

I have sought to protect funding for child care resources, public health and education and will continue to do so in the context of a balanced budget. When it comes to the annual appropriations process, of which I am an active participant as a member of the Senate Appropriations Committee, I will remain front and center fighting to protect children's programs. But as a supporter of the balanced budget amendment, I must object to blanket exclusions.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. LOTT. Mr. President, for the information of all Senators here and back now at their offices, there will be no further votes this evening. I understand there are——

Mr. FORD. Mr. President, may we have order, please.

The PRESIDING OFFICER. The Senator from Kentucky makes an excellent point. The Senate will come to order.

The majority leader is recognized.

Mr. LOTT. There will be no further votes this evening, but I do understand there are several requests for morning business in the morning. In light of those requests and the memorial service for Ambassador Pamela Harriman, I expect the Senate will be conducting morning business only until around 2 p.m. on Thursday.

Following morning business, there is a possibility for consideration of a resolution regarding milk prices, and there is the possibility of another resolution but we are trying to see if that resolution has been filed and, of course, we will need to clear it with the Democratic leader.

There are rollcall votes possible during tomorrow's session but we do not have an agreement on that yet.

Mr. President, I ask unanimous consent that when the Senate resumes consideration of Senate Joint Resolution 1, the balanced budget amendment, on Monday, February 24, the Senate resume consideration of Senator BYRD's amendment No. 6 beginning at 3:30 p.m.

I further ask that there be 2 additional hours of debate equally divided in the usual form prior to the vote on or in relation to the Byrd amendment and finally no amendments be in order to that amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. Again, so that Senators will have this information, the agreement allows for a rollcall vote then on Senator BYRD's amendment at approximately 5:30 on Monday, February 24.

Mr. FORD. Mr. President, I know the majority leader loves to hear himself talk. The rest of us would like to hear him, too.

Will you have order in the Chamber.

Mr. LOTT. I am highly complimented and appreciative of the Senator's comments.

Mr. FORD. The reason I did that, Mr. President, is because the majority whip does not want to do that. He likes to hear me do it.

The PRESIDING OFFICER. The majority leader is recognized.

The Senate will come to order.

Mr. LOTT. Mr. President, there will be a vote then on Senator BYRD's amendment at approximately 5:30 on Monday, February 24, which is the date the Senate returns from the Presidents Day recess.

I have discussed these Monday afternoon votes with the Democratic leader. We are agreed we will have votes quite often on Monday afternoons. We will try to tell you as far in advance as we can. It does seem to get the Members back and ready for work. It allows us to get committee work done on Monday afternoons or certainly on Tuesday mornings. And also I should remind Senators that that week after we come back after the Presidents Day recess, in order to complete our work on the balanced budget amendment there is a good possibility we will have to stay in late on Tuesday, Wednesday, and Thursday. That is not definite yet. It will depend on how many amendments and time agreements. We will work with the leader on that. But we have been very aggressive in trying to keep our schedule reasonable. If we need to do some late nights that week to finish our work so that we can do other things that are pending, including nominations, then we would be prepared to do that. But we will advise you in advance when we are going to have to be in session at night.

MORNING BUSINESS

Mr. LOTT. Mr. President, I ask unanimous consent that there be a period for the transaction of morning business with Senators permitted to speak for up to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO COL. JOHN K. WILSON III

Mr. ROTH. Mr. President, I rise today to pay tribute to Col. John K. Wilson III as he retires after 26 years of distinguished service in the U.S. Air Force.

Colonel Wilson is retiring from his position as the executive director of operations, Secretary of the Air Force, Office of Legislative Liaison at the Pentagon. In addition to this position, he also served as Chief, Congressional Inquiries Division. In a previous legislative liaison tour, Colonel Wilson served as a Congressional Inquiries Officer as well as a Senate Liaison Officer. In these critical positions, Colonel Wilson not only served the Air Force well, but he also assisted the U.S. Congress.

During his tenure, he worked with hundreds of Members of Congress, responding to their constituent inquiries, lending his expertise in Air Force matters and handling a myriad of unique situations. Colonel Wilson's professionalism, diplomacy, and insight were essential to the flawless planning and execution of well over 100 Congressional worldwide fact-finding travels. His comprehensive knowledge of the legislative process and thorough understanding of Air Force issues made him the perfect liaison between the Pentagon and Capitol Hill.

Mr. President, I join with my colleagues who have directly benefited from the superb support Colonel Wilson has provided the Congress and executive branch, in congratulating him for a job extremely well done and wishing he and his lovely wife Andrea, the very best in the future. He will be a success in any pursuit he may endeavor to undertake. Colonel Wilson is a professional among professionals and has brought great credit upon himself and the U.S. Air Force.

TRIBUTE TO PAMELA HARRIMAN

Mr. KENNEDY. Mr. President, I was shocked and deeply saddened by Pamela Harriman's death last week in Paris. All of us in the Kennedy family cherished her friendship, and we will always have many warm memories of her close ties to our family.

In a very real sense, throughout the Reagan and Bush years, she was the First Lady of the Democratic Party. I especially admired her leadership, her extraordinary ability, and her abiding commitment to the best ideals of public service.

Pamela's friendship with the Kennedy family goes back more than half a century. It began in the difficult days of World War II in England during my father's service as Ambassador in London. Pamela became an especially close friend of my older sister Kathleen, and her friendship with our family continued ever since.

Her marriage to Averell Harriman in 1971 brought us even closer. Averell had been a great friend and key adviser to President Kennedy on foreign policy, and his wise counsel had been instrumental in the passage of the Limited Test Ban Treaty between the United States and the Soviet Union.

In one of her most extraordinary accomplishments, Pamela became one of the pillars of the Democratic Party during the 1980's. She never lost faith in the enduring principles of our party. She held those ideals high, and she inspired legions of others to do so as well. Her leadership was especially effective in revitalizing our party in all parts of the country during the Reagan and Bush years, and President Clinton's dramatic victory in 1992 was her victory too.

Pamela's unique qualities of leadership and ability earned her great additional renown during her recent service as Ambassador to France. On a host of challenging issues ranging from the war in Bosnia to disagreements over NATO and international trade, she served with her trademark combination of skill, grace, and sensitivity that made her so respected and beloved by all who knew her and by the entire diplomatic community.

All of us in the Kennedy family admired her leadership and her statesmanship, but most of all, we were grateful for her friendship. The Nation has lost a truly remarkable public servant, and we will miss her very much.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Tuesday, February 11, the Federal debt stood at $5,305,463,575,595.03.

Five years ago, February 11, 1992, the Federal debt stood at $3,796,319,000,000.

Ten years ago, February 11, 1987, the Federal debt stood at $2,226,839,000,000.

Fifteen years ago, February 11, 1982, the Federal debt stood at $1,033,988,000,000.

Twenty-five years ago, February 11, 1972, the Federal debt stood at $424,352,000,000 which reflects a debt increase of more than $4 trillion ($4,881,111,575,595.03) during the past 25 years.

TAXPAYERS AT RISK FROM GOVERNMENT WASTE AND MISMANAGEMENT

Mr. THOMPSON. Mr. President, today the U.S. General Accounting Office [GAO] issues its high risk series which identifies those federal programs that are especially vulnerable to waste and mismanagement. The programs identified in these reports have cost taxpayers billions of dollars in unnecessary expenditures. Without adequate oversight from the Congress many more billions will be wasted before we are through. While the magnitude of the problems GAO has identified is shocking, I am optimistic that we have in place the tools to change Government for the better—but we must be willing to use them.

There is a tendency when we are debating how to balance the budget or when the crisis de jour erupts, for Government to ignore management issues—those which to some are tedious, time-consuming and best left to the bean-counters. While management issues sometimes tend to get swept under the carpet during high-minded policy debates, we ignore them at our peril. We cannot implement any of our policy solutions without effective public administration. In an era of static resources, if we are to balance the budget, replace aging weapon systems at the Department of Defense [DOD], or attack drug abuse, we must achieve significant savings. To find the money, we have to make Government better while cheaper and, to do that, we have to do things smarter.

GAO identifies 25 areas that we must focus on to avoid squandering billions of taxpayer dollars. For example, GAO reports that DOD wastes billions of dollars each year on unneeded and inefficient activities, is vulnerable to additional billions of dollars in waste by buying unnecessary supplies and risks overpaying contractors millions of dollars for services not rendered. It reports that the Internal Revenue Service's accounting is so poor that it cannot effectively manage the collection of the over $113 billion owed the U.S. Government in delinquent taxes. In addition, GAO again criticizes the management of the IRS' computer modernization effort. Just last week, certain IRS officials conceded that this ''modernization'' has already cost the taxpayers $4 billion and ''does not work in the real world''.

IRS is not the only Federal agency having a problem coming to grips with the electronic age. Over the last 6 years, the Federal Government has spent $145 billion on computers but continues to have, according to GAO, ''chronic problems harnessing the full potential of information technology to improve performance, cut costs, and/or enhance responsiveness to the public.'' The security of sensitive data on Government computers and how well the Government converts its old computers to run in the 2000 were also identified by GAO as areas that posed a risk to the Treasury.

Billions of dollars in waste, fraud, and abuse occur in Federal benefit programs. GAO reports, in the supplemental security income program alone, taxpayers are losing over $1 billion a year in overpayments. The $197 billion Medicare Program, according to GAO

''loses significant amounts due to persistent fraudulent and wasteful claims and abusive billings.''

The risk of losses from the $941 billion Federal loan portfolio is another source of taxpayer vulnerability. Currently, the Government has $44 billion of defaulted guaranteed loans on its books and has written off many billions more over the last few years. According to GAO, three loan programs (student, farm, and housing) are especially vulnerable due to poor agency management. GAO also calls for improving Federal contract management at several agencies that spend tens of billions of dollars each year on contractor support. Finally, the 2000 census was placed on the high risk list. The census has tremendous implications in the allocation of billions of dollars in Federal funding and for the apportionment of seats in the House of Representatives.

However, GAO was not all doom and gloom acknowledging that, ''after decades of seeing high risk problems and management weaknesses recur in agency after agency,'' Congress has moved to enact several Government-wide reforms to address the situation. GAO mentions five such laws as key to improving operations in the Federal Government: The Chief Financial Officers Act of 1990, the Government Performance and Results Act of 1993, the Federal Acquisition Streamlining Act of 1994, the Paperwork Reduction Act of 1995 and the Clinger-Cohen Act information management and procurement reforms of 1996. These laws are designed to get the Federal Government to operate in a sound, businesslike manner. It is up to Congress and the administration to ensure that these management reforms are implemented to improve Government performance and results.

I want to work with the administration and my colleagues in Congress to improve the Government's operations. As part of this process, I plan to invite before the Senate Governmental Affairs Committee the Director of OMB to address the problems identified by GAO. We have the legislative framework in place to eradicate these programs from GAO's high risk list. What we need is the vision and fortitude to implement these bipartisan management reforms and achieve a lasting solution to the management problems that torment the pocketbook of our citizens.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, 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 11:40 a.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the Speaker appoints the following Members to the Board of Trustees of the Harry S. Truman Scholarship Foundation: Mr. EMERSON of Missouri and Mr. SKELTON of Missouri.

The message also announced that the Speaker appoints the following Member to the Board of Trustees of Gallaudet University: Mr. LAHOOD of Illinois.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–1054. A communication from the General Counsel, Department of Transportation, transmitting, pursuant to law, the report of fourteen rules including one rule relative to Class E airspace, (RIN2120–AA64, AA66) received on February 11, 1997; to the Committee on Commerce, Science, and Transportation.

EC–1055. A communication from the General Counsel, Department of Transportation, transmitting, pursuant to law, the report of two rules including one rule relative to Civil Monetary Penalty Inflation, (RIN2105-AC63, AC34) received on February 11, 1997; to the Committee on Commerce, Science, and Transportation.

EC–1056. A communication from the Assistant Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report under the Safe Drinking Water Act Amendments; to the Committee on Environment and Public Works.

EC–1057. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of two rules including one rule relative to National Emission Standards, (FRL–5669–3, 5682–9, 5683–4), received on February 10, 1997; to the Committee on Environment and Public Works.

EC–1058. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of one rule relative to Land Disposal Restrictions, (FRL–5681–4) received on February 3, 1997; to the Committee on Environment and Public Works.

EC–1059. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of three rules including one rule relative to approval and promulgation of implementation plans, (FRL–5680–5, 5685–7, 5685–1), received on February 4, 1997; to the Committee on Environment and Public Works.

EC–1060. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of one rule relative to Military Munitions, (FRL–5686–4) received on February 6, 1997; to the Committee on Environment and Public Works.

EC–1061. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of three rules including one rule relative to approval and promulgation of implementation plans, (FRL–5686–2, 5585–8, 5678–5), received on February 6, 1997; to the Committee on Environment and Public Works.

EC–1062. A communication from the Director of the Office of Regulations Management, transmitting, pursuant to law, two rules including a rule entitled ''Dependency and Income'' (RIN2900–AI47, AI36) received on February 4, 1997; to the Committee on Veterans' Affairs.

EC–1063. A communication from the Deputy Assistant Administration, Office of Diversion Control, Drug Enforcement Administration, Department of Justice, transmitting, pursuant to law, two rules including a rule entitled ''Exemption from Import and Export Requirements for Personal Use'' (RIN1117–AA38, AA42); to the Committee on the Judiciary.

EC–1064. A communication from the Assistant Secretary of Commerce and Commissioner of Patents and Trademarks, transmitting, pursuant to law, a rule entitled ''Interim Guidelines for the Examination of Claims'' (RIN0651–XX09) received on February 6, 1997; to the Committee on the Judiciary.

EC–1065. A communication from the Assistant Secretary of the Interior for Fish and Wildlife and Parks, transmitting, pursuant to law, a rule entitled ''Badlands National Park'' (RIN1024–AC30) received on February 8, 1997; to the Committee on Energy and Natural Resources.

EC–1066. A communication from the General Counsel of the Department of Energy, transmitting, pursuant to law, an acquisition regulation (RIN1991–AB34) received on February 4, 1997; to the Committee on Energy and Natural Resources.

EC–1067. A communication from the Secretary of Energy, transmitting, pursuant to law, a report concerning process-oriented energy efficiency; to the Committee on Energy and Natural Resources.

EC–1068. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, Notice 97–15 received on February 10, 1997; to the Committee on Finance.

EC–1069. A communication from the Commissioner of Social Security, transmitting a report of accomplishments; to the Committee on Finance.

EC–1070. A communication from the Secretary of Veterans' Affairs, transmitting a draft of proposed legislation entitled ''The Veterans' Medicare Reimbursement Model Project Act of 1997''; to the Committee on Finance.

EC–1071. A communication from the Director of the Defense Security Assistance Agency, transmitting pursuant to law, a report containing an analysis and description of services for fiscal year 1996; to the Committee on Foreign Relations.

EC–1072. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, the report of a Determination relative to the Republic of Yemen; to the Committee on Foreign Relations.

EC–1073. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, a rule entitled ''Removal of Commercial Communications Satellites'' received on February 3, 1997; to the Committee on Foreign Relations.

EC 1074. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, a draft of proposed legislation to authorize payment of arrears to the United Nations; to the Committee on Foreign Relations.

EC 1075. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, a report on U.S. Government assistance to and cooperative activities with the New Independent States of the former Soviet Union; to the Committee on Foreign Relations.

EC 1076. A communication from the Director of the Office of Congressional Affairs, U.S. Nuclear Regulatory Commission, transmitting, pursuant to law, a rule regarding the Operator Licensing Program (received on February 5, 1997); to the Committee on Environment and Public Works.

EC 1077. A communication from the Assistant General Counsel for Regulations, Department of Education, transmitting, pursuant to law, the report of a rule relative to final regulations, (RIN1820–AB12) received on February 4, 1997; to the Committee on Labor and Human Resources.

EC 1078. A communication from the Director of Regulations Policy, Management Staff, Office of Policy, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, a rule entitled ''Investigational Device Exemptions,'' received on February 4, 1997; to the Committee on Labor and Human Resources.

EC 1079. A communication from the Director of Regulations Policy, Management Staff, Office of Policy, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, a rule entitled ''Saccharin and its Salts,'' received on February 10, 1997; to the Committee on Labor and Human Resources.

EC 1080. A communication from the Director of Regulations Policy, Management Staff, Office of Policy, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, a rule entitled ''Food Labeling: Health Claims,'' received on February 10, 1997; to the Committee on Labor and Human Resources.

EC 1081. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report on the National Practitioner Data Bank Malpractice Reporting Requirements; to the Committee on Labor and Human Resources.

EC 1082. A communication from the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11–458 adopted by the Council; to the Committee on Labor and Human Resources.

EC 1083. A communication from the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11–525 adopted by the Council on December 3, 1996; to the Committee on Governmental Affairs.

EC 1084. A communication from the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11–526 adopted by the Council on December 3, 1996; to the Committee on Governmental Affairs.

EC 1085. A communication from the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11–512 adopted by the Council on December 3, 1996; to the Committee on Governmental Affairs.

EC–1086. A communication from the Executive Director of the District of Columbia Financial Responsibility and Management Assistance Authority, transmitting, pursuant to law, a report entitled ''The Necessity and Costs of District of Columbia Services''; to the Committee on Governmental Affairs.

EC–1087. A communication from the Chair of the Foreign Claims Settlement Commission of the United States, Department of Justice, transmitting, pursuant to law, the report under the Government in the Sunshine Act for calendar year 1996; to the Committee on Governmental Affairs.

EC–1088. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, the report of the statement of recommended accounting standards; to the Committee on Governmental Affairs.

EC–1089. A communication from the Executive Director of the Committee for Purchase from People Who Are Blind or Severely Disabled, transmitting, pursuant to law, the report of additions to the Procurement List received on February 4, 1997; to the Committee on Governmental Affairs.

EC–1090. A communication from the Corporation For Public Broadcasting, transmitting jointly, pursuant to law, the report of the Office of the Inspector General for the period April 1 through September 30, 1996; to the Committee on Governmental Affairs.

EC–1091. A communication from the Administrator and Chief Executive Officer of the Bonneville Power Administration, Department of Energy, transmitting, pursuant to law, the annual report for calendar year 1996; to the Committee on Governmental Affairs.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–31. A resolution adopted by the Senate of the Legislature of the State of New Hampshire; ordered to lie on the table.

RESOLUTION

Whereas, Paul E. Tsongas, former United States Senator, on January 18, 1997, succumbed to pneumonia after a courageous battle with health problems that had plagued him since he was diagnosed with cancer in 1983; and

Whereas, born on February 14, 1941 and brought up in Lowell, Massachusetts, he was viewed as one of Lowell's finest sons who used the values he learned on the streets of Lowell to eventually lead a bipartisan effort to encourage Congress to balance the federal budget; and

Whereas, his Lowell high school years, while working at the family dry-cleaning shop, were followed by graduation from Dartmouth College, Peace Corps in Ethiopia and the West Indies, Yale Law School, and a congressional internship; and

Whereas, he began his political career in 1968 when he was elected to the city council in Lowell, then ran for Middlesex County commissioner and won in 1972, and in 1974 at the age of 33, continued on to the United States Congress; and

Whereas, throughout his life, he practiced law and remained active in public affairs, speaking out on both local and national issues; and

Whereas, he shattered ideological stereotypes, favoring ''liberalism that works,'' as symbolized by the federally financed urban park that drew high-tech companies to the empty mills along the Merrimack River in his native city; and

Whereas, he won the 1992 New Hampshire primary and, although they frequently disagreed early in 1992, President Clinton eventually agreed with the former senator on many issues and adopted much of the Tsongas platform a year later in his State of the Union address; and

Whereas, in 1992, he joined former United States Senator Warren Rudman as a founding member of the Concord Coalition, a public interest group focusing attention on the nation's economic problems and pushing the need for balancing the nation's books to the forefront of public awareness; and

Whereas, although he was viewed as ''an outspoken man and a determined and successful politician who never shied away from tough political realities,'' he was also ''a good listener, a good coalition builder, and you knew he was always working for the public good'', now, therefore, be it

Resolved by the Senate:

That the members of the New Hampshire senate recognize the many accomplishments and contributions of former Senator Paul E. Tsongas; and

That condolences be extended to his wife, Niki, and three daughters, Ashley, Katina, and Molly; and

That copies of this resolution, signed by the president of the senate, be forwarded by the senate clerk to the Tsongas family, to the President of the United States, to the President of the United States Senate, to the Speaker of the United States House of Representatives, to each member of the New Hampshire Congressional delegation, and to the state library.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. WARNER, from the Committee on Rules and Administration, without amendment:

S. Res. 54. An original resolution authorizing biennial expenditures by committees of the Senate.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. D'AMATO, from the Committee on Banking, Housing, and Urban Affairs:

Janet L. Yellen, of California, to be a Member of the Council of Economic Advisers.

(The above nomination was reported with the recommendation that she be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

By Mr. BOND, from the Committee on Small Business.

Aida Alvarez, of New York, to be Administrator of the Small Business Administration.

(The above nomination was reported with the recommendation that she be confirmed.)

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. DORGAN (for himself, Mr. ASHCROFT, Mr. NICKLES, Mr. FORD, Mr. ABRAHAM, Mr. ALLARD, Mr. BIDEN, Mr. BOND, Mr. BREAUX, Mr. BROWNBACK, Mr. BURNS, Mr. COATS, Mr. CRAIG, Mr. DEWINE, Mr. ENZI, Mr. FAIRCLOTH, Mr. GRASSLEY, Mr. GREGG, Mr. HELMS, Mr. HUTCHINSON, Mr. INHOFE, Mr. LIEBERMAN, Mr.

LOTT, Mr. MACK, Mr. MCCONNELL, Mr. MURKOWSKI, Mr. SESSIONS, Mr. SMITH of Oregon, Mr. SMITH of New Hampshire, and Mr. THURMOND):

S. 304. A bill to clarify Federal law with respect to assisted suicide, and for other purposes; to the Committee on Finance.

By Mr. D'AMATO (for himself, Ms. MOSELEY-BRAUN, Mr. CHAFEE, Mr. ROBB, Mr. REID, Mr. LIEBERMAN, Mr. SMITH of New Hampshire, Mr. DODD, Mr. BIDEN, Mr. CRAIG, Mr. ALLARD, Mr. MACK, Mr. GRASSLEY, Mr. KERREY, Mr. BOND, Mr. BURNS, Mr. HAGEL, Mr. LAUTENBERG, Mr. TORRICELLI, Mr. BRYAN, Mr. DOMENICI, Mr. SPECTER, Mr. REED, Mr. JOHNSON, Mr. BENNETT, Mr. KOHL, Mr. HATCH, Mr. ENZI, Mr. SANTORUM, Mr. MOYNIHAN, Mrs. MURRAY, Mr. CLELAND, Ms. LANDRIEU, Mr. KERRY, Mrs. HUTCHISON, Mr. FAIRCLOTH, Mr. LOTT, Mr. GORTON, Mrs. FEINSTEIN, Mr. SESSIONS Mr. COVERDELL, Mr. BROWNBACK, Mr. GRAMS, Mr. LUGAR, Ms. MIKULSKI, Mr. MURKOWSKI, Mr. ROBERTS, Mr. SHELBY, and Mr. THOMAS):

S. 305. A bill to authorize the President to award a gold medal on behalf of the Congress to Francis Albert ''Frank'' Sinatra in recognition of his outstanding and enduring contributions through his entertainment career and humanitarian activities, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. FORD:

S. 306. A bill to amend the Internal Revenue Code of 1986 to provide a decrease in the maximum rate of tax on capital gains which is based on the length of time the taxpayer held the capital asset; to the Committee on Finance.

By Mr. LUGAR (for himself, Mr. HARKIN, Mr. MCCONNELL, AND Mr. LEAHY):

S. 307. A bill to amend the Federal Property and Administrative Services Act of 1949 to authorize the transfer to States of surplus personal property for donation to nonprofit providers of assistance to impoverished families and individuals, and for other purposes; to the Committee on Governmental Affairs.

By Mr. THOMAS (for himself and Mr. ENZI):

S. 308. A bill to require the Secretary of the Interior to conduct a study concerning grazing use of certain land within and adjacent to Grand Teton National Park, WY, and to extend temporarily certain grazing privileges; to the Committee on Energy and Natural Resources.

By Mr. AKAKA:

S. 309. A bill to amend title 38, United States Code, to prohibit the establishment or collection of parking fees by the Secretary of Veterans Affairs at any parking facility connected with a Department of Veterans Affairs medical facility operated under a health-care resources sharing agreement with the Department of Defense; to the Committee on Veterans Affairs.

By Mr. GRAHAM (for himself and Mr. MACK):

S. 310. A bill to temporarily waive the enrollment composition rule under the medicaid program for certain health maintenance organizations; to the Committee on Finance.

By Mr. GRAHAM:

S. 311. A bill to amend title XVIII of the Social Security Act to improve preventive benefits under the medicare program; to the Committee on Finance.

By Mr. FORD:

S. 312. A bill to revise the boundary of the Abraham Lincoln Birthplace National Historic Site in Larue County, KY, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BROWNBACK (for himself and Mr. ROBERTS):

S. 313. A bill to repeal a provision of the International Air Transportation Competition Act of 1979 relating to air transportation from Love Field, TX; to the Committee on Commerce, Science, and Transportation.

By Mr. THOMAS (for himself, Mr. HAGEL, Mr. KYL, Mr. ENZI, Mr. BROWNBACK, and Mr. CRAIG):

S. 314. A bill to require that the Federal Government procure from the private sector the goods and services necessary for the operations and management of certain Government agencies, and for other purposes; to the Committee on Governmental Affairs.

By Mr. HARKIN:

S. 315. A bill to amend the Internal Revenue Code of 1986 to reduce tax benefits for foreign corporations, and for other purposes; to the Committee on Finance.

By Mr. LEVIN:

S. 316. A bill to direct the Administrator of the Environmental Protection Agency to provide for a review of a decision concerning a construction grant for the Ypsilanti Wastewater Treatment Plant in Washtenaw County, MI; to the Committee on Environment and Public Works.

By Mr. CRAIG (for himself, Mr. BRYAN, Mr. COCHRAN, and Mr. BENNETT):

S. 317. A bill to reauthorize and amend the National Geologic Mapping Act of 1992; to the Committee on Energy and Natural Resources.

By Mr. D'AMATO:

S. 318. A bill to amend the Truth in Lending Act to require automatic cancellation and notice of cancellation rights with respect to private mortgage insurance which is required by a creditor as a condition for entering into a residential mortgage transition, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Ms. MOSELEY-BRAUN:

S. 319. A bill to designate the national cemetery established at the former site of the Joliet Arsenal, IL, as the ''Abraham Lincoln National Cemetery.''; to the Committee on Veterans Affairs.

By Mr. ASHCROFT (for himself, Mr. THOMPSON, Mr. ABRAHAM, Mr. ALLARD, Mr. BOND, Mr. BROWNBACK, Mr. BURNS, Mr. CAMPBELL, Ms. COLLINS, Mr. COVERDALL, Mr. CRAIG, Mr. FAIRCLOTH, Mr. FRIST, Mr. GRAMM, Mr. HUTCHINSON, Mrs. HUTCHISON, Mr. INOUYE, Mr. MACK, Mr. MURKOWSKI, Mr. SESSIONS, Mr. SMITH of New Hampshire, Mr. SMITH of Oregon, and Mr. THOMAS):

S.J. Res. 16. A joint resolution proposing a constitutional amendment to limit congressional terms; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. WARNER:

S. Res. 54. An original resolution authorizing biennial expenditures by committees of the Senate; from the Committee on Rules and Administration; placed on the calendar.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DORGAN (for himself, Mr. ASHCROFT, Mr. NICKLES, Mr. FORD, Mr. ABRAHAM, Mr. ALLARD, Mr. BIDEN, Mr. BOND, Mr. BREAUX, Mr. BROWNBACK, Mr. BURNS, Mr. COATS, Mr. CRAIG, Mr. DEWINE, Mr. ENZI, Mr. FAIRCLOTH, Mr. GRASSLEY, Mr. GREGG, Mr. HELMS, Mr. HUTCHINSON, Mr. INHOFE, Mr. LIEBERMAN, Mr. LOTT, Mr. MACK, Mr. MCCONNELL, Mr. MURKOWSKI, Mr. SESSIONS, Mr. SMITH of Oregon, Mr. SMITH of New Hampshire, and Mr. THURMOND):

S. 304. A bill to clarify Federal law with respect to assisted suicide, and for other purposes; to the Committee on Finance.

THE ASSISTED SUICIDE FUNDING RESTRICTION ACT

Mr. DORGAN. Mr. President, I rise today to introduce legislation, along with Senator ASHCROFT and 28 of our colleagues from both sides of the aisle, that will prohibit Federal funds from being used to pay for the costs associated with assisted suicide.

I want to say right off that the Dorgan-Ashcroft bill does not attempt to address the broad and complex issue of whether there is a constitutional right to die. That job belongs to the Supreme Court, and as you all know, the High Court is expected to issue a decision later this year to answer this fundamental question.

It is the job of Congress, however, to determine how our Federal resources will be allocated. I do not believe Congress ever intended for Federal funding to be used for assisted suicide, and my bill will ensure that such funding does not occur.

I understand that the decisions that confront individuals and their families when a terminal illness strikes are among the most difficult a family will ever have to make. At times like this, each of us must rely on our own religious beliefs and conscience to guide us.

But regardless of one's personal views about assisted suicide, I feel strongly that Federal tax dollars should not be used for this controversial practice, and the vast majority of Americans agree with me. In fact, when asked in a poll in November of last year whether tax dollars should be spent for assisting suicide, 87 percent of Americans feel tax money should not be spent for this purpose.

The Assisted Suicide Funding Restriction Act prevents any Federal funding from being used for any item or service which is intended to cause, or assist in causing, the suicide, euthanasia, or mercy killing of any individual.

This bill does make some important exceptions. First, this bill explicitly provides that it does not limit the withholding or withdrawal of medical treatment or of nutrition or hydration from terminally ill patients who have decided that they do not want their lives sustained by medical technology. Most people and States recognize that there are ethical, moral, and legal distinctions between actively taking steps to end a patient's life and withholding or withdrawing treatment in order to allow a patient to die naturally. Every State now has a law in place governing a patient's right to lay out in advance, through an advanced directive, living will, or some other means, his or her

wishes related to medical care at the end of life. Again, this legislation would not interfere with the ability of patients and their families to make clear and carry out their wishes regarding the withholding or withdrawal of medical care that is prolonging the patient's life.

This bill also makes clear that it does not prevent Federal funding for any care or service that is intended to alleviate a patient's pain or discomfort, even if the use of this pain control ultimately hastens the patient's death. Large doses of medication are often needed to effectively reduce a terminally ill patient's pain, and this medication may increase the patient's risk of death. I think we all would agree that the utmost effort should be made to ensure that terminally ill patients do not spend their final days in pain and suffering.

Finally, while I think Federal dollars ought not be used to assist a suicide, this bill does not prohibit a State from using its own dollars for this purpose. However, I do not think taxpayers from other States, who have determined that physician-assisted suicide should be illegal, should be forced to pay for this practice through the use of Federal tax dollars.

I realize that the legality of assisted suicide has historically been a State issue. There are 35 States, including my State of North Dakota, which have laws prohibiting assisted suicide and at least 8 other States consider this practice to be illegal under common law. Only one State, Oregon, has a law legalizing assisted suicide.

However, two circumstances have changed that now make this an issue of Federal concern. First, the Supreme Court's decisions in Washington versus Glucksberg and Quill versus Vacco could have enormous consequences on our public policy regarding assisted suicide. In these two cases, the Federal Ninth Second Circuit Courts of Appeal have struck down Washington and New York State statutes outlawing assisted suicide. Although the circuit courts varied in their legal reasoning, both recognized a constitutional right to die.

Second, we are on the brink of a situation where Federal Medicaid dollars may soon be used to reimburse physicians who help their patients die. In another case, Lee versus Oregon, a Federal district court judge has ruled that Oregon's 1994 law allowing assisted suicide is unconstitutional and he has blocked its implementation. However, his decision has been appealed to the Ninth Circuit Court of Appeals, which has already recognized a constitutional right to die.

Once the legal challenges to Oregon's law have been resolved, the State's Medicaid director has already stated that Oregon will begin using its Federal Medicaid dollars to reimburse physicians for their costs associated with assisting in suicide. Should this occur, Congress will not have considered this issue. I do not think it was Congress' intention for Medicaid or other Federal dollars to be used to assist in suicide, and I hope we will take action soon to stop this practice before it starts.

It is important to point out that the Supreme Court decisions will not resolve the important issue of funding for assisted suicides. Even if the Supreme Court finds that there is not a constitutional right to assisted suicide, the ruling likely will not negate Oregon's statute permitting assisted suicide. As a result, the Ninth Circuit Court could well uphold the Oregon statute and Oregon could, in turn, bill Medicaid for the costs associated with assisted suicide. If Congress does not act to disallow Federal funding, a few States, or a few judges, may very well take this decision out of our hands.

The National Conference of Catholic Bishops and the National Right to Life Committee have endorsed this legislation. The American Medical Association and the American Nurses Association have issued position statements opposing assisted suicide, and President Clinton has also indicated his opposition to assisted suicide.

I hope you agree with me and the vast majority of Americans who oppose using scarce Federal dollars to pay for assisted suicide. I invite you to join me, Senator ASHCROFT and 28 of our colleagues in this effort by cosponsoring the Assisted Suicide Funding Restriction Act.

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. 304

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 ''Assisted Suicide Funding Restriction Act of 1997''.

SEC. 2. GENERAL PROHIBITION ON USE OF FEDERAL ASSISTANCE.

Notwithstanding any other provision of law, no funds appropriated by the Congress shall be used to provide, procure, furnish, fund, or support, or to compel any individual, institution, or government entity to provide, procure, furnish, fund, or support, any item, good, benefit, program, or service, the purpose of which is to cause, or to assist in causing, the suicide, euthanasia, or mercy killing of any individual.

SEC. 3. RULE OF CONSTRUCTION.

Nothing in this Act, or in an amendment made by this Act, shall be construed to create any limitation relating to—

(1) the withholding or withdrawing of medical treatment or medical care;

(2) the withholding or withdrawing of nutrition or hydration;

(3) abortion; or

(4) the use of an item, good, benefit, or service furnished for the purpose of alleviating pain or discomfort, even if such use may increase the risk of death, so long as such item, good, benefit, or service is not also furnished for the purpose of causing, or the purpose of assisting in causing, death, for any reason.

SEC. 4. PROHIBITION OF FEDERAL FINANCIAL PARTICIPATION UNDER MEDICAID FOR ASSISTED SUICIDE OR RELATED SERVICES.

(a) IN GENERAL.—Section 1903(i) of the Social Security Act (42 U.S.C. 1396b(i)) is amended—

(1) by striking ''or'' at the end of paragraph (14);

(2) by striking the period at the end of paragraph (15) and inserting ''; or''; and

(3) by inserting after paragraph (15) the following:

''(16) with respect to any amount expended for any item or service furnished for the purpose of causing, or the purpose of assisting in causing, the death of any individual, such as by assisted suicide, euthanasia, or mercy killing.''.

(b) TREATMENT OF ADVANCE DIRECTIVES.—Section 1902(w) of the Social Security Act (42 U.S.C. 1396a(w)) is amended by adding at the end the following:

''(5) Nothing in this subsection shall be construed to create any requirement with respect to a portion of an advance directive that directs the purposeful causing, or the purposeful assisting in causing, of the death of any individual, such as by assisted suicide, euthanasia, or mercy killing.

''(6) Nothing in this subsection shall be construed to require any provider or organization, or any employee of such a provider or organization, to inform or counsel any individual regarding any right to obtain an item or service furnished for the purpose of causing, or the purpose of assisting in causing, the death of the individual, such as by assisted suicide, euthanasia, or mercy killing.''.

SEC. 5. RESTRICTING TREATMENT UNDER MEDICARE OF ASSISTED SUICIDE OR RELATED SERVICES.

(a) PROHIBITION OF EXPENDITURES.—Section 1862(a) of the Social Security Act (42 U.S.C. 1395y(a)) is amended—

(1) by striking ''or'' at the end of paragraph (14);

(2) by striking the period at the end of paragraph (15) and inserting ''; or''; and

(3) by inserting after paragraph (15) the following:

''(16) where such expenses are for any item or service furnished for the purpose of causing, or the purpose of assisting in causing, the death of any individual, such as by assisted suicide, euthanasia, or mercy killing.''.

(b) TREATMENT OF ADVANCE DIRECTIVES.—Section 1866(f) of the Social Security Act (42 U.S.C. 1395cc(f)) is amended by adding at the end the following:

''(4) Nothing in this subsection shall be construed to create any requirement with respect to a portion of an advance directive that directs the purposeful causing, or the purposeful assisting in causing, of the death of any individual, such as by assisted suicide, euthanasia, or mercy killing.

''(5) Nothing in this subsection shall be construed to require any provider of services or prepaid or eligible organization, or any employee of such a provider or organization, to inform or counsel any individual regarding any right to obtain an item or service, furnished for the purpose of causing, or the purpose of assisting in causing, the death of the individual, such as by assisted suicide, euthanasia, or mercy killing.''.

SEC. 6. PROHIBITION AGAINST USE OF BLOCK GRANTS TO STATES FOR SOCIAL SERVICES TO PROVIDE ITEMS OR SERVICES FOR THE PURPOSE OF INTENTIONALLY CAUSING DEATH.

Section 2005(a) of the Social Security Act (42 U.S.C. 1397d(a)) is amended—

(1) by striking ''or'' at the end of paragraph (8);

(2) by striking the period at the end of paragraph (9) and inserting ''; or''; and

(3) by adding at the end the following:

''(10) for the provision of any item or service furnished for the purpose of causing, or the purpose of assisting in causing, the death of any individual, such as by assisted suicide, euthanasia, or mercy killing.''.

SEC. 7. INDIAN HEALTH CARE.

Section 201(b) of the Indian Health Care Improvement Act (25 U.S.C. 1621(b)) is amended by adding at the end the following:

''(3) Funds appropriated under the authority of this section may not be used for the provision of any item or service (including treatment or care) furnished for the purpose of causing, or the purpose of assisting in causing, the death of any individual, such as by assisted suicide, euthanasia, or mercy killing.''.

SEC. 8. MILITARY HEALTH CARE SYSTEM.

(a) MEMBERS AND FORMER MEMBERS.—Section 1074 of title 10, United States Code, is amended by adding at the end the following:

''(d) Under joint regulations prescribed by the administering Secretaries, a person may not furnish any item or service under this chapter (including any form of medical care) for the purpose of causing, or the purpose of assisting in causing, the death of any individual, such as by assisted suicide, euthanasia, or mercy killing.''.

(b) PROHIBITED HEALTH CARE FOR DEPENDENTS.—Section 1077(b) of title 10, United States Code, is amended by adding at the end the following:

''(4) Items or services (including any form of medical care) furnished for the purpose of causing, or the purpose of assisting in causing, the death of any individual, such as by assisted suicide, euthanasia, or mercy killing.''.

(c) PROHIBITED HEALTH CARE UNDER CHAMPUS.—

(1) SPOUSES AND CHILDREN OF MEMBERS.—Section 1079(a) of title 10, United States Code, is amended by adding at the end the following:

''(18) No contract for the provision of health-related services entered into by the Secretary may include coverage for any item or service (including any form of medical care) furnished for the purpose of causing, or the purpose of assisting in causing, the death of any individual, such as by assisted suicide, euthanasia, or mercy killing.''.

(2) OTHER COVERED BENEFICIARIES.—Section 1086(a) of title 10, United States Code, is amended—

(A) by inserting ''(1)'' after ''(a)'' the first place it appears; and

(B) by adding at the end the following:

''(2) No contract for the provision of health-related services entered into by the Secretary may include coverage for any item or service (including any form of medical care) furnished for the purpose of causing, or the purpose of assisting in causing, the death of any individual, such as by assisted suicide, euthanasia, or mercy killing.''.

SEC. 9. FEDERAL EMPLOYEES HEALTH BENEFIT PLANS.

Section 8902 of title 5, United States Code, is amended by adding at the end the following:

''(o) A contract may not be made or a plan approved which includes coverage for any benefit, item or service that is furnished for the purpose of causing, or the purpose of assisting in causing, the death of any individual, such as by assisted suicide, euthanasia, or mercy killing.''.

SEC. 10. HEALTH CARE PROVIDED FOR PEACE CORPS VOLUNTEERS.

Section 5(e) of the Peace Corps Act (22 U.S.C. 2504(e)) is amended—

(1) by inserting ''(1)(A)'' after ''(e)'';

(2) by striking ''Subject to such'' and inserting the following:

''(2) Subject to such''; and

(3) by adding at the end of paragraph (1) (as so designated by paragraph (1)), the following:

''(B) Health care provided under this subsection to volunteers during their service to the Peace Corps shall not include any item or service furnished for the purpose of causing, or the purpose of assisting in causing, the death of any individual, such as by assisted suicide, euthanasia, or mercy killing.''.

SEC. 11. MEDICAL SERVICES FOR FEDERAL PRISONERS.

Section 4005(a) of title 18, United States Code, is amended—

(1) by inserting ''(1)'' after ''(a)''; and

(2) by adding at the end the following:

''(2) Services provided under this subsection shall not include any item or service furnished for the purpose of causing, or the purpose of assisting in causing, the death of any individual, such as by assisted suicide, euthanasia, or mercy killing.''.

SEC. 12. PROHIBITING USE OF ANNUAL FEDERAL PAYMENT TO DISTRICT OF COLUMBIA FOR ASSISTED SUICIDE OR RELATED SERVICES.

(a) IN GENERAL.—Title V of the District of Columbia Self-Government and Governmental Reorganization Act is amended by adding at the end the following:

''BAN ON USE OF FUNDS FOR ASSISTED SUICIDE AND RELATED SERVICES

''SEC. 504. None of the funds appropriated to the District of Columbia pursuant to an authorization of appropriations under this title may be used to furnish any item or service for the purpose of causing, or the purpose of assisting in causing, the death of any individual, such as by assisted suicide, euthanasia, or mercy killing.''.

(b) CLERICAL AMENDMENT.—The table of sections of the District of Columbia Self-Government and Governmental Reorganization Act is amended by adding at the end of the items relating to title V the following:

''Sec. 504. Ban on use of funds for assisted suicide and related services.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to payments to the District of Columbia for fiscal years beginning with fiscal year 1998.

Mr. ASHCROFT. Mr. President, I am grateful for this opportunity to speak to my colleagues and to the American public about an item which is important and which demands our attention. It is an item of urgency. And because it is, I think it is important that we develop a sense of cooperation and that we act expeditiously.

A lot of comment is being heard these days about bipartisanship, the need to cooperate and to be partners and participants rather than being opponents and partisans. The measure about which I will speak today is one that has broad bipartisan support, and I think is something upon which cooperation is not only taking place, but one which will provide the basis for the ultimate passage of the legislation.

Members on both sides of the aisle agree that Federal health programs such as Medicare and Medicaid should provide a means to care for and to protect our citizens—not become vehicles for the destruction or impairment of our citizens.

The Declaration of Independence reads: ''We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness.'' It is Congress' responsibility to defend the foremost of our inalienable rights—that of life.

In this spirit and understanding, I rise today to introduce with Senators DORGAN, NICKLES, FORD, and others, the Assisted Suicide Funding Restriction Act of 1997, a modest and a timely response to the threat that taxes paid by American citizens would be used to finance assisted suicide. What this bill simply says is that Federal tax dollars shall not be used to pay for and promote assisted suicide or euthanasia. We introduced such a bill in the 104th Congress, and have wide bipartisan support for this legislation, with 30 Members of the U.S. Senate as original cosponsors on the bill.

This bill is urgently needed to preserve the intent of our Founding Fathers and the integrity of Federal programs that serve the elderly and the seriously ill, programs which were intended to support and enhance human health and life, not to promote the destruction of human life.

Government's role in our culture should be to call us to our highest and best, to expand our capacity to take advantage of the opportunities of life, and to build our capacity for achievement. I do not believe that Government has a place in hastening Americans to their graves.

Our court system is, however, on the brink of allowing Federal-taxpayer-assisted suicide funding. This bill is intended to preempt and to prevent proactively such a morally contemptible practice as taking tax money from one American and using it to assist in the suicide of another American.

Let me be clear that this bill only affects Federal funding for actions whose direct purpose is to cause or to assist in causing suicide—actions that are clearly condemned as unethical by the American Medical Association and illegal in the vast majority of States. Again, this bill simply prohibits any Federal funding for medical actions that assist suicide.

Some might ask why we need such a law. It is because two Federal courts of appeals recently contradicted the positions of 49 States when they found that there is a Federal constitutional ''right'' to physician-assisted suicide. These cases involved New York and Washington State laws which prohibit physician-assisted suicide.

The State of Oregon recently passed Measure No. 16. That was the first law in the country that authorized the dispensing of lethal drugs to terminally ill patients to assist in suicide. Although a Federal court in Oregon struck down that law, the case has been to the ninth circuit, one of the appeals courts that has already signaled a strong indication that there is a constitutional right to assisted suicide.

Oregon's Medicaid director and the chairman of the Oregon Health Services Commission have both said that in the event that the ninth circuit would clear the way for Oregon's law to take effect, the federally funded Medicaid Program in Oregon would begin to pay for assisted suicide with public funds in that State. According to the Oregon authorities, the procedure would be listed on Medicaid reimbursement forms under the grotesque euphemism of ''comfort care.''

Unless we pass the Assisted Suicide Funding Restriction Act, Oregon could soon be drawing down Federal funds through its Medicaid Program to help pay for assisted suicides. Neither Medicaid, nor Medicare, nor any other Federal health program has explicit statutory language to prohibit the use of Federal funds to dispense lethal drugs for suicide primarily because no one in the history of these programs ever thought that they would be used to end the lives of individuals. We have always focused in these programs on seeking to extend rather than end the lives of Americans.

In fact, the Clinton administration's brief filed in the Supreme Court of the United States opposing physician-assisted suicide pointed out that:

> The Department of Veterans Affairs, which operates 173 medical centers, 126 nursing homes, and 55 inpatient hospices, has a policy manual that . . . forbids ''the active hastening of the moment of death.''

''The active hastening of the moment of death'' sounds a lot like assisted suicide to me.

Such guidelines also apply to the VA's hospice program, the military services, the Indian Health Service, and the National Institutes of Health.

Nonetheless, if the ninth circuit reinstates Oregon's Measure 16, Federal funds will be used for the so-called comfort care, also known as assisted suicide.

I believe we would be derelict in our duty if we were to ignore this problem and allow a few officials in one State to decide that the taxpayers of the other 49 States must help subsidize a practice that they have never authorized and that millions of Americans find to be morally abhorrent.

It is crystal clear that the American people do not want their tax dollars spent on assisting the suicide of individuals. Recently, a national Wirthlin poll showed that 87 percent of Americans oppose the use of public funds for this purpose. Even the voters of Oregon, who narrowly approved Measure 16 by a 51- to 49-percent margin, did not consider the question of public funding. The voters of two other west coast States, California and Washington, soundly defeated similar measures to authorize assisted suicide. Since November 1994, when Oregon passed its law, 15 other States have considered and rejected bills to legalize the practice. However, this bill does not talk about authorizing or prohibiting assisted suicide. It merely states that no Federal funds could be used to promote or assist suicide.

Let me just say a few words about the way the legislation is crafted. It is very limited. It is very modest, and I think that provides the basis for its bipartisan support.

It does not forbid a State to legalize assisted suicide, and it does not forbid using State funds for the practice. It merely prevents Federal funds and Federal programs from being drawn into promoting it.

The bill also does not attempt to resolve the constitutional issue that the Supreme Court considered last month when it heard the cases of Washington versus Glucksberg and Vacco versus Quill. These are right-to-suicide cases, and the bill does not attempt to answer this complex question. Nor would this legislation be affected by what the Supreme Court decides on the issue. Congress would still have the right to prevent Federal funding of such a practice even if the practice itself had the status of a constitutional ''right.''

As the bill's rule of construction clearly provides, this legislation does not affect any other life issue that some might have strong feelings about. The bill does not affect abortion, or complex issues such as the withholding or withdrawal of life-sustaining treatment, even of nutrition or hydration. Nor does it affect the dispersing of large doses of morphine or other drugs to ease the pain of terminal illness, even when this may carry the risk of hastening death as a side-effect—a practice that is legally accepted in all 50 States, and ethically accepted by the medical profession and even by pro-life and religious organizations. This bill is focused exclusively on prohibiting Federal funding for assisting suicide.

Finally, I am pleased to mention those organizations that have joined with us in endorsing this legislation. These include the American Medical Association, the Christian Coalition, the Family Research Council, Free Congress, the National Conference of Catholic Bishops, National Right to Life, and the Traditional Values Coalition. I ask unanimous consent to have printed in the RECORD a letter of support from the American Medical Association.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

AMERICAN MEDICAL ASSOCIATION,
Chicago, IL, February 12, 1997.

Hon. JOHN ASHCROFT,
Washington, DC.

DEAR SENATOR ASHCROFT: The American Medical Association (AMA) is pleased to support the ''Assisted Suicide Funding Restriction Act of 1997'' which you are introducing in collaboration with Senator Dorgan. We believe that the prohibition of federal funding for any act that supports ''assisted suicide'' sends a strong message from our elected officials that such acts are not to be encouraged or condoned. The power to assist in intentionally taking the life of a patient is antithetical to the central mission of healing that guides physicians. While some patients today regrettably do not receive adequate treatment for pain or depression, the proper response is an increased effort to educate both physicians and their patients as to available palliative measures and multidisciplinary interventions. The AMA is currently designing just such a far-reaching, comprehensive effort in conjunction with the Robert Wood Johnson Foundation.

The AMA is particularly pleased to note that your bill acknowledges—in its ''Rules of Construction'' section—the appropriate role for physicians and other caregivers in end-of-life patient care. The Rules properly distinguish the passive intervention of withholding or withdrawing medical treatment or care (including nutrition and hydration) from the active role of providing the direct means to kill someone. Most important to the educational challenge cited above is the Rule of Construction which recognizes the medical principle of ''secondary effect,'' that is, the provision of adequate palliative treatment, even though the palliative agent may also foreseeably hasten death. This provision assures patients and physicians alike that legislation opposing assisted suicide will not chill appropriate palliative and end-of-life care. Such a chilling effect would, in fact, have the perverse result of increasing patients' perceived desire for a ''quick way out.''

The AMA continues to stand by its ethical principle that physician-assisted suicide is fundamentally incompatible with the physician's role as healer, and that physicians must, instead, aggressively respond to the needs of patients at the end of life. We are pleased to support this carefully crafted legislative effort, and offer our continuing assistance in educating patients, physicians and elected officials alike as to the alternatives available at the end of life.

Sincerely,

P. JOHN SEWARD, MD.

Mr. ASHCROFT. President Jefferson wrote in words that are now inscribed in the Jefferson Memorial here in Washington that the ''care and protection of human life, and not its destruction,'' are the only legitimate objectives of good government. Thomas Jefferson believed that our rights are God given and that life is an inalienable right. With this understanding and belief, I urge the Congress and the President to support this bill. It is a modest but necessary effort to uphold our basic principles by forbidding the Federal funding of assisted suicide.

Mr. President, I thank my colleague from North Dakota for his excellent work, his cooperation in this respect, and his emphasis on what this bill does and what it does not do. There is a narrow focus in this measure. We do not seek to preempt the ability of States to make decisions regarding their own laws, or individuals to make their own decisions. We are merely making reference to the fact that the Federal Government should not be financing assisted suicides.

I thank him for his outstanding work and for his excellent effort in developing this legislation, to narrowly focus it and target it in such a way that makes it possible for us to work together. I commend him.

Mr. ABRAHAM. Mr. President, I rise to express my strong support for the Assisted Suicide Funding Restriction Act. In so doing I side with the 87 percent of Americans who oppose the use

of tax dollars to pay for the cost of assisting suicide or euthanasia.

I find it deeply distressing, Mr. President, that we are in the throes of a legal and public policy debate over whether physicians should be given the power to end the lives of their patients. This controversy raises many troublesome questions concerning the duties of a physician, the nature of the doctor-patient relationship, the possibility of coerced suicide, and the very sanctity of life.

Some may find these questions difficult or even impossible to answer. But of one thing I am certain: the government has no right to use public moneys, the tax dollars paid by the American people, to support physician assisted suicide. Whatever their views on the rectitude of allowing doctors to assist their patients in ending their lives, I hope my colleagues will join with me in saying that such a controversial practice, which so many Americans find morally troubling, should not be the object of Federal largesse.

I congratulate my friends the Senator from North Dakota and the Senator from Missouri on their courage and conviction in submitting this bill, and urge my colleagues to join them in its support.

Mr. BURNS. Mr. President, as an original cosponsor of the Assisted Suicide Funding Restriction Act of 1997, I rise in strong support of this bill.

Mr. President, this bill simply prohibits Federal tax funds from being used to pay for or promote assisted suicide or euthanasia. Specifically, the bill will prevent Federal funding for items or services ''the purpose of which is to cause, or assist in causing, the suicide, euthanasia, or mercy killing of any individual.'' The prohibition will encompass Medicare, Medicaid, the Federal Employees Health Program, medical services for prisoners, and the military health care system.

This bill does not create any limitation with regard to the withholding or withdrawing of medical treatment or of nutrition or hydration, or affect funding for abortion or for alleviating pain or discomfort for patients.

The American people oppose taxpayer funding of assisted suicide by an overwhelming margin. In addition, the American Medical Association has endorsed this bill. Yet States are free to legalize assisted suicide, as Oregon has by referendum, and this raises the prospect of Federal Medicaid dollars being used to facilitate suicide. The Federal Government must not be in the business of promoting death. Let's listen to the American people and settle the question of publicly funding assisted suicide once and for all. I urge my colleague to join us in supporting the Assisted Suicide Funding Restriction Act of 1997.

● Mr. HUTCHINSON. Mr. President, I am pleased to express my support of the Assisted Suicide Funding Restriction Act of which I am a cosponsor. This bill would ensure that no Federal tax dollars are used to pay for or promote assisted suicide or euthanasia. In addition, it identifies those Federal programs which may not be sued to pay for assisted suicide. These programs include Medicare, Medicaid, Federal Employees Health Benefits plans, medical services for Federal prisoners, and the military health care system.

This bill also makes clear that Federal law will not require health care facilities, in States where assisted suicide has been legalized, to advise patients at the time of admission about their ''right'' to get lethal drugs for suicide.

This legislation is needed due to recent Federal court rulings which have declared a constitutional right to assisted suicide. The U.S. Supreme Court heard oral arguments in two cases on January 8 of this year to determine the constitutionality of those rulings. In addition, some States, such as Oregon, have legalized assisted suicide by referendum. These States may be tempted to consider using Federal funds and facilities to pay for these procedures. For this reason, we must send a clear message. The American people do not want their tax dollars used to pay for assisted suicides. In fact, a majority of Americans are strongly opposed to the very notion of assisted suicide. Counted among those in opposition are the American Medical Association whose physician members would be asked to play the role of moral arbitrator in the decision to end one's life.

The purpose of this bill and its guidelines are concise and clear. No limitations will be placed on the withholding or withdrawing of medical treatment. In addition, it does not affect funding for alleviating patient pain or discomfort.

An overwhelming majority of the American people believe their taxes should not be used to pay for assisted suicide or euthanasia. A national Wirthlin poll taken in November 1996 found that 87 percent of Americans did not believe their tax dollars should be used to pay for these procedures.

I ask my colleagues to join me in supporting this bill which guarantees every American that their tax dollars will not be used to pay for or promote assisted suicide or euthanasia.●

Mr. NICKLES. Mr. President, I rise today, and begin with these words: ''We hold these Truths to be self-evident, that all Men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty, and the Pursuit of Happiness.''

These profound words are possibly the most known words from our Declaration of Independence. They state a principle that is fundamental to who we are as a nation; life itself is a gift from our Creator, and it is a right that can not be taken away. We are a nation whose core philosophy is to care for its people.

As public servants, we deal with issues that affect the lives of people every day. Caring for people is the underlying aspect of almost every piece of legislation dealt with in the Senate, and nearly every issue we confront as a country.

But while we work to build up America, something is at work in the country, eating away at fundamentals we used to take for granted: in this case, the sanctity of life. It is no secret that I place a high value on life at its conception. But a disturbing trend has developed over the past few years, a devaluation of life as it nears its end.

Two years ago, I offered legislation banning the use of Medicaid and Medicare funds for assisted suicide in the 1995 balanced budget act. Unfortunately the President vetoed this legislation.

Today, I am proud to be a cosponsor of the legislation offered by Senators ASHCROFT and DORGAN, which prohibits any Federal funds from being used for assisted suicide, euthanasia or mercy killing. This means that hospitals, medical institutions, or health care providers are not required to participate in procedures they morally or ethically oppose.

The large majority of people oppose assisted suicide. In a Wirthlin poll taken November 5, 1996, 87 percent of the people asked said tax dollars should not be spent to pay for the cost of assisting suicide or euthanasia. A recent study by the Dana-Farber Cancer Institute in Boston, found that seriously ill cancer patients in severe pain are unlikely to ''approve of, or desire'' euthanasia or physician-assisted suicide, instead they desire ''only relief from their pain''.

Even the medical profession is opposed to assisted suicide. An amicus brief filed by the American Medical Association to the Supreme Court on November 12, 1996, contends assisted suicide ''will create profound danger for many ill persons with undiagnosed depression and inadequately treat pain, for whom assisted suicide rather than good palliative care could become the norm. At greatest risk would be those with the least access to palliative care—the poor, the elderly and members of minority groups.'' The brief concludes, ''Although, for some patients it might appear compassionate to hasten death, institutionalizing physician-assisted suicide as a medical treatment would put many more patients at serious risk for unwanted and unnecessary death.''

Dr. Joanne Lynn, board member of the American Geriatrics Society and director of the Center to Improve Care of the Dying at George Washington University said—Health Line, Jan. 8, 1997—''No one needs to be alone or in pain or beg a doctor to put an end to misery. Good care is possible.''

As Tracy Miller, former head of the New York Task Force on Life and Law said, ''It is far easier to assist patients in killing themselves than it is to care for them at life's end.''

The bill before us today is a major step in continuing to provide the care our elderly, poor, and seriously ill need and deserve. The bill would assure that the programs designed to support human life and health would not be transformed into implements of death. I commend the work of Senator ASHCROFT and Senator DORGAN in writing this legislation, compliment them upon its introduction today, and pledge to work with them to see it to passage in the 105th Congress. Our country deserves no less.

By Mr. D'AMATO (for himself, Ms. MOSELEY-BRAUN, Mr. CHAFEE, Mr. ROBB, Mr. REID, Mr. LIEBERMAN, Mr. SMITH of New Hampshire, Mr. DODD, Mr. BIDEN, Mr. CRAIG, Mr. ALLARD, Mr. MACK, Mr. GRASSLEY, Mr. KERREY, Mr. BOND, Mr. BURNS, Mr. HAGEL, Mr. LAUTENBERG, Mr. TORRICELLI, Mr. BRYAN, Mr. DOMENICI, Mr. SPECTER, Mr. REED, Mr. JOHNSON, Mr. BENNETT, Mr. KOHL, Mr. HATCH, Mr. ENZI, Mr. SANTORUM, Mr. MOYNIHAN, Mrs. MURRAY, Mr. CLELAND, Ms. LANDRIEU, Mr. KERRY, Mrs. HUTCHISON, Mr. FAIRCLOTH, Mr. LOTT, Mr. GORTON, Mrs. FEINSTEIN, Mr. SESSIONS, Mr. COVERDELL, Mr. BROWNBACK, Mr. GRAMS, Mr. LUGAR, Ms. MIKULSKI, Mr. MURKOWSKI, Mr. ROBERTS, Mr. SHELBY, and Mr. THOMAS):

S. 305. A bill to authorize the President to award a gold medal on behalf of the Congress to Francis Albert ''Frank'' Sinatra in recognition of his outstanding and enduring contributions through his entertainment career and humanitarian activities, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

GOLD MEDAL LEGISLATION

Mr. D'AMATO. Mr. President, I rise this morning to introduce legislation on behalf of 48 Senators. I know and feel very strongly that when all of my colleagues are informed of the legislation that it will be unanimous and that all will join to authorize a congressional gold medal for Frank Sinatra. The time has come for Congress to acknowledge this great American and his contributions to the world of entertainment and society as a whole.

It is fitting that we honor this man in the autumn of his years, as we have honored Bob Hope, John Wayne, Marian Anderson and other great performers, not only for the fact of their entertainment and the wonderful gift that God bestowed upon them, but for so many other aspects in terms of their bond with America, its people, and their contributions.

Mr. President, this bill would authorize the U.S. Mint to commemorate the humanitarian and professional accomplishments of Frank Sinatra with a gold medal to be presented by the President on behalf of the Congress. In addition, bronze replicas of the original gold medal will be available to the general public for their private collection.

It is estimated that not only will we be doing great honor to Frank Sinatra, but, in addition, it will result in a very substantial profit to the Treasury because many will buy these replicas, and indeed millions of dollars can and will be raised by our Government.

Mr. President, Frank Sinatra has become one of the most, if not the most, recognizable vocalists in America and in the world. This talented man has singularly defined America's love affair with popular music for over five generations and has remained to this day a man of the people, a man who has brought pleasure to countless persons.

The tremendous, positive impact Frank Sinatra has on people throughout the world is truly phenomenal. His songs have become a standard for young and old alike. Indeed, this impact goes beyond song and it goes beyond adversity. Frank Sinatra knew adversity and he overcame it in his own career rising to great heights. He overcame the trials and tribulations during his life and became a great humanitarian.

Many people who adore Frank Sinatra and his music are not aware of that other side of the man—his generosity. Truly he could be called Mr. Anonymous because, Mr. President, unlike many who trumpet their generosity, who trumpet their gift giving, Mr. Sinatra did not do this. Indeed, he has raised literally hundreds of millions of dollars—not tens of millions—hundreds of millions of dollars for children, in particular, throughout the world, for those who were in need of help, whether it be for cancer, for AIDS, for retinitis pigmentosa—just name the charity and you will see that Francis Albert Sinatra most likely has been there, quietly giving of his time and his energy in caring for his fellow human being, giving back to the people of this country, throughout the length and breadth, establishing scholarships for young people, going back to his hometown and to his old high school to give of his time and his money. He took his wonderful gift of song and used it as a vehicle of benevolence.

Let me just touch on one of these as an example. Mr. Sinatra has raised $9 million for just one institution, a great cancer center, Sloan-Kettering, by holding five concerts. I do not know how many know that. He did not ask his publicist to go out and speak to that. The money raised by Frank Sinatra began programs whereby those who are in need of treatment and do not have the financial wherewithal will not be turned away. This is because of the generosity of Frank Sinatra.

Indeed, New Jersey can be rightfully proud of him, born in Hoboken in 1915 to parents of modest means. I am pleased that both of the Senators from New Jersey have joined in cosponsoring this legislation. Those of us in New York are so proud, and we also claim him as a son of New York. He has given us the gift of his great performances, and we particularly love his rendition of ''New York, New York.'' But look throughout the country, the great Windy City of Chicago, and how fitting that the senior Senator from Illinois has also joined in this tribute which is long overdue.

Mr. President, it cannot be denied that Frank Sinatra has had a remarkable career. Not long after reaching adolescence, he developed a keen love of music and the desire to perform. In high school he was responsible for screening and scheduling dance bands for Demarest High School's Wednesday night dances. In exchange for hiring musicians, he was permitted to sing a few songs with the different bands.

A dream was growing in the young Frank Sinatra—his dream of becoming a successful entertainer. By the age of 21, Frank Sinatra was a professional singer. His first group was the Three Flashes, a singing and dancing trio which later became the Hoboken Four. A few years later, Frank Sinatra's investment in vocal lessons would prove to be invaluable as his singing career propelled him into stardom.

In 1939, Frank Sinatra was hired by Harry James who had recently formed an orchestra of his own. The earliest performance reviews were not favorable, but Frank Sinatra persevered. Seven months later, he was hired away to join Tommy Dorsey's orchestra where he would formulate the essence of his signature singing style.

After a successful, 2-year tour with Tommy Dorsey, Frank Sinatra made the move to go out on his own in 1942. He recorded the first of numerous hit singles titled ''Night and Day.'' A year later he made his motion picture debut and had appeared in several movies by 1950. But, as quickly as Frank Sinatra found himself ''king of the hill, at the top of the heap,'' he found the constant demand on his time and talent contributing to a decline in his vocal quality.

By the end of 1952, he had lost his agent and his film and recording contracts. The ''voice'' was nearly lost as well. Frank Sinatra was once eloquently quoted saying: ''You have to scrape bottom to appreciate life and start living again.''

This personally and professionally trying time ended in 1953 with Frank Sinatra's award winning performance playing the role of Maggio in the production ''From Here to Eternity.'' The rebirth of his career was finally at hand. Frank Sinatra's new stardom quickly surpassed that which he had realized in the 1940's.

Beginning in the 1960's, Frank Sinatra's flourishing acclaim as a preeminent performer earned him the title ''Chairman of the Board.'' He established his own recording company, Reprise, and began recording again, this time with more conviction than ever before. Frank Sinatra orchestrated television specials which featured little-known musical talents, performed live for huge, adoring audiences and began

to evolve as a legend. By 1984, his singing repertoire included well over 50 albums and record sales in the hundreds of millions of dollars.

Throughout his entertainment career and rise to fame, Frank Sinatra worked tirelessly and steadfastly to cure some of the ills of society. In one of the most outstanding examples of his generosity, Frank Sinatra personally, and entirely, I might add, financed and donated his talent and superstardom along with other renowned performers for a world tour benefitting children's hospitals, orphanages, and schools in six countries. This whirlwind jaunt included 30 concerts in 10 weeks. And never once did Frank Sinatra seek glory from this feat through publicity or any other means.

Frank Sinatra's generosity has touched the lives of the underprivileged, the terminally and chronically ill, children, minorities and students not only in this country, but in Latin America, Israel, Europe, and Mexico. His works of goodwill have financed entire wings in hospitals, numerous scholarships, educational programs, and student centers. He has selflessly served as chairman on numerous boards for charities and councils borne out of sincerity, humility, and the goal of equality. If I could stand here and recite all of the things Frank Sinatra has done from his heart for his fellow man and woman, poor, old, young, sick and the like, and recited all of the awards this giant among us has received, I would be here all day.

Mr. President, since 1945 Frank Sinatra's national and international humanitarian activities have been recognized. Just as a small sampling, he has been awarded with the Lifetime Achievement Award from the NAACP, the Achievement Award from the Screen Actors Guild, the New York City Columbus Citizens Committee Humanitarian Award, the Kennedy Center Honors, the Scopus Award from the American Friends of Hebrew University, the Philadelphia Freedom Medal and the highest civilian honor in out country, the Medal of Freedom given to him by another American hero, President Ronald Reagan.

Mr. President, I ask unanimous consent that the text of the bill and a selection of charities Mr. Sinatra graciously donated to and honors he received be printed in the RECORD.

Mr. President, I must say to you that the idea and the driving force behind Congressional recognition of Francis Albert Sinatra in the autumn of his life came from a Congressman born in Puerto Rico. This Congressman recently told me the touching and true story of how he learned English at the age of five from Frank Sinatra. That Congressman is Congressman JOSE SERRANO. His father, a World War II veteran, came home from the war with a group of 78 RPM records. On those records was the melodic voice of Frank Sinatra. Congressman SERRANO said to me, ''Senator, I learned to speak English. I didn't know any English. When my father came home, as a youngster, I would play these records. Frank Sinatra has been my idol.'' Mr. Sinatra's voice filled the Serrano household then as it does today. I thank my colleague for his diligence in working to have Frank Sinatra placed in a league with other deserving performers and philanthropists.

Mr. President, let me conclude my remarks by citing a great song that Frank Sinatra popularized, ''My Way.'' I am not going to attempt the lyrics. I have sung on the Senate floor before and I promised Senator FORD I would not do so again, after his admonition. He was about to rise up and object. My mother cautioned me against attempting to sing again. But let me say when Frank Sinatra sings ''My Way,'' those words embody the spirit of this country, the spirit of giving people having the opportunity to do it their way, to rise, to climb to the heights that only America ensures.

My true hope is that before this legislation is enacted, we will have 100 cosponsors honoring a talented American, a gifted American, who has given so generously of himself not only in his performances but in terms of making this a better country and a better world for so many who are less fortunate.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 305

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

SECTION 1. FINDINGS.

The Congress finds that—

(1) Francis Albert ''Frank'' Sinatra has touched the lives of millions around the world and across generations through his outstanding career in entertainment, which has spanned more than 5 decades;

(2) Frank Sinatra has significantly contributed to the entertainment industry through his endeavors as a producer, director, actor, and gifted vocalist;

(3) the humanitarian contributions of Frank Sinatra have been recognized in the forms of a Lifetime Achievement Award from the NAACP, the Jean Hersholt Humanitarian Award from the Academy of Motion Picture Arts and Sciences, the Presidential Medal of Freedom Award, and the George Foster Peabody Award; and

(4) the entertainment accomplishments of Frank Sinatra, including the release of more than 50 albums and appearances in more than 60 films, have been recognized in the forms of the Screen Actors Guild Award, the Kennedy Center Honors, 8 Grammy Awards from the National Academy of Recording Arts and Science, 2 Academy Awards from the Academy of Motion Picture Arts and Sciences, and an Emmy Award.

SEC. 2. CONGRESSIONAL GOLD MEDAL.

(a) PRESENTATION AUTHORIZED.—The President is authorized to present, on behalf of the Congress, a gold medal of appropriate design to Francis Albert ''Frank'' Sinatra in recognition of his outstanding and enduring contributions through his entertainment career and numerous humanitarian activities.

(b) DESIGN AND STRIKING.—For the purpose of the presentation referred to in subsection (a), the Secretary of the Treasury (hereafter in this Act referred to as the ''Secretary'') shall strike a gold medal with suitable emblems, devices, and inscriptions, to be determined by the Secretary.

SEC. 3. DUPLICATE MEDALS.

The Secretary may strike and sell duplicates in bronze of the gold medal struck pursuant to section 2 under such regulations as the Secretary may prescribe, and at a price sufficient to cover the costs thereof, including labor, materials, dies, use of machinery, overhead expenses, and the cost of the gold medal.

SEC. 4. NATIONAL MEDALS.

The medals struck pursuant to this Act are national medals for purposes of chapter 51 of title 31, United States Code.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS; PROCEEDS OF SALE.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is hereby authorized to be charged against the Numismatic Public Enterprise Fund an amount not to exceed $30,000 to pay for the cost of the medal authorized by this Act.

(b) PROCEEDS OF SALE.—Amounts received from the sales of duplicate bronze medals under section 3 shall be deposited in the Numismatic Public Enterprise Fund.

Selection of general international awards for humanitarian and philanthropic contributions: Italian Star of Solidarity, Government of Italy '62, Commandeur De La Sante Publique, France '65 Medallion of Valor, State of Israel '72, Jerusalem Medal, City of Jerusalem, Israel '76, Primum Vivere (life first) Award, World Mercy Fund '79, Grand Ufficiale Dell' Ordine al Merito Della Repubblica Italiana, Italy '79 (presented by President Charles DeGaulle) Humanitarian Award, Variety Clubs International '80, Order of the Leopard, President of Bophuthatswana '81 (first white person to receive), and Knight of the Grand Cross, Knights of Malta, Sovereign Order of the Hospitaller of St. John of Jerusalem '85.

Selection of awards for national humanitarian and philanthropic contributions: American Unity Award for advancing the cause of better Americans '45, Commendation by Bureau of Inter-Cultural Education '45, Commendation by National Conference of Christians and Jews '45, Democratic America Award, Courageous Fight On Behalf Of All Minorities '46, Jefferson Award, Council Against Intolerance in America '46, Hollizer Memorial Award, LA Jewish Community '49, Distinguished Service Award, LA '71, Humanitarian Award, Friar's Club '72, Splendid American Award, Thomas A. Dooley Foundation '73, Man of the Year Award, March of Dimes '73, Man of the Year Award, Las Vegas '74, Certificate of Appreciation, NYC '76, Honorary Doctor of Humane Letters, University of Nevada '76, Freedom Medal, Independence Hall, PA '77, International Man of the Year Award, President Ford '79, Humanitarian Award, Columbus Citizens Committee, NY '79, First Member, Simon Weisenthal Center Fellows Society '80, Multiple Sclerosis Special Award, National Hope Chest Campaign '82, Kennedy Center Honors Award for Lifetime Achievement, '83, Boy Scouts of America Distinguished American Award, '84, Medal of Freedom, President Reagan '85, Lifetime of Achievement Award, National Italian-American Foundation '85, Coachella Valley Humanitarian Award, '86, and Lifetime Achievement Award, NAACP '87.

Selection of Charities and Foundations: Frank Sinatra Wing, Atlantic City Medical Center, New Jersey, Frank Sinatra Fund for outpatients with inadequate or exhausted medical insurance coverage, Sloan-Kettering

Cancer Center, New York Martin Anthony Sinatra Medical Education Center Desert Hospital, California, Frank Sinatra Child Care Unit, St. Jude's Children's Research Center, Tennessee, Sinatra Family Children's Unit for the Chronically Ill, Seattle Children's Orthopedic Hospital, Frank Sinatra Student Scholarship Fund, Hoboken, New Jersey, Frank Sinatra In School Scouting Program, Grape Street Elementary, Los Angeles, Frank Sinatra International Student Center, Hebrew University, Jerusalem, Frank Sinatra Youth Center for Christians, Moslems and Jews, Israel, San Diego State University Aztec Athletic Foundation, Variety Club International, World Mercy Fund, and National Multiple Sclerosis Campaign.

Mr. MOYNIHAN. Mr. President, I rise to join my colleague and friend, Senator D'AMATO, as a cosponsor of his bill to award a Congressional Gold Medal to Francis Albert Sinatra. Frank Sinatra is one of the most famous singers in the history of popular music. He is known as ''The Voice,'' ''Old Blue Eyes,'' and ''The Chairman of the Board.'' These nicknames attest as clearly as anything to his talent, his popular appeal, and his impact on American music.

Mr. Sinatra began his career with local bands in New Jersey. He joined Harry James' band in 1939, but began to achieve his great popularity touring with Tommy Dorsey from 1940 to 1942. His solo career began in 1943 and never ceased.

After conquering the musical world Mr. Sinatra began a film career that quickly earned him an academy award, in 1953, for his supporting role in ''From Here to Eternity.'' He went on to appear in some 50 movies.

Mr. President, New York has no official State song. For six decades now Frank Sinatra has entertained New Yorkers in music and film. His impact has been tremendous. But more than anything else his version of ''New York, New York'' has given us cheer, enjoyment, and pride. It is certainly the unofficial song for millions. Therefore, I am delighted to cosponsor this bill to award a Congressional Gold Medal to Frank Sinatra. I encourage my colleagues to join us.

By Mr. FORD:

S. 306. A bill to amend the Internal Revenue Code of 1986 to provide a decrease in the maximum rate of tax on capital gains which is based on the length of time the taxpayer held the capital asset; to the Committee on Finance.

CAPITAL GAINS LEGISLATION

Mr. FORD. Mr. President, today I am introducing capital gains legislation which I believe has the possibility of breaking through the impasse we have had on this issue for the last several years. My proposal is based not on political rhetoric, but on conversations I have had with constituents who support a commonsense approach on this issue.

My legislation would provide a sliding scale for capital gains relief, lowering the rate at which capital gains are taxed, based on how long the assets have been held. For every year an asset has been held, the applicable rate would be reduced by 2 percentage points. Assets held for more than 1 year would be taxed at no higher than the current 28 percent. Assets held for 2 years would be taxed at no higher than 26 percent. And so on, down to a rate of 14 percent. Assets held for more than 8 years would be taxed at a maximum rate of 14 percent.

I am introducing the legislation with three objectives in mind. First, I believe our efforts should be directed toward helping family farms and small family businesses. We do not need additional proposals to assist real estate speculators or those who specialize in putting Wall Street deals together. Most capital gains proposals we have considered in recent years provide a disproportionate benefit to those making six-figure salaries and above. It should be clear by now that we cannot pass a capital gains proposal that primarily benefits the wealthy. In my experience, those middle-class families that should be the focus of the debate get lost in the shuffle.

Second, using this proposal, I intend to work with others interested in the issue to attempt to develop a bipartisan coalition with middle class families in mind. There are few lasting legislative changes that have not been developed in a bipartisan way. This is particularly true in the area of tax policy. Capital gains reform has been a hot button campaign issue for several years, often being used in an attempt to secure partisan advantage. I think it is time to move beyond this stage. There are plenty of Members on both sides of the aisle interested in providing capital gains relief. I think we should attempt to find middle ground that takes into account the views of both Democrats and Republicans interested in this issue.

Third, we must face budget realities. It appears likely that any capital gains proposal which can pass this Congress must be included in an overall balanced budget package as part of a reasonable level of tax relief. Some of the capital gains proposals considered during the last Congress were estimated by the Congressional Budget Office to result in more than $40 billion being added to the Federal deficit over 7 years, requiring enormous offsets. Even the modified proposal included in the reconciliation package vetoed by the President was scored by CBO at more than $35 billion. I believe this is more than we can afford in the context of balancing the budget. It also seems to be far more than what is needed to target relief to middle-class families, and especially farmers and small businesses.

I am also aware of the criticism by some on the other side of the aisle that certain Democratic capital gains proposals are picking and choosing among certain types of assets, and therefore picking and choosing winners and losers. My proposal avoids that criticism. It would apply to all types of assets that are covered under current law. It is nondiscriminatory. However, because of the sliding-scale benefit based on the holding period, I believe the impact will be to provide the greatest benefit to middle-class families like those farm families and small businesses I have in mind.

So, Mr. President, it is my hope that this concept will be taken seriously in the spirit of reaching a bipartisan compromise on this issue. Mr. President, I ask unanimous consent to have printed in the RECORD a chart which demonstrates the operation of this capital gains proposal.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 306

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

SECTION 1. DECREASE IN MAXIMUM CAPITAL GAINS RATE BASED ON TAXPAYER'S HOLDING PERIOD.

(a) IN GENERAL.—Section 1(h) of the Internal Revenue Code of 1986 (relating to maximum capital gains rate) is amended to read as follows:

''(h) MAXIMUM CAPITAL GAINS RATE.—

''(1) IN GENERAL.—If a taxpayer has a net capital gain for any taxable year, then the tax imposed by this section shall not exceed the sum of—

''(A) a tax computed at the rates and in the same manner as if this subsection had not been enacted on the greater of—

''(i) taxable income reduced by the amount of the net capital gain, or

''(ii) the 15-percent bracket amount, plus

''(B) a tax equal to the sum of the amounts determined by applying the applicable percentage to long-term capital gain taken into account in computing net capital gain.

''(2) 15-PERCENT BRACKET AMOUNT.—For purposes of this subsection—

''(A) IN GENERAL.—The term '15-percent bracket amount' means the amount of taxable income taxed at a rate below 28 percent, determined without taking into account long-term capital gain attributable to a capital asset for which the taxpayers' holding period exceeds 8 years.

''(B) LIFO ORDERING RULE.—For purposes of applying paragraph (1)(B), the determination as to which long-term capital gain (if any) was taken into account in determining the 15-percent bracket amount shall be made on the basis of the holding period of the capital assets to which such gain is attributable, beginning with assets with the shortest holding period.

''(3) APPLICABLE PERCENTAGE.—For purposes of paragraph (1)—

''(A) IN GENERAL.—The term 'applicable percentage' means, with respect to any long-term capital gain, 28 percent reduced (but not below 14 percent) by 2 percentage points for each year (or fraction thereof) by which the taxpayer's holding period for the capital asset to which the gain is attributable exceeds 2 years.

''(B) LIMITATION ON GAIN TO WHICH PERCENTAGE APPLIES.—Subparagraph (A) shall not apply to long-term capital gain on any sale or exchange to the extent the gain exceeds the excess (if any) of—

''(i) net capital gain for the taxable year, over

''(ii) the sum of—

''(I) that portion of the 15-percent bracket amount which is attributable to net capital gain, plus

''(II) other long-term capital gain to which paragraph (1)(B) applies and which is attributable to capital assets for which the taxpayer's holding period is longer.

''(C) APPLICATION TO CLASSES OF GAIN.—Subject to such rules as the Secretary may prescribe, all long-term capital gain from the sale or exchange of capital assets with the same holding period (determined on the basis of the number of years or fractions thereof) shall be treated as gain from the sale or exchange of a single capital asset.

''(4) INVESTMENT INCOME.—For purposes of this subsection, the net capital gain for any taxable year shall be reduced (but not below zero) by the amount which the taxpayer elects to take into account as investment income for the taxable year under section 163(d)(4)(B)(iii).''

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1996.

FORD SLIDING SCALE CAPITAL GAINS PROPOSAL

Assets held for the following period	Would be subject to the lower of the current law capital gains rate or the rate listed below (in percent)
More than:	
1 year	28
2 years	26
3 years	24
4 years	22
5 years	20
6 years	18
7 years	16
8 years	14

By Mr. LUGAR (for himself, Mr. HARKIN, Mr. MCCONNELL, and Mr. LEAHY):

S. 307. A bill to amend the Federal Property and Administrative Services Act of 1949 to authorize the transfer to States of surplus personal property for donation to nonprofit providers of assistance to impoverished families and individuals, and for other purposes; to the Committee on Governmental Affairs.

THE FEDERAL SURPLUS PROPERTY DONATION ACT

• Mr. LUGAR. Mr. President, I use today to introduce the Federal Surplus Property Donations Act. This bill corrects an oversight by allowing nonprofit charitable organizations that primarily serve low-income people, to be eligible to receive Federal surplus personal property.

Under current law, Federal surplus property can be donated to State and local governments, schools, hospitals, and nonprofit organizations that serve the homeless. My bill would expand the eligibility to food banks, construction oriented charities, building material recycling warehouses, and similar nonprofit tax-exempt organizations that serve the poor. The bill does not give preference to these organizations, but simply adds them to the list of eligible recipients.

Charities that provide food and shelter assistance are major contributors to the safety net for the poor. As we look to charities to provide these important services to our Nation's low-income population, it is reasonable that we include them as eligible to receive surplus property. Excess property can be used creatively by these groups to lower expenses, thereby allowing charities to become more efficient. These nonprofit charitable organizations serving the poor are in great need of materials and equipment to build and repair homes, store food items, and deliver goods and services to those in need. We have already acknowledged that nonprofit charities serving the homeless should be eligible to receive these goods. This bill would recognize those charitable institutions which are providing shelter, food, and services to low-income Americans who may not be homeless.

Mr. President, this legislation would provide donated equipment and goods at lower costs than alternative approaches such as grants to charities. Furthermore, it is a wise use of moneys either paid in taxes or donated by generous citizens. Domestic charities will make good use of Federal surplus and invest moneys saved in expanded efforts to further help those in need.

The bill has bipartisan support. Cosponsoring the bill with me today are the ranking member of the Senate Agriculture, Nutrition and Forestry Committee, Senator TOM HARKIN, as well as the chairman and ranking member of the Nutrition Subcommittee, Senator MCCONNELL and Senator LEAHY. In addition, I am pleased to say that my Indiana colleague in the House, Congressman LEE HAMILTON, is introducing the same bill today.

Mr. President, I have personally supported various food banks in Indiana over the years. I am now proud to introduce a bill that will assist them in their continued efforts of serving the poor.

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. 307

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

SECTION 1. TRANSFER OF SURPLUS PERSONAL PROPERTY FOR DONATION TO PROVIDERS OF ASSISTANCE TO IMPOVERISHED FAMILIES AND INDIVIDUALS.

Section 203(j)(3)(B) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 484(j)(3)(B)) is amended by inserting after ''homeless individuals'' the following: '', providers of assistance to families or individuals with annual income below the poverty line (as defined in section 673 of the Community Services Block Grant Act (42 U.S.C. 9902)),''.•

By Mr. THOMAS (for himself and Mr. ENZI):

S. 308. A bill to require the Secretary of the Interior to conduct a study concerning grazing use of certain land within and adjacent to Grand Teton National Park, WY, and to extend temporarily certain grazing privileges; to the Committee on Energy and Natural Resources.

THE GRAND TETON NATIONAL PARK ACT OF 1997

• Mr. THOMAS. Mr. President, today I introduce legislation designed to protect open space near and around Grand Teton National Park. Currently, open space near the park, with its majestic, signature vistas and abundant wildlife, continues to decline. As the population grows in Teton County, WY, undeveloped land near the park becomes more scarce. This loss of open space negatively impacts wildlife migration routes in the area and diminishes the experience of visitors to the region. The repercussions due to the loss of open space can be felt throughout the entire area. As stewards, we must act now to preserve the view and make such a value a component of our environmental agenda.

A few working ranches make up Teton Valley's remaining open space. These ranches depend on grazing in Grand Teton National Park for summer range to maintain their operations. The original act creating the park allowed several permittees to continue grazing in the area for the life of a designated heir in the family. Unfortunately, the last remaining heirs have died and their family's grazing privileges are going to be terminated. As a result, the open space around the park, which remains available due to the viability of these ranch operations, will most likely be subdivided and developed.

The legislation I am introducing today is designed to help continue to protect open space in Teton Valley. In order to develop the best solution to protect open space near Teton Park, my legislation directs the National Park Service to conduct a 3-year study of grazing in the area and its impact on open space in the region. This report should develop workable solutions that are fiscally responsible and conscious of the preservation of open space. The study will be conducted by the National Park Service with input from citizens, local government officials, and the landowners in the area.

With the approach of the spring and summer grazing season, it is vital for the Congress to act on this legislation as quickly as possible. I look forward to working with the National Park Service on this important matter to preserve and protect open space in Teton Valley. Grand Teton National Park is truly one of the treasures of our Nation and this legislation will help preserve this wonderful area for many years to come.•

By Mr. AKAKA:

S. 309. A bill to amend title 38, United States Code, to prohibit the establishment or collection of parking fees by the Secretary of Veterans Affairs at any parking facility connected with a Department of Veterans Affairs medical facility operated under a health-

care resources sharing agreement with the Department of Defense; to the Committee on Veterans' Affairs.

DEPARTMENT OF VETERANS AFFAIRS LEGISLATION

• Mr. AKAKA. Mr. President, I offer a bill to allow the Department of Veterans Affairs [VA] to waive fees at joint parking facilities with the Department of Defense [DOD].

Currently, the VA is required to charge its users and employees to park at facilities built with special revolving funds. There is no exemption to this fee requirement for joint VA/DOD facilities, which results in an administrative nightmare for a parking facility in Hawaii.

The VA parking structure at Tripler Army Medical Hospital will be shared by VA and DOD. While the law currently requires VA visitors and medical staff to pay for parking, DOD visitors and personnel are exempt from such a charge.

Determining who is a VA or DOD visitor to the facility will be difficult to administer without creating a bureaucratic ordeal. Under the current situation, only VA medical employees at Tripler will be required to pay for parking. Visitors, DOD personnel, and VA regional employees would not be charged for parking.

In addition, any VA medical employee who is also a DOD retiree would be exempt from the parking charge, because DOD retirees receive free parking at DOD facilities.

Thus, only VA medical personnel who are not DOD retirees will be required to pay for parking. The cost to administer this parking fee will far outweigh the revenues received. Since parking fees are determined by surrounding area facilities and since Tripler is located in a residential area, parking fees for the Tripler facility would be nominal. Therefore, I am submitting legislation which will allow joint VA/DOD parking facilities to be exempt from the current statute.•

By Mr. FORD:

S. 312. A bill to revise the boundary of the Abraham Lincoln Birthplace National Historic Site in Larue County, KY, and for other purposes; to the Committee on Energy and Natural Resources.

KNOB CREEK FARM LEGISLATION

Mr. FORD. Mr. President, on this the 188th anniversary of the birth of Abraham Lincoln, 16th President of the United States of America and one of Kentucky's greatest native sons, I am introducing legislation to expand the boundaries of the Abraham Lincoln Birthplace National Historic Site to include Knob Creek Farm, Lincoln's boyhood home from the ages of 2 to nearly 8. Located in Larue County near Hodgenville, KY, Knob Creek Farm is where President Lincoln learned some of his earliest lessons of life; lessons which helped mold the man who would go on to lead our Nation through one of the most important and trying periods in American history. I feel it is appropriate to honor the legacy of this great leader by including Knob Creek Farm in the National Historic Site.

Under this legislation, the cost of acquiring Knob Creek Farm would not fall to the American taxpayer, but would instead be borne by the private sector. The National Park Trust, a private land conservancy dedicated to protecting America's natural and historical treasures, has been raising private funds and is currently negotiating to purchase the 228-acre family-owned farm, located approximately 10 miles from the existing Historic Site. After acquiring the farm, which is listed on the National Register of Historic Places, the trust would donate the land to the Park Service.

Thomas Jefferson once wrote, ''A morsel of genuine history is a thing so rare as to be always valuable.'' Well, Mr. President, I think Knob Creek Farm represents just such a morsel, and including it in the Abraham Lincoln Birthplace National Historic Site will allow current and future generations of Americans to share in the rare educational value of this historical property.

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. 312

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

SECTION 1. REVISION OF BOUNDARY OF ABRAHAM LINCOLN BIRTHPLACE NATIONAL HISTORIC SITE.

(a) IN GENERAL.—On acquisition of the land known as Knob Creek Farm pursuant to subsection (b), the boundary of the Abraham Lincoln Birthplace National Historic Site, established by the Act of July 17, 1916 (39 Stat. 385, chapter 247; 16 U.S.C. 211 et seq.), is revised to include the land.

(b) ACQUISITION OF KNOB CREEK FARM.—The Secretary of the Interior may acquire, by donation only, the approximately 228 acres of land known as Knob Creek Farm in Larue County, Kentucky.

SEC. 2. STUDY OF SURROUNDING RESOURCES.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall study the area between and surrounding the Abraham Lincoln Birthplace National Historic Site and the Knob Creek Farm in Larue County, Kentucky.

(b) PURPOSE.—The purpose of the study shall be to—

(1) protect the resources of the Knob Creek Farm from incompatible adjacent land uses; and

(2) identify significant resources associated with the early boyhood of Abraham Lincoln.

(c) CONSIDERATIONS OF AREA STUDIED.—In examining the area under study, the Secretary shall consider—

(1) whether the area—

(A) possesses nationally significant natural, cultural, or recreational resources;

(B) represents an important example of a particular resource type in the country;

(C) is a suitable and feasible addition to the National Park System; and

(D) is appropriate to ensure long-term resource protection and visitor use;

(2) the public use potential of the area;

(3) the potential outdoor recreational opportunity provided by the area;

(4) the interpretive and educational potential of the area;

(5) costs associated with the acquisition, development, and operation of the area;

(6) the socioeconomic impacts of a designation of the area as part of the Abraham Lincoln Birthplace National Historic Site; and

(7) the level of local and general public support for designating the area as part of the Abraham Lincoln Birthplace National Historic Site.

(d) RESOURCES OF AREA STUDIED.—In examining a resource of the area under study, the Secretary shall consider—

(1) the rarity and integrity of the resource;

(2) the threats to the resource, and

(3) whether similar resources are already protected in the National Park System or in other Federal, State, or private ownership.

(e) MANAGEMENT.—

(1) IN GENERAL.—The study shall consider whether direct National Park Service management or alternative protection by other agencies or the private sector is appropriate for the area under study.

(2) IDENTIFICATION OF ALTERNATIVES.—The study shall identify which alternative or combination of alternatives would be most effective and efficient in protecting significant resources and providing for public enjoyment.

(f) SUBMISSION.—The Secretary shall submit the study to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the State.

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

By Mr. BROWNBACK (for himself and Mr. ROBERTS):

S. 313. A bill to repeal a provision of the International Air Transportation Competition Act of 1979 relating to air transportation from Love Field, TX; to the Committee on Commerce, Science, and Transportation.

THE WRIGHT AMENDMENT REPEAL ACT OF 1997

Mr. BROWNBACK. Mr. President, the distinguished Senator from Kansas [Mr. ROBERTS] joins with me today in offering this bill to address an injustice that has developed out of current law.

Under current law, commercial air carriers are prohibited from providing service between Dallas' Love Field and points located outside of Texas or its four surrounding States. This effectively limits travel into and out of this airport to destinations only in Texas, Louisiana, Oklahoma, Arkansas, and New Mexico. Flights originating from any other State must fly into the Dallas-Fort Worth Airport in order to have access to the highly traveled Dallas area.

The original intent of the Wright amendment was to protect the then relatively new Dallas-Fort Worth Airport. It is now the third busiest airport in the country and no longer needs to be protected from competition. The amendment distorts the free market and condones anticompetitive law; it also limits travel and forces passengers to pay artificially and unreasonably high airfare. Furthermore, it causes unnecessary delay and inconvenience

for passengers, especially the disabled, elderly, and those traveling with small children. Finally, Dallas is the top destination for passengers flying from Wichita and this restriction denies Kansas lower fares.

This restriction not based on any standards appropriate for the airline industry. It is not based on mileage flown, size of the city serviced, or noise generated by the aircraft. Instead, it is an outdated restriction based on political boundaries which were in place before the advent of airplanes.

As a law that is based on political concerns rather than practical realities, this is a prime example of unwarranted and unnecessary government regulation. It is a prime example of a lack of common sense and it is a prime example of why so many Americans have lost confidence in their Government.

The Wright amendment is wrong for America, and I urge my colleagues to join me in correcting this biased situation.

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. 313

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

SECTION 1. REPEAL OF PROVISION RELATING TO LOVE FIELD, TEXAS.

Section 29 of the International Air Transportation Competition Act of 1979 (94 Stat. 48) is repealed.

By Mr. THOMAS (for himself, Mr. HAGEL, Mr. KYL, Mr. ENZI, Mr. BROWNBACK, and Mr. CRAIG):

S. 314. A bill to require that the Federal Government procure from the private sector the goods and services necessary for the operations and management of certain Government agencies, and for other purposes; to the Committee on Governmental Affairs.

THE FREEDOM FROM GOVERNMENT COMPETITION ACT OF 1997

Mr. THOMAS. Mr. President, I rise to introduce a bill that is one of my top priorities for this Congress. It is called the Freedom from Government Competition Act. It is I think a common sense, good Government reform bill. I am joined in the effort by Senators HAGEL, KYL, ENZI, BROWNBACK, and CRAIG.

This legislation has the potential to open up a $30 billion market for the Nation's small and large businesses. It is designed to level the playing field for thousands of businesses that span the economic spectrum of this country from the mundane to the high tech. It will also provide a more efficient Government, one that works better and costs less.

Government competition with the private sector is a growing problem. Over the last 40 years, it has been the Federal policy of saying let us do those things that are commercial in the private sector, but it has not worked. We have not moved toward that goal. The bureaucracy has not found ways and means to procure goods and services from the private sector. For example, CBO has estimated that 1.4 million employees work in areas that are commercial in nature. We need a statutory provision to correct this problem.

In order to reach the goal of a balanced budget, we need to rely, I believe, on the private sector for many of the Federal Government's needs. Various studies indicate that we can save up to $30 billion annually doing this. This competition, of course, not only wastes taxpayers' money but it stunts job growth in the private sector, stifles economic growth, erodes the tax base and hurts small businesses. And it has been one of the top priorities in the three meetings of the White House Conference on Small Business.

The bill basically codifies the 40-year-old Federal policy and that is to use the private sector. There are exceptions to this policy laid out in the bill: those functions that are inherently governmental, those goods and services that are in the interest of national security, goods or services that the Federal Government can provide better at a better value than the private sector, and goods and services, of course, that the private sector cannot provide.

This bill establishes a system where OMB can identify those functions to properly stay within the Federal establishment and those that can better be done by the private sector. This legislation establishes an office of commercial activities within OMB to do that. No longer is the agency that is charged with doing the contracting the one that makes decisions of whether it will be contracted or not.

Certainly we are all sensitive to Federal employees' concerns should they be impacted. For those who are displaced, we have included provisions that facilitate transition to the private sector if they choose to follow that path.

The intention of the legislation is to get agencies to focus on their core missions. This focus will ensure a better value to American taxpayers. I do not wish to abolish all Government functions. But I am saying that there is private sector expertise waiting to be utilized.

Congressman DUNCAN in the House has introduced a companion bill. It also was introduced today.

The U.S. Senate is already on record as supporting this concept. Last year you may recall the Senate voted 59 to 39 in favor of an amendment I offered on the Treasury-Postal appropriations bill that would have prevented unfair Government competition with the private sector. However, it was dropped from the omnibus spending package. This comprehensive legislation builds on that success.

Also, last year the Senate Governmental Affairs Committee held a hearing on this bill. We received some good input and have made some changes in the bill based on it. I look forward to working with my colleagues on both sides of the aisle on this legislation. I think the political climate is right for enacting this concept.

Finally, it is a fairly simple bill. It says that we still believe in the philosophy of having the private sector do those things that are commercial in nature. This legislation lays out a system for doing that, identifying those things that are inherently governmental and those goods and services that can be done in the private sector. It's an idea this Congress really ought to consider. It would be a money saver. It is philosophically right, it will help the private sector a great deal and give taxpayers a bigger bang for their buck.

I ask unanimous consent that the following materials be printed in the RECORD: A copy of the bill, a section-by-section analysis, a list of groups endorsing the bill, a letter of endorsement from the U.S. Chamber of Commerce, and a letter of endorsement from the Business Coalition for Fair Competition.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 314

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 ''Freedom From Government Competition Act of 1997''.

SEC. 2. FINDINGS.

Congress finds and declares that—

(1) private sector business concerns, which are free to respond to the private or public demands of the marketplace, constitute the strength of the American economic system;

(2) competitive private sector enterprises are the most productive, efficient, and effective sources of goods and services;

(3) government competition with the private sector of the economy is detrimental to all businesses and the American economic system;

(4) government competition with the private sector of the economy is at an unacceptably high level, both in scope and in dollar volume;

(5) when a government engages in entrepreneurial activities that are beyond its core mission and compete with the private sector—

(A) the focus and attention of the government are diverted from executing the basic mission and work of that government; and

(B) those activities constitute unfair government competition with the private sector;

(6) current laws and policies have failed to address adequately the problem of government competition with the private sector of the economy;

(7) the level of government competition with the private sector, especially with small businesses, has been a priority issue of each White House Conference on Small Business;

(8) reliance on the private sector is consistent with the goals of the Government Performance and Results Act of 1993 (Public Law 103–62);

(9) reliance on the private sector is necessary and desirable for proper implementation of the Federal Workforce Restructuring Act of 1994 (Public Law 103–226);

(10) it is in the public interest that the Federal Government establish a consistent policy to rely on the private sector of the economy to provide goods and services that are necessary for or beneficial to the operation and management of Federal Government agencies and to avoid Federal Government competition with the private sector of the economy; and

(11) it is in the public interest for the private sector to utilize employees who are adversely affected by conversions to use of private sector entities for providing goods and services on behalf of the Federal Government.

SEC. 3. RELIANCE ON THE PRIVATE SECTOR.

(a) GENERAL POLICY.—Notwithstanding any other provision of law, except as provided in subsection (c), each agency shall procure from sources in the private sector all goods and services that are necessary for or beneficial to the accomplishment of authorized functions of the agency.

(b) PROHIBITIONS REGARDING TRANSACTIONS IN GOODS AND SERVICES.—

(1) PROVISION BY GOVERNMENT GENERALLY.—No agency may begin or carry out any activity to provide any products or services that can be provided by the private sector.

(2) TRANSACTIONS BETWEEN GOVERNMENTAL ENTITIES.—No agency may obtain any goods or services from or provide any goods or services to any other governmental entity.

(c) EXCEPTIONS.—Subsections (a) and (b) do not apply to goods or services necessary for or beneficial to the accomplishment of authorized functions of an agency under the following conditions:

(1) Either—

(A) the goods or services are inherently governmental in nature within the meaning of section 6(b); or

(B) the Director of the Office of Management and Budget determines that the provision of the goods or services is otherwise an inherently governmental function.

(2) The head of the agency determines that the goods or services should be produced, provided, or manufactured by the Federal Government for reasons of national security.

(3) The Federal Government is determined to be the best value source of the goods or services in accordance with regulations prescribed pursuant to section 4(a)(2)(C).

(4) The private sector sources of the goods or services, or the practices of such sources, are not adequate to satisfy the agency's requirements.

SEC. 4. ADMINISTRATIVE PROVISIONS.

(a) REGULATIONS.—

(1) OMB RESPONSIBILITY.—The Director of the Office of Management and Budget shall prescribe regulations to carry out this Act.

(2) CONTENT.—

(A) PRIVATE SECTOR PREFERENCE.—Consistent with the policy and prohibitions set forth in section 3, the regulations shall emphasize a preference for the provision of goods and services by private sector sources.

(B) FAIRNESS FOR FEDERAL EMPLOYEES..—In order to ensure the fair treatment of Federal Government employees, the regulations—

(i) shall not contravene any law or regulation regarding Federal Government employees; and

(ii) shall provide for the Director of the Office of Management and Budget, in consultation with the Director of the Office of Personnel Management, to furnish information on relevant available benefits and assistance to Federal Government employees adversely affected by conversions to use of private sector entities for providing goods and services.

(C) BEST VALUE SOURCES.—

(i) STANDARDS AND PROCEDURES.—The regulations shall include standards and procedures for determining whether it is a private sector source or an agency that provides certain goods or services for the best value.

(ii) FACTORS CONSIDERED.—The standards and procedures shall include requirements for consideration of analyses of all direct and indirect costs (performed in a manner consistent with generally accepted cost-accounting principles), the qualifications of sources, the past performance of sources, and any other technical and noncost factors that are relevant.

(iii) CONSULTATION REQUIREMENT.—The Director shall consult with persons from the private sector and persons from the public sector in developing the standards and procedures.

(D) APPROPRIATE GOVERNMENTAL ACTIVITIES.—The regulations shall include a methodology for determining what types of activities performed by an agency should continue to be performed by the agency or any other agency.

(b) COMPLIANCE AND IMPLEMENTATION ASSISTANCE.—

(1) OMB CENTER FOR COMMERCIAL ACTIVITIES.—The Director of the Office of Management and Budget shall establish a Center for Commercial Activities within the Office of Management and Budget.

(2) RESPONSIBILITIES.—The Center—

(A) shall be responsible for the implementation of and compliance with the policies, standards, and procedures that are set forth in this Act or are prescribed to carry out this Act; and

(B) shall provide agencies and private sector entities with guidance, information, and other assistance appropriate for facilitating conversions to use of private sector entities for providing goods and services on behalf of the Federal Government.

SEC. 5. STUDY AND REPORT ON COMMERCIAL ACTIVITIES OF THE GOVERNMENT.

(a) ANNUAL PERFORMANCE PLAN.—Section 1115(a) of title 31, United States Code, is amended—

(1) by striking ''and'' at the end of paragraph (5);

(2) by striking the period at the end of paragraph (6) and inserting ''; and''; and

(3) by adding at the end the following:

''(7) include—

''(A) the identity of each program activity that is performed for the agency by a private sector entity in accordance with the Freedom From Government Competition Act of 1997; and

''(B) the identity of each program activity that is not subject to the Freedom From Government Competition Act of 1997 by reason of an exception set forth in that Act, together with a discussion specifying why the activity is determined to be covered by the exception.''.

(b) ANNUAL PERFORMANCE REPORT.—Section 1116(d)(3) of title 31, United States Code, is amended—

(1) by striking ''explain and describe,'' in the matter preceding subparagraph (A);

(2) in subparagraph (A), by inserting ''explain and describe'' after ''(A)'';

(3) in subparagraph (B)—

(A) by inserting ''explain and describe'' after ''(B)''; and

(B) by striking ''and'' at the end;

(4) in subparagraph (C)—

(A) by inserting ''explain and describe'' after ''infeasible,''; and

(B) by inserting ''and'' at the end; and

(5) by adding at the end the following:

''(D) in the case of an activity not performed by a private sector entity—

''(i) explain and describe whether the activity could be performed for the Federal Government by a private sector entity in accordance with the Freedom From Government Competition Act of 1997; and

''(ii) if the activity could be performed by a private sector entity, set forth a schedule for converting to performance of the activity by a private sector entity;''.

SEC. 6. DEFINITIONS.

(a) AGENCY.—As used in this Act, the term ''agency'' means the following:

(1) EXECUTIVE DEPARTMENT.—An executive department as defined by section 101 of title 5, United States Code.

(2) MILITARY DEPARTMENT.—A military department as defined by section 102 of such title.

(3) INDEPENDENT ESTABLISHMENT.—An independent establishment as defined by section 104(1) of such title.

(b) INHERENTLY GOVERNMENTAL GOODS AND SERVICES.—

(1) PERFORMANCE OF INHERENTLY GOVERNMENTAL FUNCTIONS.—For the purposes of section 3(c)(1)(A), goods or services are inherently governmental in nature if the providing of such goods or services is an inherently governmental function.

(2) INHERENTLY GOVERNMENTAL FUNCTIONS DESCRIBED.—

(A) FUNCTIONS INCLUDED.—For the purposes of paragraph (1), a function shall be considered an inherently governmental function if the function is so intimately related to the public interest as to mandate performance by Federal Government employees. Such functions include activities that require either the exercise of discretion in applying Federal Government authority or the making of value judgments in making decisions for the Federal Government, including judgments relating to monetary transactions and entitlements. An inherently governmental function involves, among other things, the interpretation and execution of the laws of the United States so as to—

(i) bind the United States to take or not to take some action by contract, policy, regulation, authorization, order, or otherwise;

(ii) determine, protect, and advance its economic, political, territorial, property, or other interests by military or diplomatic action, civil or criminal judicial proceedings, contract management, or otherwise;

(iii) significantly affect the life, liberty, or property of private persons;

(iv) commission, appoint, direct, or control officers or employees of the United States; or

(v) exert ultimate control over the acquisition, use, or disposition of the property, real or personal, tangible or intangible, of the United States, including the control or disbursement of appropriated and other Federal funds.

(B) FUNCTIONS EXCLUDED.—For the purposes of paragraph (1), inherently governmental functions do not normally include—

(i) gathering information for or providing advice, opinions, recommendations, or ideas to Federal Government officials;

(ii) any function that is primarily ministerial or internal in nature (such as building security, mail operations, operation of cafeterias, laundry and housekeeping, facilities operations and maintenance, warehouse operations, motor vehicle fleet management and operations, or other routine electrical or mechanical services); or

(iii) any good or service which is currently or could reasonably be produced or performed, respectively, by an entity in the private sector.

FREEDOM FROM GOVERNMENT COMPETITION ACT—SECTION-BY-SECTION ANALYSIS

Sec. 1. Bill entitled ''Freedom from Government Competition Act.''

Sec. 2. Establishes findings and declarations, including—The private sector constitutes the strength of the American economy; Private sector is the most efficient provider of goods and services; Government

competition is harmful to the private sector, including small business and has been identified as such by the three sessions of the White House Conference on Small Business (1980, 1986, 1994); Entrepreneurial government diverts agencies from their core missions and results in unfair government competition with the private sector; Current laws and policies have failed to address the problem; Reliance on the private sector is consistent with recently enacted government reform legislation, including the Government Performance and Results Act and Federal Workforce Restructuring Act; and It is in the public interest to rely on the private sector for commercially available goods and services and to assist those government employees adversely affected by conversions of government activities to the private sector.

Sec. 3. Establishes a general policy of reliance on the private sector.

Provides that the government should rely on the private sector for goods and services except under certain conditions (listed below). The government may not obtain goods and services from or provide goods and services to any other governmental entity.

Provide exceptions to this general policy for—Goods or services that are ''inherently governmental'' in nature as defined in the bill or as determined by OMB; Goods or services that must be provided by the government for reasons of national security; Goods or services for which the Federal government is the ''best value'' source; and Goods or services for which private sector capabilities or practices are not adequate to satisfy the government's requirements.

Sec. 4. Provides administrative provisions to implement the Act.—Authorizes OMB to prescribe regulations to implement the Act; Requires regulations to be consistent with the policy of preference for the private sector as established in section 3; Establishes regulations to preserve existing Federal employee benefits and requires OMB consultation with OPM on providing information to Federal employees on relevant benefits and assistance for those affected by a conversion of an activity from government to private sector performance; Requires OMB regulations to create level playing field for determination of the ''best value'' (see Sec. 3 above), including all direct and indirect costs (in accordance with accepted cost-accounting principles), qualifications, past performance and other technical and non-cost factors, developed in consultation with the public and private sector; Requires OMB to establish a process for determining activities that should continue to be performed by the government; and Establishes a ''Center for Commercial Activities'' in OMB to implement the Act, assure proper compliance, and provide guidance, information and assistance to agencies and the private sector on converting activities from the government to the private sector.

Sec. 5. Requires studies and reports on implementation of the Act.—Rather than creating new reporting requirements, the bill amends the Government Performance and Results Act to include annual reports on agency activities converted to contract and those maintained in-house by the agency. Also requires establishment of a schedule for converting to the private sector those activities that can be performed by the private sector.

Sec. 6. Provides definitions of terms used in the Act.—Defines ''agency'' consistent with existing law; and Defines ''inherently governmental'' consistent with the existing Office of Federal Procurement Policy definition. (OFPP Letter 92–1).

GROUPS SUPPORTING THE ''FREEDOM FROM GOVERNMENT COMPETITION ACT''

National Federation of Independent Businesses (NFIB), U.S. Chamber of Commerce, American Consulting Engineers Council (ACEC), ACIL (Formerly the American Council of Independent Laboratories), Business Coalition for Fair Competition (BCFC), Business Executives for National Security (BENS), Contract Services Association, Design Professionals Coalition, Management Association for Private Photogrammetric Surveyors (MAPPS), Procurement Roundtable, Professional Services Council (PSC), and Small Business Legislative Council.

CHAMBER OF COMMERCE OF THE
UNITED STATES OF AMERICA,
Washington, DC, February 5, 1997.

Members of the United States Senate:

The ''Freedom from Government Competition Act of 1997'' (FFGCA), to be introduced by Senator Thomas, is a common sense bill that requires federal agencies and departments to procure goods and services from the private sector whenever possible. The bill precludes federal offices from starting or carrying on any activity if that product or service can be provided by a commercial source. The U.S. Chamber of Commerce strongly urges you to co-sponsor this legislation.

A balanced federal budget is a bipartisan goal that is the Chamber's top priority. Reducing government infrastructure and overhead is a necessary step in reaching a balanced budget, yet federal agencies and departments continue to perform countless services and functions that could be performed more efficiently and cost effectively by competitive private sector enterprises, saving billions of dollars annually. Additionally, government competition with the private sector is at an unacceptably high level, both in scope and in dollar volume.

The Freedom from Government Competition Act establishes a consistent government policy that relies upon the private sector to provide goods and services necessary for the operation and management of federal agencies and departments. This policy will serve as an important tool to ensure the reduction of unnecessary infrastructure and overhead that is critical to balanced budget initiatives.

The FFGCA provides exceptions to the bill, however, for goods or services that are inherently governmental, necessary for national security, or are so unique or of such a nature that they must be performed by the government. The bill requires equal cost comparison of public and private functions and exempts goods and services performed by the government if the production or manufacture by a government source represents the best overall value.

The U.S. Chamber believes broad Congressional support for legislation such as the Freedom from Government Competition Act is vital to achieving a balanced budget and urges your co-sponsorship of this bill as an important indication of your support of small business. For further information please contact Chris Jahn of Senator Thomas' staff at 224–6441 or Jody Olmer of the U.S. Chamber at (202) 463–5522.

Sincerely,

R. BRUCE JOSTEN.

BUSINESS COALITION FOR
FAIR COMPETITION,
Annandale, VA, February 12, 1997.

Hon. CRAIG THOMAS,
Washington, DC.

SENATOR THOMAS: We write to support the Freedom From Government Competition Act of 1997.

When the delegates to the White House Conference on Small Business (June 1995) made unfair competition by governments and nonprofits one of their top issues they had in mind the dramatic way in which the U.S. government competes unfairly with small businesses.

Of 434 issues, the following recommendation by 1,800 elected and appointed delegates was one of their top fifteen:

Government and Nonprofit Competition.—Support fair competition: Congress should enact legislation that would prohibit agencies, tax-exempt and antitrust-exempt organizations from engaging in commercial activities in direct competition with small businesses. (Foundation for a New Century: A Report to the President and Congress, by the White House Conference on Small Business, September 1995.)

This recommendation originated at the state level where delegates complained that a major competitor for many small businesses is the Federal government.

FREEDOM FROM GOVERNMENT COMPETITION ACT

Currently, hundreds of thousands of Federal employees are producing billions of dollars worth of products and services.

This bill establishes as new national policy full and uncompromised reliance on the private sector for goods and services.

This historic and precedent-setting legislation would for the first time eliminate government competition as a matter of national policy.

The Business Coalition for Fair Competition, a coalition of national associations, supports the Freedom From Government Competition Act which states that government may conduct only operations that are so ''inherently governmental'' that the public interest requires production or performance by a Government employee. For example, the definition of ''inherently'' would only apply to such narrowly defined areas as specific parts of law enforcement and armed forces missions. The bill allows the government to do the work if ''there is no private source capable of providing the good or service.'' In the case of commercial activities, private industry can do almost everything any government needs done.

EXECUTIVE BRANCH PROPOSALS

In 1993, Vice President Gore stated: ''Every federal agency needs support services—accounting, property management, payroll processing, legal advice, and so on. Currently, most managers have little choice about where to get them; they must use what's available in house. But no manager should be confined to an agency monopoly.''

The Administration then created new authorities and opportunities for the Executive Branch to do commercial work by issuing a ''Revised Supplemental Handbook on Performance of Commercial Activities, Circular No. A–76.'' We warned the Administration December 15, 1995 that their revisions would not meet with support from the delegates to the White House Conference on Small Business.

The OMB revisions do not provide any encouragement to small businesses. For example, the revisions:

1. Allow any work that can be done by ten or fewer Federal employees to be kept in-house.
2. Encourage agencies to keep ''core'' teams intact so the agency always has the capability of doing bigger things when more funding is available.
3. Discourage any small business from proposing to do a government job.
4. Discourage agencies from giving serious consideration to any proposal from a small business.
5. Allow government agencies to spend up to 10 percent more than the private sector for the same work.

6. Encourage government agencies to do more contracting with each other.

Many agencies complained to OMB in December 1995 that the A–76 system is awkward and cumbersome, inhibiting rather than empowering.

In fact, the whole A–76 system is built around ''cost comparisons'' which exceed the depth and length of a Ph.D dissertation. The system advocated by the Executive Branch is fatally flawed.

On the one hand the Supplemental Handbook attempts to make the cost comparison system more rigorous. But, on the other hand, the Supplemental Handbook implements a recommendation of the National Performance Review helping agencies market themselves to other agencies, thus bypassing the need to rely on the private sector.

Supporting an amendment you offered in the 104th Congress, the Senate voted 59–39 to request restrictions on the unchecked proliferation of ''Interservice Support Agreements.'' Despite the Senate vote, the Administration has done nothing to restrain the growth of such agreements.

Today some Federal agencies provide business services to state and local governments and to private entities. This activity has neither been authorized by Congress nor is it regulated by A–76.

PRIVATE SECTOR RELIANCE WORKS

Can Federal managers be more effective outsourcing contracts than supervising thousands of Federal employees doing commercial work? Outsourcing works for private industry where managers are doing more outsourcing than ever. DOD says it works for them. NASA outsources almost the entire space program using thousands of private sector contracts.

By getting the government out of business, as proposed by the Freedom From Government Competition Act, Congress can return agencies to their core functions such as establishing safety rules. To achieve this change, public administrators will need more training and supervision in the management of outsourcing. Passage of this bill will result in a dramatic and long-overdue change in the way the government operates.

FREEDOM FROM GOVERNMENT COMPETITION ACT: SAVES MONEY AND TIME

We need a fresh start on this problem. This bill is that fresh start. Whereas DOD did many cost comparisons in the 1980s, they do few today. If the A–76 system has failed at DOD, why does the Administration continue to impose the system on the whole government? The Freedom From Government Competition Act is a far better approach.

In comparison to the OMB's expensive 36-month cost-study approach, the bill's approach is far preferable; the costs and time wasted in thousands of studies need not occur. Under this legislation, the Federal policy would be to rely on the private sector. The government would get out of certain businesses. Federal employees would manage but not perform various contracts awarded to the private sector.

Agency employees would shift from being direct service providers to managers of service contracts. Federal personnel management training would shift from supervision of extensive commercial activities to management of contracts. These changes have already begun to work for the DOD and NASA. It can work for the whole Executive Branch.

DEPARTMENT OF DEFENSE

During the U.S. military operations in Bosnia, the Department used private firms to provide health care, payroll, accounting, data management, supply management, logistics, transportation, security, maintenance and modernization of weapons, and management of military bases.

The Washington Post reported ''The Defense Department has said it can save billions of dollars by contracting out, or 'outsourcing' a wide range of military functions. . . . That way, the Pentagon reasons, it will have more money for its combat and humanitarian duties.''

On the other hand the Army Corps of Engineers is extensively in the campground business. The Army plans a hotel on Ft. Myer to complete with the 9,110 hotel rooms already available from commercial companies in Arlington, Virginia. And the Air Force proposes to repair the jet engines of commercial airlines.

On the one hand, the Chairman of the Joint Chiefs of Staff, General John M. Shalikashivili told the Senate Armed Services Committee: ''We must continue to push with all energy acquisition reforms, commercial off-the-shelf opportunities, privatization, outsourcing of non-core activities, and further reductions of our infrastructure.''

On the other hand, a war could have come and gone by the time DOD does a cost comparison. In its recommendations to the Office of Management and Budget, the Department reported it needs not 36 months but 48 months to conduct cost studies before contracting out. Studies of this length are excessive and underscore the impracticability of the Administration's position.

THE U.S. FOREST SERVICE: HEAD-TO-HEAD COMPETITION

A small campground business was forced out of business by the Federal government in 1996. When the U.S. Forest Service began a new campground in Payson, Arizona, at the Tonto National Forest, they went into business right across the highway from a for-profit small campground business. Using $3 million of taxpayers money, they went directly ''in your face,'' despite admonishment from the Forest Service Policy Manual which discourages competition with the private sector. While the Business Coalition for Fair Competition and the National Association of RV Parks and Campgrounds (ARVC) have opposed this new campground. The Forest Service plunged ahead. The private campground was forced to close.

This is an example of why A–76 does not work: the Forest Service argues that they don't have to adhere to OMB Circular A–76 except in the selection of vendors. The build-or-not-build decision is unaffected by the Circular. Establishing a government-owned campground is a policy matter not a procurement or acquisition matter, in the eye of the Federal government. There is no Federal policy or regulation forcing the Forest Service to study the impact of their construction on small business. Nor is there any Federal rule that requires the Forest Service to listen to the appeal of any small businessperson who appeals or makes a counter proposal.

SURVEYING AND MAPPING: $1 BILLION FEDERAL BUSINESS

The Federal Government spends $1 billion annually on surveying and mapping in some 39 agencies, employing nearly 7,000 Federal workers. Less than 10% of the $1 billion of Federal expenditure is contracted to the private sector for these services. A private sector comprised of more than 6,000 surveying and 250 mapping firms have capabilities to meet and exceed those of the government agencies.

MILITARY EXCHANGES: TAKING OVER RETAIL MARKETS

Members of the North American Retail Dealers Association document direct competition from military exchanges in the sale of consumer electronics products and other items. Military exchanges are among top 10 retailers in the US measured by sales volume. They compete unfairly because they do not collect sales taxes, do not pay for land and are not subject to federal antitrust laws.

CONTRACT SERVICES: PRIVATE SECTOR OFFERS THE BEST VALUE

Members of the Contract Services Association of America who provide services of every conceivable type, from low to high technologies, point to studies and analyses which show that outsourcing of commercial activities will result in substantially reduced costs to the government with at least equal quality, but more often, improve quality of service. The outsourcing of commercial activities must be seen not only as a matter of logic and fairness to the private sector, but also as a guarantor of the American taxpayer obtaining the best value for his or her tax dollar.

LAUNDRY SERVICES: VA BIDS FOR PRIVATE SECTOR WORK

A laundry in Sioux Falls, South Dakota, found that the Department of Veteran Affairs bid against him on a contract to provide laundry services to a children's home. When he questioned the VA about competing directly with the private sector, he was told that VA needed to increase its revenues.

HEARING AIDS: GOVERNMENT COMPETITION

The International Hearing Society, whose members dispense the majority of hearing aids in the United States, report that government competition erodes the client base of taxpaying hearing aid specialists. Unfettered government competition with hearing aid specialists and other taxpaying small business men and women undermines the free market. IHS urges swift enactment of this legislation, which will help to level the competitive playing field and generate increased opportunity for private sector business concerns, including hearing aid specialists.

EXECUTIVE ORDER INSPIRING THE ENTREPRENEURIAL DRIVE

When we investigated why so many Federal agencies are increasing their competition with the private sector, it became clear that Executive Orders from the White House and directions from the National Performance Review are inspiring Federal workers toward being more entrepreneurial. Agencies are justifying their new commercial drive by referring to the new Administration policy.

In contrast to the work of the Congress in downsizing government, this new entrepreneurial spirit is a loophole giving Federal employees an alternative for saving their job: if their agency can win a contract for providing a service to another agency or with someone in the private sector, work will continue. In this way, the will of the Congress to reduce government will be thwarted.

In a meeting with the White House, we were told the Administration urges agencies such as all the Federal labs to (1) save themselves despite Congressional budget reductions (2) seek business from agencies and the private sector and (3) do as much work as possible in-house (vs. outsourcing).

The Administration's position drives us to conclude that only the Freedom From Government Competition Act will work.

DEFENSE RELIANCE ON THE PRIVATE SECTOR

Thanks to the 104th Congress and an initiative by Congressman John Duncan of Tennessee the Defense Authorization bill called on the Defense Department to promptly provide information on the government's commercial activities: a solid step in the right

direction. Section 357 of Public Law 104–106 stated: ''The Secretary shall identify activities of the Department . . . that are carried out by employees of the Department to provide commercial-type products or services for the Department. . . .''

The passage of this measure caused the Department of Defense to issue a report titled ''Improving the Combat Edge Through Outsourcing'' (March 1996) which shows that leaders in DOD want the extensive savings they can achieve through outsourcing.

PRIVATIZATION TASK FORCE

Narrowed from a list of a dozen recommendations submitted by President Clinton, the 104th Congress passed legislation to privatize the U.S. Enrichment Corporation, the Naval Petroleum Reserve, the Alaska Power Marketing Administration and the National Helium Reserve. The sale of these Federal assets will (1) generate to the US Treasury several billion dollars and (2) save annual costs of staffing, maintenance and operations.

Congress has also authorized the outsourcing of forecasting functions of the National Weather Service, commercial real estate brokerage at the General Services Administration, debt collection at the Internal Revenue Service, and experimental privatization of several airports.

DEFENSE SCIENCES BOARD AND THE HERITAGE FOUNDATION RECOMMEND CONTRACTING OUT AND PRIVATIZATION

At the beginning of the 104th Congress, the Heritage Foundation issued two reports: Showing that Congress could cut Federal spending by $9 billion per year by contracting out routine support services to the private sector. Showing that Congress could save $11 billion in a single year by privatizing nine Federal activities and by eliminating various barriers to privatization established by Congress.

In late 1996, the Defense Science Board Task Force released its report ''Outsourcing and Privatization'' to the Office of the Under Secretary of Defense for Acquisition and Technology.

The Task Force included military, private sector and academic participants and was chaired by Philip A. Odeen, President and CEO, BDM International, Inc.

The Task Force predicts that the Department of Defense can save 30–40% of costs ''by outsourcing services for their own use. Local commanders that achieve an aggressive DoD outsourcing initiative could generate annual savings of $7 to $12 billion by FY 02. . . . Local commanders that achieve outsourcing objectives should be rewarded with promotions and desirable assignments.''

The report concludes by stating ''DoD is left with only one practical alternative to meet its future modernization requirements: sharply reduce DoD support costs, and apply the savings to the procurement account. The Task Force firmly believes that extensive savings can be achieved—if DoD is willing to abandon its traditional reliance on in-house support organizations in favor of a new support paradigm that capitalizes upon the efficiency and creativity of the private sector.''

The report estimates ''the number of DoD personnel actually engaged in commercial-type activities greatly exceeds the 640,000 total . . . contractors could perform most of the work currently executed by these civilian employees.''

The Task Force was opposed to the current system of reliance on OMB Circular A–76. ''A–76 public/private competitions are extremely time-consuming, biased in favor of the government entity, and concentrated in narrow, labor-intensive support functions involving relatively small numbers of government employees.''

The Task Force said A–76 competitions ''fail to fully consider other important factors such as the bidder's capability to improve the quality and responsiveness of service delivery. . . . By outsourcing broad business areas, DoD can provide vendors with greater opportunity to reengineer processes—and greater potential to achieve major improvements in service quality and cost.''

Despite its shortcomings, the A–76 system has saved DoD $1.5 billion per year. ''A more aggressive DoD initiative will yield proportionally greater benefits,'' the report states.

The Task Force summarized data from private enterprise indicating that companies save 10–15 percent when outsourcing $100 billion worth of functions. Ninety percent of company executives report that outsourcing is successful, according the Outsourcing Institute's ''Purchasing Dynamics, Expectations, and Outcomes, 1995.''

GENERAL ACCOUNTING OFFICE SUPPORTED CONGRESSIONAL ACTION AS LONG AGO AS 1981

''Although it has been the executive branch's general policy since 1955 to rely on contractors for these commercial goods and services, agency compliance with this policy has been inconsistent and relatively ineffective,'' the GAO reported to Congress June 19, 1981.

Little has changed. Agency compliance with this policy continues to be lax. Much of what GAO wrote about this subject in the last two decades still applies.

Here is what GAO said in 1981: ''Circular A–76 provides that it is the executive branch's general policy to rely on the private sector for goods and services unless it is more economical to provide them in-house. Federal purchases of goods and services from the private sector cost about $117 billion in fiscal year 1980. Although this policy to rely on the private sector has existed for over 25 years, OMB information shows that as many as 400,000 Federal employees are currently operating more than 11,000 commercial or industrial activities at almost $19 billion annually. These employees represent almost one-fourth of the total executive branch civilian work force.''

In 1981, GAO advised Congress as follows: ''We believe the Congress should act on our earlier recommendation to legislate a national policy of reliance on the private sector for goods and services.''

GAO's advice in 1981 is still appropriate today. Therefore, the only recourse is for adoption by Congress of a new national policy of reliance on the private sector as proposed by the Freedom From Government Competition Act.

KENTON PATTIE,
Executive Director.

BUSINESS COALITION FOR FAIR COMPETITION
1997

ACIL (Formerly the American Council of Independent Laboratories)
American Bus Association
American Society of Travel Agents
Colorado Coalition for Fair Competition
Helicopter Association International
IHRSA (The International Health, Racquet and Sportsclub Association)
International Association of Environmental Testing Laboratories
International Hearing Society
Management Association for Private Photogrammetric Surveyors
National Association of RV Parks and Campgrounds
National Association of Women Business Owners
National Burglar and Fire Alarm Association
National Child Care Association
National Community Pharmacists Association
National Tour Association
Professional Services Council
Small Business Legislative Council
Society of Travel Agents in Government
Textile Rental Services Association
United Motorcoach Association

By Mr. HARKIN:

S. 315. A bill to amend the Internal Revenue Code of 1986 to reduce tax benefits for foreign corporations, and for other purposes; to the Committee on Finance.

THE CORPORATE WELFARE REDUCTION ACT

● Mr. HARKIN. Mr. President, there's a story that's told about the film actor and comedian W.C. Fields. He was hardly religious, but on his deathbed a friend discovered him reading the Bible. So he asked Fields what we he was doing—and the actor responded with characteristic dry wit, ''I'm looking for loopholes.''

For too long, many multinational firms and foreign corporations operating in this country have done the same thing with the United States Tax Code. They have searched out tax laws for loopholes—and carved out special-interest breaks to avoid paying their fair share. And they've done it with great success. Today, for example, over seventy percent of foreign-based corporations in the United States pay no Federal income tax. Meanwhile working families who play by the rules struggle just to make ends meet. This is simply wrong and as a matter of basic fairness, it must end.

So today, Mr. President, I rise to introduce the Corporate Welfare Reduction Act of 1997 which will save taxpayers over $20 billion over the next 6 years. Companion legislation has been introduced in the other body by my friend and colleague Representative LANE EVANS. Now is the time to act on this measure.

In the coming days, we will take up a constitutional amendment to balance the Government's budget. I will vote for it. I believe we must get our financial house in order if we are to pass on to future generations a legacy of hope, and not a legacy of debt.

But if we are going to balance our Government's budget—and keep it balanced in the years to come—every taxpayer will have to do their part. There's no doubt that working families and small businesses on Main Street already are contributing significantly. But foreign-based and multinational corporations simply have not paid their fair share.

One of the central goals of Government policy—particularly tax policy—ought to be promoting investment in our people and in our businesses here at home. For too long, though, our tax policies have had it backwards—rewarding U.S. companies that move overseas and granting unfair tax giveaways to foreign subsidiaries in this country.

American businesses shouldn't be forced to compete against foreign subsidiaries here that don't pay their fair

share of taxes. And American workers shouldn't be left out in the cold because our tax laws encouraged companies to ship jobs away and ship products back.

That is why I am introducing the Corporate Welfare Reduction Act. This legislation contains six main provisions.

First, it ends the use of transfer pricing rules by multinational corporations to lower their U.S. tax liability. Multinational companies often sell a product to their subsidiaries at a discounted price—effectively increasing a company's income while decreasing its U.S. tax liability. This bill would restrict a company's interagency pricing policies and, instead, tax the sale of products at their fair market value.

Second, the bill disallows the practice of ''sourcing'' income from the sale of inventory property. In many cases, multinational corporations pass the title of sale to a foreign-owned subsidiary in order to avoid paying U.S. taxes even though the sale is completed in the United States.

Third, it limits the excessive use of tax credits taken by multinational corporations on foreign oil and gas extraction income [FOGEI] and foreign oil related income [FORI]. U.S. tax credits should only be applied against foreign taxes, not the fees and royalties assessed by foreign nations.

Fourth, it narrows section 911 of the tax code that exempts the first $70,000 of earned income from U.S. taxes for American citizens living and working abroad. However, this bill would allow those persons who work for non-profit organizations to still claim this exemption and would allow all U.S. citizens working abroad to deduct their children's education expenses up through high school.

Fifth, it ends the tax-exempt status of foreign investors who buy private-issued debt by requiring these persons to pay a 30-percent withholding tax on the interest they earned on the bonds.

Finally, this legislation would end the exemption of foreign individuals from capital gains taxes on the sale of stock in a U.S. corporation—unless they spend more than half the year in the United States.

The revenue raised in this legislation from closing these loopholes will go solely to deficit reduction. As I said, in a time when we are trying to reach a balanced budget, everyone must pay their fair share.

Mr. President, this is a common sense bill that will provide some fairness to working families and integrity to our Tax Code. I urge my colleagues to join me in supporting this common sense measure.●

By Mr. CRAIG (for himself, Mr. BRYAN, Mr. COCHRAN, and Mr. BENNETT):

S. 317. A bill to reauthorize and amend the National Geologic Mapping Act of 1992; to the Committee on Energy and Natural Resources.

THE NATIONAL GEOLOGIC MAPPING REAUTHORIZATION ACT OF 1997

● Mr. CRAIG. Mr. President, I am today introducing on behalf of myself and my cosponsors Senators BRYAN, COCHRAN, and BENNETT, a bill to reauthorize the highly successful National Geologic Mapping Act of 1992. The act established a cooperative geologic mapping program among the U.S. Geological Survey, State geological surveys, and geological programs at institutions of higher education in the United States. The goal of this program is to accelerate and improve the efficiency of detailed geologic mapping of critical areas in the Nation by coordinating and using the combined talents of the three participating groups.

Detailed geologic mapping is an indispensable source of information for a broad range of societal activities and benefits, including the delineation and protection of sources of safe drinking water; assessments of coal, petroleum, natural gas, construction materials, metals, and other natural resources; understanding the physical and biological interactions that define ecosystems, and that control, and are a measure of environmental health; identification and mitigation of natural hazards such as earthquakes, volcanic eruptions, landslides, subsidence, and other ground failures; and many other resource and land-use planning requirements.

Only about 20 percent of the Nation is mapped at a scale adequate to meet these critical needs. Additional high-priority areas for detailed geologic mapping have been identified at State level by State-map advisory committees, and include Federal, State, and local needs and priorities.

Funding for the program has been incorporated in the budget of the U.S. Geological Survey. State geological surveys and university participants receive funding from the program through a competitive proposal process that requires 1:1 matching funds from the applicant.

Mr. Chair, I urge my colleagues to join me to ensure the continued efficient collection and availability of this fundamental earth-science information.●

By Mr. D'AMATO:

S. 318. A bill to amend the Truth in Lending Act to require automatic cancellation and notice of cancellation rights with respect to private mortgage insurance which is required by a creditor as a condition for entering into a residential mortgage transaction, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

THE HOMEOWNERS' PROTECTION ACT OF 1997

● Mr. D'AMATO. Mr. President, I introduce legislation that seeks to protect our Nation's homeowners, particularly low-income and first-time home buyers, from having to pay for unnecessary and costly private mortgage insurance. Thousands of hard working Americans who strive every day to afford a house of their own are unfairly paying for private mortgage insurance which is not required and is no longer necessary. We must not have current and future homeowners paying up to hundreds of millions of dollars a year for insurance that serves no useful purpose. This is a practice which must be stopped. Today, it is unethical. Tomorrow, after this bill becomes law, it will be illegal. This legislation is intended to stop this injustice, while still providing lenders with fair protection against default.

In 1995, almost 6 million Americans bought homes. Approximately 2 million of those homeowners also purchased private mortgage insurance. Today, over 40 percent of new homeowners purchase private mortgage insurance. Thousands of American homeowners—perhaps as many as 20 percent of homeowners who have private mortgage insurance—are overinsuring their homes simply because they are not informed of whether they have the right to cancel private mortgage insurance.

Many homeowners are being forced to make payments for private mortgage insurance even after they have accumulated substantial equity in their homes; they continue to pay for private mortgage insurance long after the loan-to-value ratio is sufficient to protect lenders against default. Private mortgage insurance rates average between $20 and $100 per month, depending on the home purchase price, the amount of downpayment and other factors. These consumers are unknowingly paying from $240 a year to $1,200 a year for absolutely no reason—no potential benefit can accrue to the homeowner who is unnecessarily paying for this insurance. When the legitimate need for private mortgage insurance ends, the payments should stop immediately.

My legislation, the Homeowners' Protection Act, would ensure that this unfair practice is discontinued by giving future homeowners the right to cancel private mortgage insurance when it is no longer needed to protect the homeowner—in most cases, when they accumulate equity equal to 20 percent of their original loan value. With respect to existing mortgages, the Homeowners' Protection Act would mandate disclosure of cancellation rights to the homeowner on an annual basis. This important legislation potentially could save current and future homeowners millions of dollars.

Now let me make one thing clear—private mortgage insurance does serve a purpose. Typically, lenders require home buyers to purchase private mortgage insurance if the borrower makes a downpayment of less than 20 percent of the purchase price. The purpose of the insurance is to provide lenders, and subsequent purchasers of the mortgage, with protection in the event of default on the mortgage. It is in the best interest of all Americans that lenders have fair protection against default, so as to

ensure their continued safety and soundness. Together, we can encourage the pursuit of the American dream of home ownership without allowing the fleecing of homeowners in the process.

I strongly encourage my colleagues to join me in support in this legislation which will help to make sure that money for unnecessary insurance premiums stays where it belongs—in homeowners' pockets.

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. 318

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 ''Homeowners Protection Act of 1997''.

SEC. 2. NOTIFICATION OF CANCELLATION RIGHTS FOR PRIVATE MORTGAGE INSURANCE.

(a) IN GENERAL.—Chapter 2 of the Truth in Lending Act (15 U.S.C. 1631 et seq.) is amended by inserting after section 125 the following:

''SEC. 126. CANCELLATION RIGHTS FOR PRIVATE MORTGAGE INSURANCE.

''(a) INSURANCE RATIO STANDARD.—

''(1) IN GENERAL.—No consumer, in connection with a residential mortgage transaction, shall be required by the creditor to obtain or maintain private mortgage insurance if that consumer has, or will have at the time that the transaction is consummated, equity in the property that is the subject of the transaction in excess of the private mortgage insurance ratio.

''(2) REGULATORY REQUIREMENT.—The Board—

''(A) shall issue rules to implement paragraph (1); and

''(B) may issue rules exempting certain classes of transactions from the provisions of paragraph (1) if the Board finds that such exemption is necessary—

''(i) to ensure sound underwriting standards; or

''(ii) to further the availability of credit to persons who might otherwise be denied credit if paragraph (1) was applied to residential mortgage transactions involving such persons.

''(b) NOTICE OF RIGHT OR LACK OF RIGHT TO CANCEL.—If a consumer is required to obtain and maintain private mortgage insurance as a condition for entering into a residential mortgage transaction, the creditor shall disclose to the consumer the current private mortgage insurance ratio for the subject property, in writing, at the time that the transaction is entered into.

''(c) INFORMATION REQUIRED TO BE DISCLOSED.—With respect to each residential mortgage transaction, the creditor shall disclose to the consumer, in writing, the following information at the time the transaction is entered into:

''(1) IDENTIFYING INFORMATION.—Such information as may be necessary to permit the consumer to communicate with the creditor or any subsequent servicer of the mortgage, concerning the private mortgage insurance of that consumer.

''(2) CANCELLATION PROCEDURES.—The procedures required to be followed by the consumer in canceling the private mortgage insurance.

''(d) INFORMATION REQUIRED TO BE DISCLOSED WITH EACH PERIODIC STATEMENT.—If a consumer is required to obtain and maintain private mortgage insurance as a condition for entering into a residential mortgage transaction, the person servicing the mortgage shall include in or with each written statement of account provided to the consumer, beginning with the first such statement following the date of enactment of the Homeowners Protection Act of 1997, while such insurance is in effect, but not less than annually—

''(1) the information required to be disclosed under subsections (b) and (c); or

''(2) a clear and conspicuous written statement containing—

''(A) a statement that the consumer may cancel the private mortgage insurance and a description of the circumstances under which such a cancellation may be made; and

''(B) an address and telephone number that the consumer may use to contact the creditor or the person servicing the mortgage.

''(e) NOTICES FURNISHED WITHOUT COST TO THE CONSUMER.—

''(1) IN GENERAL.—No fee or other cost may be imposed on any consumer with respect to the provision of any notice or information to the consumer pursuant to this section.

''(2) REIMBURSEMENT.—A creditor or subsequent servicer of the mortgage may seek reimbursement from the issuer of the private mortgage insurance, with respect to any cost incurred by that creditor or subsequent servicer in providing any notice or information to the consumer pursuant to this section.

''(f) EXISTING MORTGAGES.—If a consumer was required to obtain and maintain private mortgage insurance as a condition for entering into a residential mortgage transaction occurring before the date of enactment of the Homeowners Protection Act of 1997—

''(1) not later than 180 days after that date of enactment, the creditor shall disclose, in writing, to each such consumer—

''(A) the information described in paragraphs (1) and (2) of subsection (c); and

''(B) that the private mortgage insurance may, under certain circumstances, be canceled by the consumer at any time while the mortgage is outstanding; and

''(2) the person servicing the mortgage shall include in or with each written statement of account provided to the consumer, beginning with the first such statement following the date of enactment of that Act, while such insurance is in effect, but not less than annually—

''(A) the information required to be disclosed under subsection (c); or

''(B) a clear and conspicuous written statement containing—

''(i) a statement that the consumer may be able to cancel the private mortgage insurance (if such is the case); and

''(ii) an address and telephone number that the consumer may use to contact the creditor or the person servicing the mortgage to determine whether the consumer has the right to cancel the private mortgage insurance and, if so, the conditions and procedures for canceling such insurance.

''(g) DEFINITIONS.—In this section, the following definitions shall apply:

''(1) MORTGAGE INSURANCE.—The term 'mortgage insurance' means insurance, including any mortgage guaranty insurance, against the nonpayment of, or default on, a mortgage or loan involved in a residential mortgage transaction.

''(2) PRIVATE MORTGAGE INSURANCE.—The term 'private mortgage insurance' means mortgage insurance other than mortgage insurance made available under the National Housing Act, title 38 of the United States Code, or title V of the Housing Act of 1949.

''(3) PRIVATE MORTGAGE INSURANCE RATIO.—The term 'private mortgage insurance ratio' means a principal balance outstanding on a residential mortgage equal to less than 80 percent of the original value (at the time at which the consumer entered into the original residential mortgage transaction) of the property securing the loan.

''(h) APPLICABILITY.—This section, other than as provided in subsection (d), shall apply with respect to residential mortgage transactions entered into beginning 90 days after the date of enactment of the Homeowners Protection Act of 1997.''.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 2 of the Truth in Lending Act (15 U.S.C. 1631 et seq.) is amended by striking the item relating to section 126 and inserting the following:

''126. Cancellation rights for private mortgage insurance.''.●

By Ms. MOSELEY-BRAUN:

S. 319. A bill to designate the national cemetery established at the former site of the Joliet Arsenal, IL, as the ''Abraham Lincoln National Cemetery''; to the Committee on Veterans' Affairs.

THE ABRAHAM LINCOLN NATIONAL CEMETERY ACT

Ms. MOSELEY-BRAUN. Mr. President, I rise today, on the 188th anniversary of the birth of Abraham Lincoln, our Nation's 16th and 1st Republican President, to introduce the Abraham Lincoln National Cemetery bill. Congressman JERRY WELLER, in whose district the newest national veterans cemetery is located, will introduce an identical bill in the House of Representatives today.

The National Cemetery System was established by President Lincoln in 1862 to provide for the proper burial and registration of graves of soldiers who died in the Civil War. Since its inception, the National Cemetery System has grown to include 130 military burial grounds and provides places of private meditation and reflection for all who visit its hallowed grounds. None of these cemeteries, however, including the six in Illinois, are named after President Lincoln.

As you know, President Lincoln had great affection for ''him who [had] borne the battle''. Perhaps Lincoln's admiration for our Nation's veterans is rooted in the fact that Lincoln—a man of peace—had his Presidency marked by the scourge of war. He knew all too well the sacrifices and hardships that the defenders of our Nation's freedom had to bear and the ''cause for which they [may be called to give their] last full measure of devotion.'' President Lincoln demonstrated his deep affection for our Nation's veterans in many ways. During the Civil War, he often visited the sick and wounded stationed in and around Washington, DC. His administration created what is now the Department of Veterans Affairs and the VA hospital system. Perhaps the greatest demonstration of his love for our Nation's veterans was his strong leadership and unwavering support for the creation of the National Cemetery System, which not only provides dignified final resting places for our Nation's soldiers but also ensures that

neither the Nation nor its citizens will forget those who served in our Armed Forces.

Last year, Congress approved of the transfer of 982 acres of the former Joliet Army Ammunition Plant from the Department of the Army to the Department of Veterans Affairs for the development of a new national veterans cemetery. The President's budget included $19.9 million for the construction of the first phase of the cemetery, which is scheduled to open in late 1998 or early 1999.

Mr. President, this legislation to name our Nation's newest national cemetery after President Lincoln deserves strong bipartisan support. By naming the new veterans national cemetery in honor of President Lincoln, we not only acknowledge the pivotal role he played in the development of one of our national treasures—the national veterans cemetery system—we also honor the memory of the millions of courageous men and women who served in war and peacetime to preserve our Nation's democracy, freedom, and national values. Men and women, who like my grandfather, father, and uncle, who fought in World War I and World War II, notwithstanding the fact that the full promise of America was denied them because of the color of their skin. Their patriotism grew out of an abiding respect for American values, and out of the hope for our country. We can do no less in peacetime than to honor not only their sacrifice, but the reasons for it. Naming a national cemetery after President Lincoln is in recognition that that faith and hope abide with us still.

Illinois is now—and will always be the Land of Lincoln. His legacy is a living testament to the values—honesty, hard work and perseverance in the face of adversity—that characterize residents of America's heartland. No place has a greater claim to the Lincoln heritage than his beloved Springfield, IL, but his memory and what he stood for belong to all of us in the Land of Lincoln and across these United States. As Secretary of War Edward M. Stanton prophetically put it while keeping vigil at Lincoln's deathbed, ''Now he belongs to the ages.''

As such, I can think of no more fitting gift or more appropriate way to celebrate the birthday of our Nation's greatest President, than to support and pass this legislation to name our newest and second-largest national veterans cemetery, in the State he so dearly loved, after him. In Lincoln's immortal words, ''it is altogether fitting and proper that we do this.''

His guidance that a house divided cannot stand is as valid today as it was when given. We leave partisan differences aside when we are called upon to respond to today's challenges as Americans. This legislation is a bipartisan effort to bring all of us together in honor of one of the greatest Americans ever to have lived. As we honor him, and his leadership, we honor the true legacy of his service to our country.

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. 319

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

SECTION 1. DESIGNATION OF NATIONAL CEMETERY.

(a) DESIGNATION.—The national cemetery established at the former site of the Joliet Arsenal, Illinois, shall be known and designated as the ''Abraham Lincoln National Cemetery''.

(b) REFERENCES.—Any reference in a law, map, regulation, paper, or other record of the United States to the national cemetery referred to in subsection (a) shall be deemed to be a reference to the ''Abraham Lincoln National Cemetery''.

By Mr. ASHCROFT (for himself, Mr. THOMPSON, Mr. ABRAHAM, Mr. ALLARD, Mr. BOND, Mr. BROWNBACK, Mr. BURNS, Mr. CAMPBELL, Ms. COLLINS, Mr. COVERDELL, Mr. CRAIG, Mr. FAIRCLOTH, Mr. FRIST, Mr. GRAMM, Mr. HUTCHINSON, Mrs. HUTCHISON, Mr. INOUYE, Mr. MACK, Mr. MURKOWSKI, Mr. SESSIONS, MR. SMITH of New Hampshire, Mr. SMITH of Oregon, and Mr. THOMAS):

S.J. Res. 16. A joint resolution proposing a constitutional amendment to limit congressional terms; to the Committee on the Judiciary.

TERM LIMITS CONSTITUTIONAL AMENDMENT

Mr. ASHCROFT. Mr. President, the document that emerged from the Philadelphia convention has become the longest lived national constitution in the world. It was the product of a sense of urgency, of mission, of common purpose. And years from now, after we have long since passed, it will endure, standing unchallenged by the varied crises of human affairs.

The Philadelphia delegates crafted this document on what they believed to be fundamental principles: Majority rule, dual sovereignty, one man, one vote. The Framers also recognized, however, that a lasting government would have to be not only durable and stable, but flexible enough to evolve with the emerging Nation. For this reason, they included an article for amendment that would allow the document to be changed over time.

Since 1787, more than 10,600 constitutional amendments have been introduced. Only 27 have been adopted. Many of the proposed amendments have bordered on the ridiculous. One called for the creation of four regional Presidents. Others have called for the legalization of dueling, or changing the Nation's name to the United States of the World.

The amendment I introduce today, however, is neither ridiculous nor unimportant. In fact, I would suggest that is one of the defining issues which this Congress will face. For it cuts to the very heart of who we are as a party, as a polity, as a people. It is a term-limits constitutional amendment. If enacted, the resolution would limit Members of Congress to three terms in the U.S. House of Representatives and two terms in the U.S. Senate.

Mr. President, term limits are a tried and tested reform that the American people have seen operate firsthand: For the President since 1951, for 41 Governors, for 20 State legislatures, and for hundreds of local officials nationwide. Indeed, this is at least one reason why congressional term limits enjoy such widespread support: Voters have witnessed their ameliorative effects and want them extended to the national legislature.

Some will undoubtedly argue that the 1996 election and the notable increase in new Members weakens the case for term limits. Nothing could be further from the truth. Ninety-four percent of all the Members who sought reelection last year were returned to Washington. The turnover that did occur was largely the result of voluntary departures, not competitive elections.

Why do reelection rates continue at all-time highs? Because incumbency is, and always has been, the single greatest perk in politics. Committee assignments translate into campaign contributions. Bills mean bucks. The simple fact remains, the average incumbent spends more of the taxpayers' money on franked mail than the average challenger spends on his entire campaign.

Reapportionment's role in ensuring long-term incumbency must also be considered. Many State officials are acutely aware of the benefits derived from high reelection rates. Consequently, they manipulate districts in a way which maximizes the potential for incumbents to return to Washington. This is not only an argument for limited tenure, it is an argument for adopting House limits of less than 10 years.

As with all good ideas, this reform has occasioned some controversy. Primarily, opposition has come from careerists in the Congress whose livelihood is at stake. These self-proclaimed keepers of the public faith worry aloud about the impact of lost legislative wisdom. And, in the cloakrooms and Capitol corridors, they whisper about ''protecting the people from themselves.''

Opponents seem to believe that only seasoned legislators in a professional Congress can effectively deal with the issues of the day. Mr. President, it is the height of arrogance and elitism to suggest that any one Senator is essential to our Government. The strength of American democracy is that the people are the source of Government's legitimacy. Because, as Alexander Hamilton aptly noted more than two centuries ago, ''Here, Sir, the people govern.''

These assertions also stand at odds with the great triumph of individualism that is America. For they are based on the flawed supposition that only a limited number of citizens are

qualified to serve. Richard Henry Lee put it best. ''I would not urge the principle of rotation,'' said Lee, ''if I believed the consequence would be a uniformed Federal legislature; but I have no apprehension of this in this enlightened country.'' Indeed, no more than a cursory look at the writings of Adams, Jefferson, Mason, and Paine reveals the healthy respect they had for the average citizen.

Mr. President, I share the Founders' belief that there is wisdom in the people. The resolution I bring before the body today is a commonsense reform that the citizenry undeniably wants, a remedy our Republic desperately needs, a reform whose time has come.

Rotation in office has worked for the President, scores of Governors, and countless others across this great land. Let us extend its therapeutic effects to the Halls of the U.S. Congress. I beg this proposal's adoption.

Mr. THOMPSON. Mr. President, today, I am introducing a constitutional amendment to limit congressional service to 6 years in the House and 12 years in the Senate. This proposal is identical to the one introduced in the 104th Congress. On May 22, 1995, the U.S. Supreme Court invalidated the term limits that 23 different States had imposed on congressional service. The Court further declared that Congress lacks the constitutional authority to enact term limits by statute. Therefore, enacting this reform, which polls consistently show that more than 70 percent of the American people support, will require passing a constitutional amendment.

Although this proposal is not about denigrating the institution of Congress or those who have ably served lengthy tenures, public confidence in elected officials does remain abysmally low. Given the many scandals involving public officials, the myriad of negative campaign commercials, and the inability of Congress to solve major national problems like the budget deficit, I can hardly blame the American people for being cynical. Nothing could be farther from the basic tenets of democracy than a professional ruling class, yet despite the supposedly high turnover in the last three congressional elections, that is essentially what Congress has become.

Each of the last three Congresses has had unusually large freshman classes, but the percentage of those returned to Congress still exceeds the typical return rate prior to 1941. I acknowledge that altering the way we elect Members of Congress is a task not to be undertaken lightly, and people are justified in asking, what has changed since the ratification of the Constitution that necessitates this proposal? To them, I answer simply: The trend toward careerism in Congress. Although the system has worked relatively well for 200 years, the Founding Fathers viewed service in Congress not as a permanent career but as an interruption to a career. For the first 150 years of the Republic, in keeping with this notion, those who served in public office typically stepped down after only a few years. While incumbents were still almost always re-elected when they chose to run, a turnover rate of 50 percent every 2 years in the House was common throughout the 19th century. In fact, only 24 percent of the Members of the House in 1841 were sworn in again 2 years later. George Washington voluntarily stepped down after two terms as President because he understood the value of returning to private life and giving someone else the chance to serve. Over the last few decades, however, Members of Congress have become much less likely to step down voluntarily, so the average length of service in Congress has steadily increased. Because of this trend toward careerism, Congress now more closely resembles a professional ruling class than the citizen legislature our Founding Fathers envisioned.

This is significant because a Congress full of career legislators behaves differently than a citizen legislature. Over time, after years of inside-the-beltway thinking, elected officials tend to lose touch with the long-term best interests of the Nation. Instead, they become slaves to short-term public opinion in their never-ending quest for re-election. Last year's Medicare debate is a good example of how constant elections, and the lure of short-term political advantage, make it harder to make the tough decisions. The constant flow of pork-barrel projects back home, the practice of effectively buying our constituents' votes with funds from the U.S. Treasury, is another example of how what may be beneficial to politicians at the next election is not necessarily in the best interests of the Nation. When Congress is not a career for its Members, their career will not be on the line every time they cast a vote, so I believe that term limits would more likely produce individuals who would take on the tough challenges that lie ahead.

To act in the long-term national interest, elected officials also need to live under the laws they pass, which is why we enacted the Congressional Accountability Act in the last Congress. Similarly, it is important that elected officials return home after their term expires and live with the consequences of the decisions they made while in Congress. Just as the Congressional Accountability Act makes elected officials more cognizant of how laws affect average Americans in the long run, term limits, by requiring Members of Congress to return to private life, would encourage Members to consider the long-term effects of their decisions instead of just the short-term political consequences.

Moreover, little doubt exists that power exercises a gradual, corruptive influence over those who have it. The Founding Fathers recognized this and used a system of checks and balances to limit the power of any one individual. When elected officials are up here for decades at a time, their accumulating power and growing disregard for the national interest often cause them to become arrogant in office. Term limits, by further dispersing power among more individuals, I believe, would lead to a more honest breed of politicians.

Term limits will also make elections more competitive which will, in turn, lead to better representation. One only needs to look at the 1996 elections to see that most competitive elections are for open seats. Twelve-year limits on Senate service would guarantee every State an open-seat election at least once every 12 years unless a challenger dislodges an incumbent. Furthermore, term-limited officeholders will be more likely to seek a higher office. A Member of the House who is term limited will be more likely to run for the Senate than a Congressman who is not term limited and can easily win re-election to the House for many years to come. A term-limited Senator will be more likely to run for Governor or another office instead of seeking easy re-election to the Senate.

Opponents of term limits make many arguments against the proposal, confident that they know better than more than 70 percent of the American people. Perhaps the most prevalent argument against term limits is that Congress will lose many good people. While this is true, as I have already pointed out, we will be gaining many good people as well. More to the point though, we should not be so arrogant as to think that we are the only ones who can do this job. I do not believe that the 535 people who currently serve in Congress are the only 535 people out there who can do the job. Two hundred years ago, people wondered how the Nation could ever survive without the leadership of George Washington, but President Washington knew that the system was stronger than any one man, and that many people were fit to be President. Not only do I think that many people besides us can do the job, but the argument that only the 535 currently serving in Congress possess the ability to solve the Nation's problems assumes that we are doing a good job now. A $5 trillion debt, Medicare and Social Security on unsustainable courses, an out-of-control campaign finance system, and unacceptably high levels of crime make this assumption dubious. A corollary of this argument is that term limits will result in Congress having little institutional memory. However, if the legislative process and the bills that come out of this place are so complicated as to require more than 12 years of experience to understand, then Congress is doing too much. The average citizen, with the additional focus of full-time attention to the issues with which Congress concerns itself, should be more than capable of doing the job.

The other main argument against term limits is that we already have

term limits in the form of elections. However, this reasoning has two problems. First, incumbents enjoy a tremendous advantage in elections. The ability to raise money, greater name recognition, a staff already in place, constituent service, and simple voter inertia help incumbents win their races more than 90 percent of the time. Second, the American people, just as they have a right to elect their representatives in Congress, have every right to place qualifications on whom they may elect. Opponents of term limits say that the voters ought to be able to elect whomever they want, but when the American people ratified the Constitution, they agreed not to elect anyone to the Senate who is younger than 30 years of age or not a resident of the State he or she seeks to represent. If the voters choose, and more than 70 percent of them do, they can also declare that people who have already served 12 years in the Senate may not be elected to the Senate again.

It is my hope that we will move quickly to debate this measure. Perhaps no other proposal as popular with the American people has received so little attention from Congress. In fact, Congress has been so reticent with respect to this issue that some term-limits advocates are now asking the States to call a constitutional convention. The debate in the last Congress was the first serious discussion of this issue in Congress in the history of the Nation. Speaker GINGRICH has already said that term limits will be the first item of business this year in the other body. Finally, other tough decisions are imminent including balancing the budget, saving Medicare, and putting Social Security on a permanently sustainable course. The single most important thing we can do to cultivate an environment where Congress can effectively address these long-term problems is to enact term limits immediately. Therefore, I urge my colleagues' support.●

ADDITIONAL COSPONSORS

S. 4

At the request of Mr. ASHCROFT, the name of the Senator from Kentucky [Mr. MCCONNELL] was added as a cosponsor of S. 4, a bill to amend the Fair Labor Standards Act of 1938 to provide to private sector employees the same opportunities for time-and-a-half compensatory time off, biweekly work programs, and flexible credit hour programs as Federal employees currently enjoy to help balance the demands and needs of work and family, to clarify the provisions relating to exemptions of certain professionals from the minimum wage and overtime requirements of the Fair Labor Standards Act of 1938, and for other purposes.

S. 12

At the request of Mr. DASCHLE, the name of the Senator from Hawaii [Mr. AKAKA] was added as a cosponsor of S. 12, a bill to improve education for the 21st Century.

S. 19

At the request of Mr. DASCHLE, the name of the Senator from Massachusetts [Mr. KERRY] was added as a cosponsor of S. 19, a bill to provide funds for child care for low-income working families, and for other purposes.

S. 28

At the request of Mr. THURMOND, the name of the Senator from Kansas [Mr. BROWNBACK] was added as a cosponsor of S. 28, a bill to amend title 17, United States Code, with respect to certain exemptions from copyright, and for other purposes.

S. 104

At the request of Mr. MURKOWSKI, the name of the Senator from Arkansas [Mr. HUTCHINSON] was added as a cosponsor of S. 104, a bill to amend the Nuclear Waste Policy Act of 1982.

S. 112

At the request of Mr. MOYNIHAN, the names of the Senator from Rhode Island [Mr. CHAFEE], the Senator from Massachusetts [Mr. KENNEDY], the Senator from California [Mrs. FEINSTEIN], the Senator from Michigan [Mr. LEVIN], and the Senator from Arkansas [Mr. BUMPERS] were added as cosponsors of S. 112, a bill to amend title 18, United States Code, to regulate the manufacture, importation, and sale of ammunition capable of piercing police body armor.

S. 183

At the request of Mr. DODD, the name of the Senator from Maryland [Ms. MIKULSKI] was added as a cosponsor of S. 183, a bill to amend the Family and Medical Leave Act of 1993 to apply the act to a greater percentage of the United States workforce, and for other purposes.

S. 206

At the request of Mr. REID, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of S. 206, a bill to prohibit the application of the Religious Freedom Restoration Act of 1993, or any amendment made by such act, to an individual who is incarcerated in a Federal, State, or local correctional, detention, or penal facility, and for other purposes.

S. 263

At the request of Mr. MCCONNELL, the name of the Senator from Colorado [Mr. CAMPBELL] was added as a cosponsor of S. 263, a bill to prohibit the import, export, sale, purchase, possession, transportation, acquisition, and receipt of bear viscera or products that contain or claim to contain bear viscera, and for other purposes.

S. 294

At the request of Mrs. HUTCHISON, the name of the Senator from North Carolina [Mr. HELMS] was added as a cosponsor of S. 294, a bill to amend chapter 51 of title 18, United States Code, to establish Federal penalties for the killing or attempted killing of a law enforcement officer of the District of Columbia, and for other purposes.

SENATE RESOLUTION 50

At the request of Mr. ROTH, the names of the Senator from Rhode Island [Mr. CHAFEE], the Senator from New Hampshire [Mr. GREGG], the Senator from Oklahoma [Mr. NICKLES], the Senator from Mississippi [Mr. COCHRAN], the Senator from Louisiana [Mr. BREAUX], the Senator from North Dakota [Mr. CONRAD], the Senator from Florida [Mr. GRAHAM], and the Senator from Nebraska [Mr. KERREY] were added as cosponsors of Senate Resolution 50, a resolution to express the sense of the Senate regarding the correction of cost-of-living adjustments.

SENATE RESOLUTION 53

At the request of Mrs. HUTCHISON, the name of the Senator from Oklahoma [Mr. NICKLES] was added as a cosponsor of Senate Resolution 53, a resolution to express the sense of the Senate concerning actions that the President of the United States should take to resolve the dispute between the Allied Pilots Association and American Airlines.

SENATE RESOLUTION 54—ORIGINAL RESOLUTION AUTHORIZING BIENNIAL EXPENDITURES BY COMMITTEES OF THE SENATE

Mr. WARNER, from the Committee on Rules and Administration, reported the following original resolution:

S. RES. 54

Resolved,

SHORT TITLE

SECTION 1. This resolution may be cited as the ''Omnibus Committee Funding Resolution for 1997 and 1998''.

AGGREGATE AUTHORIZATION

SEC. 2. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, and under the appropriate authorizing resolutions of the Senate, there is authorized for the period March 1, 1997, through September 30, 1998, in the aggregate of $50,569,779 and for the period March 1, 1998, through February 28, 1999, in the aggregate of $51,903,888 in accordance with the provisions of this resolution, for all Standing Committees of the Senate, for the Committee on Indian Affairs, the Special Committee on Aging, and the Select Committee on Intelligence.

(b) Each committee referred to in subsection (a) shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 1998, and February 28, 1999, respectively.

(c) Any expenses of a committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required (1) for the disbursement of salaries of employees of the committee who are paid at an annual rate, (2) for the payment of telecommunications expenses provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, Department of Telecommunications, (3) for the payment of stationery supplies purchased through the Keeper of Stationery, United States Senate, (4) for payments to the Postmaster, United States Senate, (5) for the payment of metered charges on copying equipment provided

by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (6) for the payment of Senate Recording and Photographic Services.

(d) There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committees from March 1, 1997, through September 30, 1998, and March 1, 1998, through February 28, 1999, to be paid from the appropriations account for ''Expenses of Inquiries and Investigations'' of the Senate.

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

SEC. 3. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Agriculture, Nutrition, and Forestry is authorized from March 1, 1997, through February 28, 1999, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration to use, on a reimbursable or nonreimbursable basis, the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1997, through September 30, 1998, under this section shall not exceed $1,747,544, of which amount (1) not to exceed $4,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $4,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) For the period March 1, 1998, through February 28, 1999, expenses of the committee under this section shall not exceed $1,792,747, of which amount (1) not to exceed $4,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $4,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

COMMITTEE ON APPROPRIATIONS

SEC. 4. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraph 1 of rule XXVI of the Standing Rules of the Senate, the Committee on Appropriations is authorized from March 1, 1997, through February 28, 1999, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration to use, on a reimbursable or nonreimbursable basis, the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1997, through September 30, 1998, under this section shall not exceed $4,953,132, of which amount (1) not to exceed $175,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $5,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) For the period March 1, 1998, through February 28, 1999, expenses of the committee under this section shall not exceed $5,082,521, of which amount (1) not to exceed $175,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $5,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

COMMITTEE ON ARMED SERVICES

SEC. 5. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Armed Services is authorized from March 1, 1997, through February 28, 1999, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration to use, on a reimbursable or nonreimbursable basis, the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1997, through September 30, 1998, under this section shall not exceed $2,704,397.

(c) For the period March 1, 1998, through February 28, 1999, expenses of the committee under this section shall not exceed $2,776,389.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

SEC. 6. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Banking, Housing and Urban Affairs is authorized from March 1, 1997, through February 28, 1999, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration to use, on a reimbursable or nonreimbursable basis, the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1997, through September 30, 1998, under this section shall not exceed $2,853,725, of which amount (1) not to exceed $20,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $850, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) For the period March 1, 1998, through February 28, 1999, expenses of the committee under this section shall not exceed $2,928,278, of which amount (1) not to exceed $20,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $850, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

COMMITTEE ON THE BUDGET

SEC. 7. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraph 1 of rule XXVI of the Standing Rules of the Senate, the Committee on the Budget is authorized from March 1, 1997, through February 28, 1999, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration to use, on a reimbursable or nonreimbursable basis, the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1997, through September 30, 1998, under this section shall not exceed $3,105,190, of which amount (1) not to exceed $20,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $2,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) For the period March 1, 1998, through February 28, 1999, expenses of the committee under this section shall not exceed $3,188,897, of which amount (1) not to exceed $20,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $2,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

SEC. 8. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Commerce, Science and Transportation is authorized from March 1, 1997, through February 28, 1999, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration to use, on a reimbursable or nonreimbursable basis, the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1997, through September 30, 1998, under this section shall not exceed $3,448,034, of which amount (1) not to exceed $14,572, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $15,600, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) For the period March 1, 1998, through February 28, 1999, expenses of the committee under this section shall not exceed $3,539,226,

of which amount (1) not to exceed $14,572, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $15,600, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

COMMITTEE ON ENERGY AND NATURAL RESOURCES

SEC. 9. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Energy and Natural Resources is authorized from March 1, 1997, through February 28, 1999, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration to use, on a reimbursable or nonreimbursable basis, the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1997, through September 30, 1998, under this section shall not exceed $2,637,966.

(c) For the period of March 1, 1998, through February 28, 1999, expenses of the committee under this section shall not exceed $2,707,696.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

SEC. 10. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Environment and Public Works is authorized from March 1, 1997, through February 28, 1999, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration to use, on a reimbursable or nonreimbursable basis, the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1997, through September 30, 1998, under this section shall not exceed $2,431,871, of which amount (1) not to exceed $8,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $2,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) For the period March 1, 1998, through February 28, 1999, expenses of the committee under this section shall not exceed $2,494,014, of which amount (1) not to exceed $8,000, be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $2,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

COMMITTEE ON FINANCE

SEC. 11. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Finance is authorized from March 1, 1997, through February 28, 1999, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration to use, on a reimbursable or nonreimbursable basis, the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1997, through September 30, 1998, under this section shall not exceed $3,028,328, of which amount (1) not to exceed $30,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $10,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) For the period March 1, 1998, through February 28, 1999, expenses of the committee under this section shall not exceed $3,106,591, of which amount (1) not to exceed $30,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $10,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

COMMITTEE ON FOREIGN RELATIONS

SEC. 12. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Foreign Relations is authorized from March 1, 1997, through February 28, 1999, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration to use, on a reimbursable or nonreimbursable basis, the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1997, through September 30, 1998, under this section shall not exceed $2,710,573, of which amount (1) not to exceed $45,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $1,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) For the period March 1, 1998, through February 28, 1999, expenses of the committee under this section shall not exceed $2,782,749, of which amount not to exceed $45,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $1,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

COMMITTEE ON GOVERNMENTAL AFFAIRS

SEC. 13. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Governmental Affairs is authorized from March 1, 1997, through February 28, 1999, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration to use, on a reimbursable or nonreimbursable basis, the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1997, through September 30, 1998, under this section shall not exceed $4,533,600, of which amount (1) not to exceed $375,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $2,470, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) For the period March 1, 1998, through February 28, 1999, expenses of the committee under this section shall not exceed $4,653,386, of which amount (1) not to exceed $75,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $2,470, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(d)(1) The committee, or any duly authorized subcommittee thereof, is authorized to study or investigate—

(A) the efficiency and economy of operations of all branches of the Government including the possible existence of fraud, misfeasance, malfeasance, collusion, mismanagement, incompetence, corruption, or unethical practices, waste, extravagance, conflicts of interest, and the improper expenditure of Government funds in transactions, contracts, and activities of the Government or of Government officials and employees and any and all such improper practices between Government personnel and corporations, individuals, companies, or persons affiliated therewith, doing business with the Government; and the compliance or noncompliance of such corporations, companies, or individuals or other entities with the rules, regulations, and laws governing the various governmental agencies and its relationships with the public;

(B) the extent to which criminal or other improper practices or activities are, or have been, engaged in the field of labor-management relationships or in groups or organizations of employees or employers, to the detriment of interests of the public, employers, or employees, and to determine whether any changes are required in the laws of the United States in order to protect such interests against the occurrence of such practices or activities;

(C) organized criminal activities which may operate in or otherwise utilize the facilities of interstate or international commerce in furtherance of any transactions and the manner and extent to which, and the identity of the persons, firms, or corporations, or other entities by whom such utilization is being made, and further, to study

and investigate the manner in which and the extent to which persons engaged in organized criminal activity have infiltrated lawful business enterprise, and to study the adequacy of Federal laws to prevent the operations of organized crime in interstate or international commerce; and to determine whether any changes are required in the laws of the United States in order to protect the public against such practices or activities;

(D) all other aspects of crime and lawlessness within the United States which have an impact upon or affect the national health, welfare, and safety; including but not limited to investment fraud schemes, commodity and security fraud, computer fraud, and the use of offshore banking and corporate facilities to carry out criminal objectives;

(E) the efficiency and economy of operations of all branches and functions of the Government with particular reference to—

(i) the effectiveness of present national security methods, staffing, and processes as tested against the requirements imposed by the rapidly —mounting complexity of national security problems;

(ii) the capacity of present national security staffing, methods, and processes to make full use of the Nation's resources of knowledge and talents;

(iii) the adequacy of present intergovernmental –relations between the United States and international organizations principally concerned with national security of which the United States is a member; and

(iv) legislative and other proposals to improve these methods, processes, and relationships;

(F) the efficiency, economy, and effectiveness of all agencies and departments of the Government involved in the control and management of energy shortages including, but not limited to, their performance with respect to—

(i) the collection and dissemination of accurate–statistics on fuel demand and supply;

(ii) the implementation of effective energy conservation measures;

(iii) the pricing of energy in all forms;

(iv) coordination of energy programs with State and local government;

(v) control of exports of scarce fuels;

(vi) the management of tax, import, pricing, and –other policies affecting energy supplies;

(vii) maintenance of the independent sector of the petroleum industry as a strong competitive force;

(viii) the allocation of fuels in short supply by public and private entities;

(ix) the management of energy supplies owned or controlled by the Government;

(x) relations with other oil producing and consuming countries;

(xi) the monitoring of compliance by governments, corporations, or individuals with the laws and regulations governing the allocation, conservation, or pricing of energy supplies; and

(xii) research into the discovery and development of alternative energy supplies; and

(G) the efficiency and economy of all branches and functions of Government with particular references to the operations and management of Federal regulatory policies and programs: *Provided*, That, in carrying out the duties herein set forth, the inquiries of this committee or any subcommittee thereof shall not be deemed limited to the records, functions, and operations of any particular branch of the Government; but may extend to the records and activities of any persons, corporation, or other entity.

(2) Nothing contained in this subsection shall affect or impair the exercise of any other standing committee of the Senate of any power, or the discharge by such committee of any duty, conferred or imposed upon it by the Standing Rules of the Senate or by the Legislative Reorganization Act of 1946, as amended.

(3) For the purposes of this subsection, the committee, or any duly authorized subcommittee thereof, or its chairman, or any other member of the committee or subcommittee designated by the chairman, from March 1, 1997, through February 28, 1999, is authorized, in its, his, or their discretion (A) to require by subpoena or otherwise the attendance of witnesses and production of correspondence, books, papers, and documents, (B) to hold hearings, (C) to sit and act at any time or place during the session, recess, and adjournment periods of the Senate, (D) to administer oaths, and (E) to take testimony, either orally or by sworn statement, or, in the case of staff members of the Committee and the Permanent Subcommittee on Investigations, by deposition in accordance with the Committee Rules of Procedure.

(4) All subpoenas and related legal processes of the committee and its subcommittees authorized under S. Res. 73 of the One Hundred Fourth Congress, second session, are authorized to continue.

COMMITTEE ON THE JUDICIARY

SEC. 14. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on the Judiciary is authorized from March 1, 1997, through February 28, 1999, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration to use, on a reimbursable or nonreimbursable basis, the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1997, through September 30, 1998, under this section shall not exceed $4,362,646, of which amount (1) not to exceed $40,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $1,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) For the period March 1, 1998, through February 28, 1999, expenses of the committee under this section shall not exceed $4,480,028, of which amount (1) not to exceed $40,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $1,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

COMMITTEE ON LABOR AND HUMAN RESOURCES

SEC. 15. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Labor and Human Resources is authorized from March 1, 1997, through February 28, 1999, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration to use, on a reimbursable or nonreimbursable basis, the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1997, through September 30, 1998, under this section shall not exceed $4,113,888, of which amount not to exceed $22,500, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended).

(c) For the period March 1, 1998, through February 28, 1999, expenses of the committee under this section shall not exceed $4,223,533, of which amount not to exceed $22,500, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended).

COMMITTEE ON RULES AND ADMINISTRATION

SEC. 16. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Rules and Administration is authorized from March 1, 1997, through February 28, 1999, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration to use, on a reimbursable or nonreimbursable basis, the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1997, through September 30, 1998, under this section shall not exceed $1,339,106, of which amount (1) not to exceed $200,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $20,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) For the period March 1, 1998, through February 28, 1999, expenses of the committee under this section shall not exceed $1,375,472, of which amount (1) not to exceed $200,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $20,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

COMMITTEE ON SMALL BUSINESS

SEC. 17. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Small Business is authorized from March 1, 1997, through February 28, 1999, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration to use, on a reimbursable or nonreimbursable basis, the services

of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1997, through September 30, 1998, under this section shall not exceed $1,084,471, of which amount (1) not to exceed $10,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $5,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) For the period March 1, 1998, through February 28, 1999, expenses of the committee under this section shall not exceed $1,112,732, of which amount (1) not to exceed $10,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $5,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

COMMITTEE ON VETERANS' AFFAIRS

SEC. 18.(a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Veterans' Affairs is authorized from March 1, 1997, through February 28, 1999, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration to use, on a reimbursable or nonreimbursable basis, the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1997, through September 30, 1998, under this section shall not exceed $1,123,430, of which amount (1) not to exceed $250,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended); and (2)not to exceed $3,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202 (j) of the Legislative Reorganization Act of 1946, as amended).

(c) For the period March 1, 1998, through February 28, 1999, expenses of the committee under this section shall not exceed $1,153,263, of which amount (1) not to exceed $50,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended); and (2) not to exceed $3,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202 (j) of the Legislative Reorganization Act of 1946, as amended).

SPECIAL COMMITTEE ON AGING

SEC. 19. (a) In carrying out the duties and functions imposed by section 104 of S. Res. 4, agreed to February 4, 1977, (Ninety-fifth Congress), and in exercising the authority conferred on it by such section, the Special Committee on Aging is authorized from March 1, 1997, through February 28, 1999, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration to use, on a reimbursable or nonreimbursable basis, the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1997, through September 30, 1998, under this section shall not exceed $1,133,674 of which amount not to exceed $15,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended).

(c) For the period March 1, 1998, through February 28, 1999, expenses of the committee under this section shall not exceed $1,162,865 of which amount not to exceed $15,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended).

SELECT COMMITTEE ON INTELLIGENCE

SEC. 20. (a) In carrying out its powers, duties, and functions under S. Res. 400, agreed to May 19, 1976 (94th Congress), in accordance with its jurisdiction under section 3(a) of such resolution, including holding hearings, reporting such hearings, and making investigations as authorized by section 5 of such resolution, the Select Committee on Intelligence is authorized from March 1, 1997, through February 28, 1999, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration to use, on a reimbursable or nonreimbursable basis, the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1997, through September 30, 1998, under this section shall not exceed $2,114,489, of which amount not to exceed $30,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended).

(c) For the period March 1, 1998, through February 28, 1999, expenses of the committee under this section shall not exceed $2,171,507, of which amount not to exceed $30,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended).

COMMITTEE ON INDIAN AFFAIRS

SEC. 21. (a) In carrying out the duties and functions imposed by section 105 of S. Res. 4, agreed to February 4, 1977 (Ninety-fifth Congress), and in exercising the authority conferred on it by such section, the Committee on Indian Affairs is authorized from March 1, 1997, through February 28, 1999, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration to use, on a reimbursable or nonreimbursable basis, the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1997, through September 30, 1998, under this section shall not exceed $1,143,715.

(c) For the period March 1, 1998, through February 28, 1999, expenses of the committee under this section shall not exceed $1,171,994.

SPECIAL RESERVES

SEC. 22. (a) Of the funds authorized for the Senate committees listed in sections 3 through 21 by Senate Resolution 73, agreed to February 13, 1995 (104th Congress), for the funding period ending on the last day of February 1997, any unexpended balances remaining shall be transferred to a special reserve which shall, on the basis of a special need and at the request of a Chairman and Ranking Member of any such committee, and with the approval of the Chairman and Ranking Member of the Committee on Rules and Administration, be available to any committee for the purposes provided in subsection (b). During March 1997, obligations incurred but not paid by February 28, 1997, shall be paid from the unexpended balances of committees before transfer to the special reserves and any obligations so paid shall be deducted from the unexpended balances of committees before transferred to the special reserves.

(b) The reserves established in subsection (a) shall be available for the period commencing March 1, 1997, and ending with the close of September 30, 1997, for the purpose of (1) meeting any unpaid obligations incurred during the funding period ending on the last day of February 1997, and which were not deducted from the unexpended balances under subsection (a), and (2) meeting expenses incurred after such last day and prior to the close of September 30, 1997.

SPACE ASSIGNMENTS

SEC. 23. The space assigned to the respective committees of the Senate covered by this resolution shall be reduced commensurate with the staff reductions funded herein and under S.Res. 73, 104th Congress. The Committee on Rules and Administration is expected to recover such space for the purpose of equalizing Senators offices to the extent possible, and to consolidate the space for Senate committees in order to reduce the cost of support equipment, office furniture, and office accessories.

AMENDMENTS SUBMITTED

THE ASSISTED SUICIDE FUNDING RESTRICTION ACT

DORGAN (AND ASHCROFT) AMENDMENT NO. 5

(Ordered referred to the Committee on Finance.)

Mr. DORGAN (for himself and Mr. ASHCROFT) submitted an amendment intended to be proposed by them to the bill (S. 304) to clarify Federal law with respect to assisted suicide, and for other purposes; as follows:

At the end of the bill, insert the following:

SEC. ___. AMENDMENTS TO ACTS REGARDING INDIVIDUALS WITH DISABILITIES.

(a) AMENDMENTS TO DEVELOPMENTAL DISABILITIES ASSISTANCE AND BILL OF RIGHTS ACT.—

(1) STATE PLANS REGARDING DEVELOPMENTAL DISABILITIES COUNCILS.—Section 122(c)(5)(A) of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6022(c)(5)(A)) is amended—

(A) in clause (vi), by striking ''and'' after the semicolon at the end;

(B) in clause (vii), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following clause:

''(viii) such funds will not be used to support any program or service that has a purpose of assisting in procuring any item or service the purpose of which is to cause, or to assist in causing, the death of any individual, such as by assisted suicide, euthanasia, or mercy killing.''.

(2) LEGAL ACTIONS BY PROTECTION AND ADVOCACY SYSTEMS.—Section 142(h)(1) of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6042(h)(1)) is amended by inserting before the period the following: '', except that no such system may use assistance provided under this chapter to bring suit or provide any other form of legal assistance for the purpose of—

''(A) securing or funding any item, benefit, program, or service furnished for the purpose of causing, or the purpose of assisting in causing, the death of any individual, such as by assisted suicide, euthanasia, or mercy killing;

''(B) compelling any individual, institution, government, or governmental body to provide, fund, or legalize any item, benefit, program, or service for the purpose of causing, or the purpose of assisting in causing, the death of any individual, such as by assisted suicide, euthanasia, or mercy killing; or

''(C) asserting or advocating a legal right to cause, or to assist in causing, or to receive assistance in causing, the death of any individual, such as by assisted suicide, euthanasia, or mercy killing.''.

(3) PROHIBITED ACTIVITIES REGARDING GRANTS TO UNIVERSITY AFFILIATED PROGRAMS.—Section 152(b)(5) of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6062(b)(5)) is amended by inserting before the period the following: '', or for any program or service which has a purpose of assisting in procuring any item or service, the purpose of which is to cause, or to assist in causing, the death of any individual, such as by assisted suicide, euthanasia, or mercy killing''.

(4) REQUIREMENTS REGARDING GRANTS FOR PROJECTS OF NATIONAL SIGNIFICANCE.—Section 162(c) of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6082(c)) is amended—

(A) in paragraph (4), by striking ''and'' after the semicolon at the end;

(B) in paragraph (5), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following paragraph:

''(6) the applicant provides assurances that the grant will not be used to support or fund any program or service which has a purpose of assisting in the procuring of any item, benefit, or service furnished for the purpose of causing, or the purpose of assisting in causing, the death of any individual, such as by assisted suicide, euthanasia, or mercy killing.''.

(b) AMENDMENT TO PROTECTION AND ADVOCACY FOR MENTALLY ILL INDIVIDUALS ACT OF 1986; SYSTEM REQUIREMENTS.—Section 105(a) of the Protection and Advocacy for Mentally Ill Individuals Act of 1986 (42 U.S.C. 10805(a)) is amended—

(1) in paragraph (8), by striking ''and'' at the end thereof;

(2) in paragraph (9), by striking the period and inserting ''; and''; and

(3) by adding at the end thereof the following new paragraph:

''(10) not use allotments provided to a system to assist in—

''(A) procuring or funding any item, benefit, or service for the purpose of causing, or the purpose of assisting in causing, the death of any individual, such as by assisted suicide, euthanasia, or mercy killing;

''(B) compelling any individual, institution, government, or governmental body to provide any item, benefit, or service for the purpose of causing, or the purpose of assisting in causing, the death of any individual, such as by assisted suicide, euthanasia, or mercy killing; or

''(C) asserting or advocating a legal right to cause, or to assist in causing, or to receive assistance in causing, the death of any individual, such as by assisted suicide, euthanasia, or mercy killing.''.

(c) AMENDMENT TO REHABILITATION ACT OF 1973; REQUIREMENTS FOR ASSISTANCE FOR PROTECTION AND ADVOCACY SYSTEMS.—Section 509(f) of the Rehabilitation Act of 1973 (29 U.S.C. 794e(f)) is amended—

(1) in paragraph (6), by striking ''and'' after the semicolon at the end;

(2) in paragraph (7), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following paragraph:

''(8) not use allotments provided under this section to support or fund any program or service which has the purpose of assisting in—

''(A) procuring or funding any item, benefit, or service for the purpose of causing, or the purpose of assisting in causing, the death of any individual, such as by assisted suicide, euthanasia, or mercy killing;

''(B) compelling any individual, institution, government, or governmental body to provide any item, benefit, or service for the purpose of causing, or the purpose of assisting in causing, the death of any individual, such as by assisted suicide, euthanasia, or mercy killing; or

''(C) asserting or advocating a legal right to cause, or to assist in causing, or to receive assistance in causing, the death of any individual, such as by assisted suicide, euthanasia, or mercy killing.''.

SEC. ___. AMENDMENT TO PUBLIC HEALTH SERVICE ACT.

Title II of the Public Health Service Act (42 U.S.C. 201 et seq.) is amended by adding at the end thereof the following new section:

''SEC. 246. BAN ON USE OF FUNDS FOR ASSISTED SUICIDE AND RELATED SERVICES.

''Appropriations for carrying out the purposes of this Act shall not be used or made available to provide any item or service, furnished for the purpose of causing, or the purpose of assisting in causing, the death of any individual, such as by assisted suicide, euthanasia, or mercy killing.''.

SEC. ___. AMENDMENT TO OLDER AMERICANS ACT.

Section 712 of the Older Americans Act of 1965 (42 U.S.C. 3058g) is amended by adding at the end thereof the following new subsection:

''(k) ASSISTED SUICIDE.—No State or local ombudsman program, entity, or representative shall, with funds allotted under this section, provide any assistance or service to assist in—

''(1) securing or funding any item, benefit, or service for the purpose of causing, or the purpose of assisting in causing, the death of any individual, such as by assisted suicide, euthanasia, or mercy killing;

''(2) compelling any individual, institution, government, or governmental body to provide any item, benefit, or service for the purpose of causing, or the purpose of assisting in causing, the death of any individual, such as by assisted suicide, euthanasia, or mercy killing; or

''(3) asserting or advocating a legal right to cause, or to assist in causing, or to receive assistance in causing, the death of any individual, such as by assisted suicide, euthanasia, or mercy killing.''.

SEC. ___. LEGAL SERVICES.

Section 1007(b) of the Legal Services Corporation Act (42 U.S.C. 2996f(b)) is amended—

(1) by striking ''or'' at the end of paragraph (9);

(2) by striking the period at the end of paragraph (10) and inserting ''; or''; and

(3) by adding after paragraph (10) the following:

''(11) to provide legal assistance for the purpose of—

''(A) securing or funding any item, benefit, program, or service furnished for the purpose of causing, or the purpose of assisting in causing, the death of any individual, such as by assisted suicide, euthanasia, or mercy killing;

''(B) compelling any individual, institution, government, or governmental body to provide, fund, or legalize any item, benefit, program, or service for the purpose of causing, or the purpose of assisting in causing, the death of any individual, such as by assisted suicide, euthanasia, or mercy killing; or

''(C) asserting or advocating a legal right to cause, or to assist in causing, or to receive assistance in causing, the death of any individual, such as by assisted suicide, euthanasia, or mercy killing.''.

BALANCED BUDGET CONSTITUTIONAL AMENDMENT

BYRD AMENDMENT NO. 6

Mr. BYRD proposed an amendment to the joint resolution (S.J. Res. 1) proposing an amendment to the Constitution of the United States to require a balanced budget; as follows:

On page 3, strike lines 12 through 14 and insert the following:

''SECTION 6. The Congress shall implement this article by appropriate legislation.

NOTICES OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MURKOWSKI. Mr. President, I would like to announce for the public that a hearing has been scheduled before the Energy and Natural Resources Committee to consider the President's fiscal year 1998 budget.

The committee will hear testimony from the Department of the Interior and the Forest Service on Tuesday, February 25, 1997.

The hearing will begin at 9:30 a.m., and will take place in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

For further information, please call Mike Poling, counsel (202) 224–8276 or James Beirne, senior counsel at (202) 224–2564.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MURKOWSKI. Mr. President, I would like to announce for the public that a hearing has been scheduled before the Energy and Natural Resources Committee to consider the President's fiscal year 1998 budget.

The committee will hear testimony from the Department of Energy and FERC on Tuesday, March 11, 1997.

The hearing will begin at 10 a.m., and take place in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

For further information, please call Karen Hunsicker, counsel (202) 224–3543 or Betty Nevitt, staff assistant at (202) 224–0765.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MURKOWSKI. Mr. President, I would like to announce for the information of the Senate and the public that a series of three workshops have been scheduled before the Committee on Energy and Natural Resources to exchange ideas and information on the issue of ''Competitive Change in the Electric Power Industry.''

The first workshop will take place on Thursday, March 6, beginning at 9:30 a.m. in room 216 of the Hart Senate Office Building. The topic of discussion will be: What are the issues involved in competition?

The second workshop will take place on Thursday, March 13, beginning at 9:30 a.m. in room SDG–50 of the Dirksen Senate Office Building. The topic of discussion will be: What is the role of public power in a competitive market?

The third workshop will take place on Thursday, March 20, beginning at 9:30 a.m. in room 216 of the Hart Senate Office Building. The topic of discussion will be: Is federal legislation necessary? Participation is by invitation. For further information please write to the Senate Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Ms. SNOWE. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet at 2:45 p.m. on Wednesday, February 12, 1997, in open session, to receive testimony on the defense authorization request for the fiscal year 1998 and the future years defense program.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Ms. SNOWE. 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, February 12, 1997, to conduct a markup of the following nominee: Janet Louise Yellen, of California, to be a member, council of economic advisors.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Ms. SNOWE. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Wednesday, February 12, 1997, for purposes of conducting a full committee business meeting which is scheduled to begin at 9:30 a.m. The purpose of this meeting is to consider pending calendar business.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Ms. SNOWE. Mr. President, I ask unanimous consent that the full Committee on Environment and Public Works be granted permission to conduct a hearing Wednesday, February 12, at 9:30 a.m., Hearing Room (SD–406), to receive testimony from Carol M. Browner, Administrator, EPA, on the ozone and particulate matter standards proposed by EPA.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Ms. SNOWE. Mr. President, I ask unanimous consent that the full Committee on Finance be permitted to meet to conduct a hearing on Wednesday, February 12, 1997, beginning at 10 a.m. in room 215–Dirksen.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Ms. SNOWE. Mr. President, I ask unanimous consent on behalf of the Governmental Affairs Subcommittee on International Security, Proliferation, and Federal Services to meet on Wednesday, February 12, at 9:30 a.m. for a hearing on The Future of Nuclear Deterrence.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON LABOR AND HUMAN RESOURCES

Ms. SNOWE. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet for a hearing on Teamwork for Employees and Managers, during the session of the Senate on Wednesday, February 12, 1997, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON RULES AND ADMINISTRATION

Ms. SNOWE. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be authorized to meet during the session on Wednesday, February 12, 1997 at 9:30 a.m. in SR–301 to mark-up the recurring budgets contained in the omnibus committee funding resolution for 1997 and 1998; and any other legislative or administrative matters that are ready for consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON SMALL BUSINESS

Ms. SNOWE. Mr. President, I ask unanimous consent that the Committee on Small Business be authorized to meet during the session of the Senate for a hearing entitled ''Nomination of Aida Alvarez to be Administrator of the United States Small Business Administration'' on Wednesday, February 12, 1997. The hearing will begin at 9:30 a.m. in room 428A of the Russell Senate Office Building.

The PRESIDING OFFICER. WIthout objection, it is so ordered.

SUBCOMMITTEE ON HEALTH CARE

Ms. SNOWE. Mr. President, I ask unanimous consent that the Subcommittee on Health Care be permitted to meet to conduct a hearing on Wednesday, February 12, 1997, beginning at 2 p.m. in room 215–Dirksen.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

TRIBUTE TO FATHER JAROSLAW KUPCZAK ON SERVING THE CATHOLIC COMMUNITY AND RECEIVING HIS DOCTORATE FROM THE JOHN PAUL II INSTITUTE

● Mr. BOB SMITH. Mr. President, I rise today to pay tribute to a great American, Father Jaroslaw Kupczak. Father Jaroslaw is a Dominican priest from Bilgoraj, Poland who, for the past 4 years, has been a doctoral student at the John Paul II Institute in the District of Columbia.

During his tenure in the United States, Father Jaroslaw did much more than study at one of the most respected institutes of higher learning. He became part of the community.

Father Jaroslaw unselfishly dedicated his time and energy to needy citizens in a number of area communities. Every 2 weeks, he celebrated Mass at the Missionaries of Charities in Anacostia. The mission is run by a group of sisters who take in single, pregnant women and house them during their pregnancy and after. His compassion and counsel brought the spirit of God into the lives of these women in need.

As would be expected, Father Jaroslaw was a pillar in the Polish community. He was a frequent celebrant, confessor, and counselor to the parishioners of Our Lady Queen of Poland parish in Silver Spring, MD. He often celebrated Sunday Mass, as well as masses on holy days and Polish holidays. He even traveled as far as Norfolk, VA to celebrate Mass and provide spiritual guidance to a Polish community that was without a parish.

Mr. President, our Nation has been blessed with Father Jaroslaw's tenure in the United States for the past 4 years. Many Catholics and Polish Americans have been touched by his generosity and time and his devotion to area residents has been an inspiration to all of us.

I would further like to congratulate him on his graduation from the John Paul II Institute and on receiving his degree doctor sacrae thelolgiae summa cum laude. We wish him continued health and happiness as he returns to his assignment in Krakow, Poland, to touch the lives of the citizens there.●

EUROPEAN COMMITTEE FOR THE PREVENTION OF TORTURE PUBLIC STATEMENT ON TURKEY

● Mr. LEAHY. Mr. President, I recently learned about a public statement by the European Committee for the Prevention of Torture [CPT], concerning the problem of torture in Turkey. The CPT is a respected international organization established in

1989, which visits prisons in countries that have ratified the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment. All countries that have ratified the Convention agree to permit these visits, and presumably to pay attention to the Committee's recommendations.

The CPT publishes public statements only when states party to the Convention refuse to follow its recommendations. The group has only issued public statements on two occasions in its 8 years of existence. Both of these statements, the most recent of which was issued in December, discuss the ongoing problem of torture in Turkey.

The CPT acknowledges the serious threat of terrorism that Turkey faces and the security and humanitarian crises that have resulted, especially in the southeastern part of the country. The CPT also recognizes that the Government of Turkey has expressed concern about the use of torture and has responded by circulating memoranda and designing human rights programs for its law enforcement officials. However, the CPT concludes that in practice these measures, along with the legal framework to protect detainees from torture and ill-treatment and to discipline those who have used torture, are inadequate and ignored by Turkish authorities. A recent example is the decision by the Turkish Government to reduce to 4 days the length of time a suspect can be held incommunicado, without access to a lawyer. There is ample evidence that torture routinely occurs immediately following arrest. Any period of incommunicado detention is an invitation for these kinds of abuses to continue.

The facts contained in the CPT's December public statement are very troubling. In a September 1996 visit to prisons in Turkey, the CPT reported:

A considerable number of persons examined by the delegation's three forensic doctors displayed marks or conditions consistent with their allegations of recent ill-treatment by the police, and in particular of beating of the soles of the feet, blows to the palms of the hands and suspension by the arms. The cases of seven persons . . . must rank among the most flagrant examples of torture encountered by CPT delegations in Turkey.

As in October 1994, the CPT again found ''material evidence of resort to ill-treatment, in particular, an instrument adapted in a way which would facilitate the infliction of electric shocks and equipment which could be used to suspend a person by the arms.''

Mr. President, this report shows that despite the Turkish Government's efforts in recent years, the practice of torture continues unabated. The latest State Department Country Reports on Human Rights, which was released on January 30, confirms this. It illustrates, once again, that good intentions and training programs, while important, are no substitute for holding people accountable. Only when people who engage in this abhorrent conduct believe they will be punished, will it stop.

This should concern us all, because Turkey is a valued NATO ally with which we have many shared interests. Turkey is going through a difficult period in its history, and I for one want to see our relationship strengthen. I raise these concerns because I believe that Turkey, and relations between our two countries, would benefit greatly if it were clear that vigorous, effective action were being taken to eradicate this curse.

I urge the administration and Members of Congress to raise the issue of torture at the highest levels of the Turkish Government, and to work with Turkish officials to pursue aggressively the necessary measures to end the practice of torture and the impunity that persist in Turkey today.●

TRIBUTE TO BERLIN MYERS

● Mr. HOLLINGS. Mr. President, Berlin George Myers is dedicated to his hometown of Summerville, SC. His life has revolved around an eight-square block area in the heart of this town also known as Flowertown in the Pines. In this small area, he grew up and raised his own children and today, continues to run his business and govern the town.

Mayor Myers' first public office was membership on town council in 1965. His vote returns were the highest ever achieved by a town official and as a result, he became Mayor pro tem. History repeated itself in the following elections and Mayor Myers is further distinguished by having served on every town committee.

Under Councilman Myers, many civic improvements were made: a new town hall and a new fire station were built, an extensive paving program enacted, town clean-up was given a high priority and annexation began in earnest.

In June 1972, the incumbent Mayor Luke died and Berlin Myers stepped in to fill the remainder of his term. Four months later, he won his own election and every one since with a large majority of the vote. During Mayor Myers' tenure, Summerville's population has grown from 3,700 to approximately 25,000.

Under Mayor Myers, Summerville's Public Safety Department has combined police and fire departments, telecommunications—including an enhanced 911 system—and municipal court in a single headquarters building complex. He helped plan and proudly presided over the ribbon cutting for a perimeter road around Summerville—named the Berlin G. Myers Parkway by an act of the South Carolina legislature. In 1994, under his direction, the 27-year-old townhall was renovated and expanded. His tireless, around-the-clock leadership during 1989's Hurricane Hugo put Summerville back in operation quickly and smoothly.

The order and organization for which Summerville is renowned founded his business, the Berlin G. Myers Lumber Co., which in 1989 celebrated its 50th year. There's neither a piece of lumber nor a piece of paperwork out of place in this operation. He began working in his Uncle Allen's sawmill and small retail outlet after school and weekends when he was 10 years old. After graduating from high school in 1939, he took over the latter. Mayor Myers is past president of the Carolinas Tennessee Building Materials Association and has served on committees on both the regional and national chapters.

In 1989, Mayor Myers was awarded the Order of the Palmetto, the highest civilian accolade the State of South Carolina can bestow. He keeps the same rigorous schedule he has all of his adult life, arriving first at the lumber yard every morning, holding regular townhall work hours, talking with school children about the town's history, and actively participating in Summerville Baptist Church. Mayor Berlin Myers is a devoted husband and is the father of four children and three grandchildren.

In this, his 80th year, his mayoral tenure has reached a quarter of a century, the longest in Summerville's history. His postion is unpaid and he says that he sees politics as service to his town, ''It's a way to give back to my community which has given me so much.'' Summerville's sesquicentennial takes place this year, 1997, and you can believe that Mayor Berlin Myers will be leading the parade.●

COMMEMORATING THE LIFE OF CARLTON GOODLETT

● Mrs. BOXER. Mr. President, I rise today to celebrate the life of Dr. Carlton Goodlett. Dr. Goodlett recently passed from this life, leaving it richer and more decent for his presence. The challenge of his voice, conscience, and healing hand is the legacy of a singular man.

To say that Carlton Goodlett was multitalented is to understate his genuinely remarkable energy and versatility. He was a medical doctor, held a doctorate in psychology and published a newspaper for nearly 50 years. He was local president of the NAACP and worked side by side with many of the giants of the civil rights era. Born in a time and place where discrimination and violence were commonplace, he remained passionately concerned about peace and equality throughout his entire life.

Although his contributions reasonate most clearly in San Francisco's African-American neighborhoods, Dr. Goodlett's example and spirit were in inspiration to many young Americans, irrespective of race. When he acted or spoke, his message was meant for anyone with an open heart and mind. He embraced people with great warmth and ideas with great facility. He was a leader in the truest sense.

At the Sun-Reporter, he nurtured numerous fledgling writers, giving them

the opportunity to develop their professional talents while simultaneously providing readers with invaluable insight into a vibrant community at play, at work, in worship, and in struggle. As a physician, he helped guide young men and women into medicine. As a civil rights leader and advocate for peace, he appealed to conscience of leaders and citizens alike.

Dr. Goodlett considered life and community to be sacred. Though his time has come and gone, his message of hope and fairness endures. For all he did for others, he will forever be treasured and missed.●

TRIBUTE TO KENT DAVIS ON HIS RETIREMENT FROM THE MANCHESTER, NH, VETERAN AFFAIRS REGIONAL OFFICE

● Mr. BOB SMITH. Mr. President, I rise today to honor Kent Davis for his diligent work over the years on behalf of New Hampshire's veterans. My staff and I have worked with Kent on important veterans issues and we have always admired his hard work and dedication to his job. He will be sorely missed by many. As a fellow veteran, I congratulate him on his service to the Manchester Veteran Affairs regional office.

Kent has been the head of the adjudication office at the Manchester Veteran Affairs regional office for the past 12 years, and has served as our congressional liaison. We have come to rely on him for information and guidance on matters of concern to New Hampshire veterans. He has provided outstanding service, and we were always confident that Kent provided the veterans of New Hampshire every consideration for benefits and services.

In 1989, Kent was given an award for the outstanding adjudication division, and he received numerous commendations and excellent evaluations.

Kent was always willing to go the extra mile to help a veteran. When any problem arose, he was quick to find a resolution or provide an answer. His valuable expertise, knowledge, and experience helped my New Hampshire congressional offices to be responsive and serve New Hampshire veterans expeditiously.

Kent graduated from Chico State College in Chico, CA, with a bachelor's degree in sociology in 1966. He achieved his master's degree in public administration at the University of New Mexico in Albuquerque in 1971.

Kent is not only a professional, but also displays a good sense of humor which always made it a pleasure to work with him. On behalf of myself, the veterans in New Hampshire and my staff, we wish Kent every happiness and continued success in the years to come.●

LAWRENCE M. GRESSETTE, JR.: EXCELLENCE IN PUBLIC SERVICE

● Mr. HOLLINGS. Mr. President, Lawrence Gressette, Jr., is well known to all of us in South Carolina and we salute him as he retires on February 28 as chairman of the board and chief executive officer of SCANA Corp., in Columbia, SC.

Excellence is a Gressette family tradition. Lawrence Gressette learned much at the knee of his father, Marion, the esteemed attorney and South Carolina State senator. He once told Lawrence, ''Things must not only be right but should also look right.'' Lawrence Gressette has long adhered to his father's sage advice. In college, he not only played football for Clemson University, he earned a football scholarship. He was so liked and respected by his classmates that they elected him student body president. At the University of South Carolina Law School, he finished first in his class. Upon graduation, he joined in his father's practice and earned a reputation as a solid litigator.

It was in working alongside his father that Lawrence Gressette became involved with utility regulatory work. The powers that were at South Carolina Electric and Gas were so impressed with his talents that they persuaded him to become a senior vice president in 1983 and executive vice president the following year. In 1990, John Warren retired as CEO of SCE&G's parent company, SCANA, and the board of directors tapped Lawrence to fill the top spot. Through vision and consistent leadership, he has guided SCANA into a successful, cohesive commercial force—a goliath of energy-related and communications businesses. Fortunately for all of us, he has shared his talents with his community as well. Some of his achievements include: chairman of the board of trustees for Clemson University, trustee of the Educational Television Endowment of South Carolina, member of the steering committee of the South Carolina Governor's School of the Arts, and chairman of the United Way of the Midlands. Through it all, he has been blessed with the love and support of his wife, Felicia, and their three children. Although Lawrence will be sorely missed at SCANA, I am confident that he will continue in his role of excellent public service and will hand down this Gressette legacy to his four grandchildren.●

PROHIBITION OF INCENTIVES FOR RELOCATION ACT

Mr. KOHL. Mr. President, I would like to take just a few moments to comment on the Prohibition of Incentives for Relocation Act, introduced yesterday by my colleague from Wisconsin, Senator FEINGOLD. I strongly support and am an original cosponsor of this legislation, the passage of which is of great importance to workers in Wisconsin and all across the country.

For the third consecutive Congress, we have introduced this legislation to amend the Housing and Community Development Act to prohibit the use of Federal funds, directly or indirectly, for business relocation activities that encourage States and communities to steal jobs from one another.

My background is in business. I know well that in today's tough economic environment, it is commonplace for businesses to relocate or downsize their operations in order to maintain a competitive edge. In so doing, some choose to leave one location in favor of another location in a different State. However painful, mobility and adaptability have become important business survival tactics. But there's a catch: in some instances, relocation activities have been partially subsidized or underwritten by Federal funds. In other words, while it appeared that Federal moneys were fueling job creation in one community, the flip side of the coin revealed that those moneys were fueling job losses elsewhere.

Mr. President, that is just plain wrong; wrong in terms of fairness; wrong because it violates the spirit of the law. And it's public policy without vision: if States start fighting each other for jobs, instead of creating employment opportunities from the ground up, any regional or national economic cooperation will be lost.

This issue was first brought to our attention in 1994 when Briggs & Stratton Corporation announced plans to relocate 2,000 jobs from Milwaukee to other locations, including two that had used Federal community development funds to expand their operations. We introduced this legislation then, and in 1995 a version of the bill was adopted as an amendment to an appropriations bill. Although our amendment was dropped in conference, the final bill did include language requesting that the Department of Housing and Urban Development [HUD] report to Congress on the costs and benefits of maintaining an information database on this issue.

We are still waiting for HUD's report, but the need to act is no less significant today than it was in 1994. In fact, in December 1996, the Wisconsin State Journal reported that the communications director for the Michigan Jobs Commission had stated, and I quote, ''we will aggressively pursue Wisconsin companies for relocation into Michigan.''

Mr. President, we were disheartened by Michigan's attitude to say the least, and we contacted then-HUD Secretary Cisneros, Assistant Secretary Singerman at the Economic Development Administration [EDA] and Administrator Lader at the Small Business Administration [SBA] to urge all three to be vigilant when distributing Federal funds. We wanted to be sure that their agencies were not inadvertently encouraging Michigan to steal jobs from Wisconsin. I am pleased to report that Assistant Secretary Singerman responded by affirming EDA's sensitivity to the issue and want to add that both EDA and SBA are already governed by antijob piracy provisions. We are simply proposing that these types of provisions govern HUD programs as well.

Our attention to this matter is imperative. Community development for all Americans is best achieved by promoting new growth, rather than promoting job raids between hard-pressed communities. I urge my colleagues to take this issue seriously by acting upon this legislation as soon as possible.●

RULES FOR SPECIAL COMMITTEE ON AGING

● Mr. GRASSLEY. Mr. President, pursuant to the standing rule 26, I submit the rules for the Special Committee on Aging to be printed in the CONGRESSIONAL RECORD. These rules were adopted by the committee during its business meeting on January 29, 1997.

The rules follow:

JURISDICTION AND AUTHORITY

S. RES. 4, § 104, 95TH CONG., 1ST SESS. (1977) [1]

(a)(1) There is established a special Committee on Aging (hereafter in this section referred to as the ''special committee'') which shall consist of nineteen Members. The Members and chairman of the special committee shall be appointed in the same manner and at the same time as the Members and chairman of a standing committee of the Senate. After the date on which the majority and minority Members of the special committee are initially appointed on or after the effective date of title I of the Committee System Reorganization Amendments of 1977, each time a vacancy occurs in the Membership of the special committee, the number of Members of the special committee shall be reduced by one until the number of Members of the special committee consists of nine Senators.

(2) For purposes of paragraph 1 of rule XXV; paragraphs 1, 7(a)(1)–(2) 9, and 10(a) of rule XXVI; and paragraphs 1(a)–(d), and 2 (a) and (d) of rule XXVII of the Standing Rules of the Senate; and for purposes of section 202(i) and (j) of the Legislative Reorganization Act of 1946, the special committee shall be treated as a standing committee of the Senate.

(b)(1) It shall be the duty of the special committee to conduct a continuing study of any and all matters pertaining to problems and opportunities of older people, including, but not limited to, problems and opportunities of maintaining health, of assuring adequate income, of finding employment, of engaging in productive and rewarding activity, of securing proper housing, and when necessary, of obtaining care or assistance. No proposed legislation shall be referred to such committee, and such committee shall not have power to report by bill, or otherwise have legislative jurisdiction.

(2) The special committee shall, from time to time (but not less often than once each year), report to the Senate the results of the study conducted pursuant to paragraph (1), together with such recommendation as it considers appropriate.

(c)(1) For the purposes of this section, the special committee is authorized, in its discretion, (A) to make investigations into any matter within its jurisdiction, (B) to make expenditures from the contingent fund of the Senate, (C) to employ personnel, (D) to hold hearings, (E) to sit and act at any time or place during the sessions, recesses, and adjourned periods of the Senate, (F) to require by subpoena or otherwise, the attendance of witnesses and the production of correspondence, books, papers, and documents, (G) to take depositions and other testimony, (H) to procure the service of individual consultants or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended) and (I) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

(2) The chairman of the special committee or any Member thereof may administer oaths to witnesses.

(3) Subpoenas authorized by the special committee may be issued over the signature of the chairman, or any Member of the special committee designated by the chairman, and may be served by any person designated by the chairman or the Member signing the subpoena.

(d) All records and papers of the temporary Special Committee on Aging established by Senate Resolution 33, Eighty-seventh Congress, are transferred to the special committee.

RULES OF PROCEDURE

141 CONG. REC. S3293 (DAILY ED. FEB. 28, 1995)

I. Convening of meetings and hearings

1. MEETINGS. The Committee shall meet to conduct Committee business at the call of the Chairman.

2. SPECIAL MEETINGS. The Members of the Committee may call additional meetings as provided in Senate Rule XXVI (3).

3. NOTICE AND AGENDA:

(a) HEARINGS. The Committee shall make public announcement of the date, place, and subject matter of any hearing at least one week before its commencement.

(b) MEETINGS. The Chairman shall give the Members written notice of any Committee meeting, accompanied by an agenda enumerating the items of business to be considered, at least 5 days in advance of such meeting.

(c) SHORTENED NOTICE. A hearing or meeting may be called on not less than 24 hours notice if the Chairman, with the concurrence of the Ranking Minority Member, determines that there is good cause to begin the hearing or meeting on shortened notice. An agenda will be furnished prior to such a meeting.

4. PRESIDING OFFICER. The Chairman shall preside when present. If the Chairman is not present at any meeting or hearing, the Ranking Majority Member present shall preside. Any Member of the Committee may preside over the conduct of a hearing.

II. Closed sessions and confidential materials

1. PROCEDURE. All meetings and hearing shall be open to the public unless closed. To close a meeting or hearing or portion thereof, a motion shall be made and seconded to go into closed discussion of whether the meeting or hearing will concern the matters enumerated in Rule II.3. Immediately after such discussion, the meeting or hearing may be closed by a vote in open session of a majority of the Members of the Committee present.

2. WITNESS REQUEST. Any witness called for hearing may submit a written request to the Chairman no later than twenty-four hours in advance for his examination to be in closed or open session. The Chairman shall inform the Committee of any such request.

3. CLOSED SESSION SUBJECTS. A meeting or hearing or portion thereof may be closed if the matters to be discussed concern: (1) national security; (2) Committee staff personnel or internal staff management or procedures; (3) matters tending to reflect adversely on the character or reputation or to invade the privacy of the individuals; (4) Committee investigations; (5) other matters enumerated in Senate Rule XXVI (5)(b).

4. CONFIDENTIAL MATTER. No record made of a closed session, or material declared confidential by a majority of the Committee, or report of the proceedings of a closed session, shall be made public, in whole or in part or by way of summary, unless specifically authorized by the Chairman and Ranking Minority Member.

5. BROADCASTING:

(a) CONTROL. Any meeting or hearing open to the public may be covered by television, radio, or still photography. Such coverage must be conducted in an orderly and unobtrusive manner, and the Chairman may for good cause terminate such coverage in whole or in part, or take such other action to control it as the circumstances may warrant.

(b) REQUEST. A witness may request of the Chairman, on grounds of distraction, harassment, personal safety, or physical discomfort, that during his testimony cameras, media microphones, and lights shall not be directed at him.

III. Quorums and voting

1. REPORTING. A majority shall constitute a quorum for reporting a resolution, recommendation or report to the Senate.

2. COMMITTEE BUSINESS. A third shall constitute a quorum for the conduct of Committee business, other than a final vote on reporting, providing a minority Member is present. One Member shall constitute a quorum for the receipt of evidence, the swearing of witnesses, and the taking of testimony at hearings.

3. POLLING:

(a) SUBJECTS. The Committee may poll (1) internal Committee matters including those concerning the Committee's staff, records, and budget; (2) other Committee business which has been designated for polling at a meeting.

(b) PROCEDURE. The Chairman shall circulate polling sheets to each Member specifying the matter being poled and the time limit for completion of the poll. If any Member so requests in advance of the meeting, the matter shall be held for meeting rather than being polled. The clerk shall keep a record of polls, if the Chairman determines that the polled matter is one of the areas enumerated in Rule II.3, the record of the poll shall be confidential. Any Member may move at the Committee meeting following a poll for a vote on the polled decision.

IV. Investigations

1. AUTHORIZATION FOR INVESTIGATIONS. All investigations shall be conducted on a bipartisan basis by Committee staff. Investigations may be initiated by the Committee staff upon the approval of the Chairman and the Ranking Minority Member. Staff shall keep the Committee fully informed of the progress of continuing investigations, except where the Chairman and the Ranking Minority Member agree that there exists temporary cause for more limited knowledge.

2. SUBPOENAS. Subpoenas for the attendance of witnesses or the production of memoranda, documents, records, or any other materials shall be issued by the Chairman, or by any other Member of the Committee designated by him. Prior to the issuance of each subpoena, the Ranking Minority Member, and any other Member so requesting, shall be notified regarding the identity of the person to whom the subpoena will be issued and the nature of the information sought, and its relationship to the investigation.

3. INVESTIGATIVE REPORTS. All reports containing findings or recommendations stemming from Committee investigations shall be printed only with the approval of a majority of the Members of the Committee.

[1] As amended by S. Res. 78, 95th Cong., 1st Sess. (1977), S. Res. 376, 95th Cong., 2d Sess. (1978), S. Res. 274, 96th Cong., 1st Sess. (1979), S. Res. 389, 96th Cong., 2d Sess. (1980).

V. Hearings

1. NOTICE. Witnesses called before the Committee shall be given, absent extraordinary circumstances, at least forty-eight hours notice, and all witnesses called shall be furnished with a copy of these rules upon request.

2. OATH. All witnesses who testify to matters of fact shall be sworn unless the Committee waives the oath. The Chairman, or any member, may request and administer the oath.

3. STATEMENT. Any witness desiring to make an introductory statement shall file 50 copies of such statement with the Chairman or clerk of the Committee 24 hours in advance of his appearance, unless the Chairman and Ranking Minority Member determine that there is good cause for a witness's failure to do so. A witness shall be allowed no more than ten minutes to orally summarize his prepared statement.

4. COUNSEL:

(a) A witness's counsel shall be permitted to be present during his testimony at any public or closed hearing or depositions or staff interview to advise such witness of his rights, provided, however, that in the case of any witness who is an officer or employee of the government, or of a corporation or association, the Chairman may rule that representation by counsel from the government, corporation, or association creates a conflict of interest, and that the witness shall be represented by personal counsel not from the government, corporation, or association.

(b) A witness is unable for economic reasons to obtain counsel may inform the Committee at least 48 hours prior to the witness's appearance, and it will endeavor to obtain volunteer counsel for the witness. Such counsel shall be subject solely to the control of the witness and not the Committee. Failure to obtain counsel will not excuse the witness from appearing and testifying.

5. TRANSCRIPT. An accurate electronic or stenographic record shall be kept of the testimony of all witnesses in executive and public hearings. Any witness shall be afforded, upon request, the right to review that portion of such record, and for this purpose, a copy of a witness's testimony in public or closed session shall be provided to the witness. Upon inspecting his transcript, within a time limit set by the committee clerk, a witness may request changes in testimony to correct errors of transcription, grammatical errors, and obvious errors of fact, the Chairman or a staff officer designated by him shall rule on such request.

6. IMPUGNED PERSONS. Any person who believes that evidence presented, or comment made by a Member or staff, at a public hearing or at a closed hearing concerning which there have been public reports, tends to impugn his character or adversely affect his reputation may:

(a) file a sworn statement of facts relevant to the evidence or comment, which shall be placed in the hearing record;

(b) request the opportunity to appear personally before the Committee to testify in his own behalf; and

(c) submit questions in writing which he requests be used for the cross-examination of other witnesses called by the Committee. The Chairman shall inform the Committee of such requests for appearance or cross-examination. If the Committee so decides; the requested questions, or paraphrased versions or portions of them, shall be put to the other witness by a Member or by staff.

7. MINORITY WITNESSES. Whenever any hearing is conducted by the Committee, the minority on the Committee shall be entitled, upon request made by a majority of the minority Members to the Chairman, to call witnesses selected by the minority to testify or produce documents with respect to the measure or matter under consideration during at least one day of the hearing. Such request must be made before the completion of the hearing or, if subpoenas are required to call the minority witnesses, no later than three days before the completion of the hearing.

8. CONDUCT OF WITNESSES, COUNSEL AND MEMBERS OF THE AUDIENCE. If, during public or executive sessions, a witness, his counsel, or any spectator conducts himself in such a manner as to prevent, impede, disrupt, obstruct, or interfere with the orderly administration of such hearing the Chairman or presiding Member of the Committee present during such hearing may request the Sergeant at Arms of the Senate, his representative or any law enforcement official to eject said person from the hearing room.

VI. Depositions and commissions

1. NOTICE. Notices for the taking of depositions in an investigation authorized by the Committee shall be authorized and issued by the Chairman or by a staff officer designated by him. Such notices shall specify a time and place for examination, and the name of the staff officer or officers who will take the deposition. Unless otherwise specified, the deposition shall be in private. The Committee shall not initiate procedures leading to criminal or civil enforcement proceedings for a witness's failure to appear unless the deposition notice was accompanied by a Committee subpoena.

2. COUNSEL. Witnesses may be accompanied at a deposition by counsel to advise them of their rights, subject to the provisions of Rule V.4.

3. PROCEDURE. Witnesses shall be examined upon oath administered by an individual authorized by local law to administer oaths. Questions shall be propounded orally by Committee staff. Objections by the witnesses as to the form of questions shall be noted by the record. If a witness objects to a question and refuses to testify on the basis of relevance or privilege, the Committee staff may proceed with the deposition, or may at that time or at a subsequent time, seek a ruling by telephone or otherwise on the objection from a Member of the Committee. If the Member overrules the objection, he may refer the matter to the Committee or he may order and direct the witness to answer the question, but the Committee shall not initiate the procedures leading to civil or criminal enforcement unless the witness refuses to testify after he has been ordered and directed to answer by a Member of the Committee.

4. FILING. The Committee staff shall see that the testimony is transcribed or electronically recorded. If it is transcribed, the witness shall be furnished with a copy for review. No later than five days thereafter, the witness shall return a signed copy, and the staff shall enter the changes, if any, requested by the witness in accordance with Rule V.6. If the witness fails to return a signed copy, the staff shall note on the transcript the date a copy was provided and the failure to return it. The individual administering the oath shall certify on the transcript that the witness was duly sworn in his presence, the transcriber shall certify that the transcript is a true record to the testimony, and the transcript shall then be filed with the Committee clerk. Committee staff may stipulate with the witness to changes in this procedure; deviations from the procedure which do not substantially impair the reliability of the record shall not relieve the witness from his obligation to testify truthfully.

5. COMMISSIONS. The Committee may authorize the staff by issuance of commissions, to fill in prepared subpoenas, conduct field hearings, inspect locations, facilities, or systems of records, or otherwise act on behalf of the Committee. Commissions shall be accompanied by instructions from the Committee regulating their use.

VII. Subcommittees

1. ESTABLISHMENT. The Committee will operate as a Committee of the Whole, reserving to itself the right to establish temporary subcommittees at any time by majority vote. The Chairman of the full Committee and the Ranking Minority Member shall be ex officio Members of all subcommittees.

2. JURISDICTION. Within its jurisdiction as described in the Standing Rules of the Senate, each subcommittee is authorized to conduct investigations, including use of subpoenas, depositions, and commissions.

3. RULES. A subcommittee shall be governed by the Committee rules, except that its quorum for all business shall be one-third of the subcommittee Membership, and for hearings shall be one Member.

VIII. Reports

Committee reports incorporating Committee findings and recommendations shall be printed only with the prior approval of the Committee, after an adequate period for review and comment. The printing, as Committee documents, of materials prepared by staff for informational purposes, or the printing of materials not originating with the Committee or staff, shall require prior consultation with the minority staff; these publications shall have the following language printed on the cover of the document: ''Note: This document has been printed for informational purposes. It does not represent either findings or recommendations formally adopted by the Committee.''

IX. Amendment of rules

The rules of the Committee may be amended or revised at any time, provided that not less than a majority of the Committee present so determine at a Committee meeting preceded by at least 3 days notice of the amendments or revisions proposed.●

RULES OF THE COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

● Mr. D'AMATO. Mr. President, in accordance with rule XXVI, paragraph 2, of the Standing Rule of the Senate, I hereby submit for publication in the CONGRESSIONAL RECORD, the rules of the Committee on Banking, Housing, and Urban Affairs.

The rules follow:

RULES OF PROCEDURE FOR THE COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

(Adopted in executive session, January 28, 1997)

RULE 1.—REGULAR MEETING DATE FOR COMMITTEE

The regular meeting day for the Committee to transact its business shall be the last Tuesday in each month that the Senate is in Session; except that if the Committee has met at any time during the month prior to the last Tuesday of the month, the regular meeting of the Committee may be canceled at the discretion of the Chairman.

RULE 2.—COMMITTEE

(a) Investigations.—No investigation shall be initiated by the Committee unless the Senate, or the full Committee, or the Chairman and Ranking Minority Member have specifically authorized such investigation.

(b) Hearing.—No hearing of the Committee shall be scheduled outside the District of Columbia except by agreement between the

Chairman of the Committee and the Ranking Minority Member of the Committee or by a majority vote of the Committee.

(c) Confidential testimony.—No confidential testimony taken or confidential material presented at an executive session of the Committee or any report of the proceedings of such executive session shall be made public either in whole or in part by way of summary, unless specifically authorized by the Chairman of the Committee and the Ranking Minority Member of the Committee or by a majority vote of the Committee.

(d) Interrogation of witnesses.—Committee interrogation of a witness shall be conducted only by members of the Committee or such professional staff as is authorized by the Chairman or the Ranking Minority Member of the Committee.

(e) Prior notice of markup sessions.—No session of the Committee or a Subcommittee for marking up any measure shall be held unless (1) each member of the Committee or the Subcommittee, as the case may be, has been notified in writing of the date, time, and place of such session and has been furnished a copy of the measure to be considered at least 3 business days prior to the commencement of such session, or (2) the Chairman of the Committee or Subcommittee determines that exigent circumstances exist requiring that the session be held sooner.

(f) Prior notice of first degree amendments.—It shall not be in order for the Committee or a Subcommittee to consider any amendment in the first degree proposed to any measure under consideration by the Committee or Subcommittee unless (1) fifty written copies of such amendment have been delivered to the office of the Committee at least 2 business days prior to the meeting, or (2) with respect to multiple first degree amendments, each of which would strike a single section of the measure under consideration, fifty copies of a single written notice listing such specific sections have been delivered to the Committee at least 2 business days prior to the meeting. An amendment to strike a section of the measure under consideration by the Committee or Subcommittee shall not be amendable in the second degree by the Senator offering the amendment to strike. This subsection may be waived by a majority of the members of the Committee or Subcommittee voting, or by agreement of the Chairman and Ranking Minority Member. This subsection shall apply only when at least 3 business days written notice of a session to markup a measure is required to be given under subsection (e) of this rule.

(g) Cordon rule.—Whenever a bill or joint resolution repealing or amending any statute or part thereof shall be before the Committee or Subcommittee, from initial consideration in hearings through final consideration, the Clerk shall place before each member of the Committee or Subcommittee a print of the statute or the part or section thereof to be amended or repealed showing by stricken-through type, the part or parts to be omitted, and in italics, the matter proposed to be added. In addition, whenever a member of the Committee or Subcommittee offers an amendment to a bill or joint resolution under consideration, those amendments shall be presented to the Committee or Subcommittee in a like form, showing by typographical devices the effect of the proposed amendment on existing law. The requirements of this subsection may be waived when, in the opinion of the Committee or Subcommittee Chairman, it is necessary to expedite the business of the Committee or Subcommittee.

RULE 3.—SUBCOMMITTEES

(a) Authorization for.—A Subcommittee of the Committee may be authorized only by the action of a majority of the Committee.

(b) Membership.—No member may be a member of more than three Subcommittees and no member may chair more than one Subcommittee. No member will receive assignment to a second Subcommittee until, in order of seniority, all members of the Committee have chosen assignments to one Subcommittee, and no member shall receive assignment to a third Subcommittee until, in order of seniority, all members have chosen assignments to two Subcommittees.

(c) Investigations.—No investigation shall be initiated by a Subcommittee unless the Senate or the full Committee has specifically authorized such investigation.

(d) Hearings.—No hearing of a Subcommittee shall be scheduled outside the District of Columbia without prior consultation with the Chairman and then only by agreement between the Chairman of the Subcommittee and the Ranking Minority Member of the Subcommittee or by a majority vote of the Subcommittee.

(e) Confidential testimony.—No confidential testimony taken or confidential material presented at an executive session of the Subcommittee or any report of the proceedings of such executive session shall be made public, either in whole or in part or by way of summary, unless specifically authorized by the Chairman of the Subcommittee and the Ranking Minority Member of the Subcommittee, or by a majority vote of the Subcommittee.

(f) Interrogation of witnesses.—Subcommittee interrogation of a witness shall be conducted only by members of the Subcommittee or such professional staff as is authorized by the Chairman or the Ranking Minority Member of the Subcommittee.

(g) Special meetings.—If at least three members of a Subcommittee desire that a special meeting of the Subcommittee be called by the Chairman of the Subcommittee, those members may file in the offices of the Committee their written request to the Chairman of the Subcommittee for that special meeting. Immediately upon the filing of the request, the Clerk of the Committee shall notify the Chairman of the Subcommittee of the filing of the request. If, within 3 calendar days after the filing of the request, the Chairman of the Subcommittee does not call the requested special meeting, to be held within 7 calendar days after the filing of the request, a majority of the members of the Subcommittee may file in the offices of the Committee their written notice that a special meeting of the Subcommittee will be held, specifying the date and hour of that special meeting. The Subcommittee shall meet on that date and hour. Immediately upon the filing of the notice, the Clerk of the Committee shall notify all members of the Subcommittee that such special meeting will be held and inform them of its date and hour. If the Chairman of the Subcommittee is not present at any regular or special meeting of the Subcommittee, the Ranking Member of the majority party on the Subcommittee who is present shall preside at the meeting.

(h) Voting.—No measure or matter shall be recommended from a Subcommittee to the Committee unless a majority of the Subcommittee are actually present. The vote of the Subcommittee to recommend a measure or matter to the Committee shall require the concurrence of a majority of the members of the Subcommittee voting. On Subcommittee matters other than a vote to recommend a measure or matter to the Committee no record vote shall be taken unless a majority of the Subcommittee is actually present. Any absent member of a Subcommittee may affirmatively request that his or her vote to recommend a measure or matter to the Committee or his vote on any such other matters on which a record vote is taken, be cast by proxy. The proxy shall be in writing and shall be sufficiently clear to identify the subject matter and to inform the Subcommittee as to how the member wishes his or her vote to be recorded thereon. By written notice to the Chairman of the Subcommittee any time before the record vote on the measure or matter concerned is taken, the member may withdraw a proxy previously given. All proxies shall be kept in the files of the Committee.

RULE 4.—WITNESSES

(a) Filing of statements.—Any witness appearing before the Committee or Subcommittee (including any witness representing a Government agency) must file with the Committee or Subcommittee (24 hours preceding his or her appearance) 120 copies of his statement to the Committee or Subcommittee, and the statement must include a brief summary of the testimony. In the event that the witness fails to file a written statement and brief summary in accordance with this rule, the Chairman of the Committee or Subcommittee has the discretion to deny the witness the privilege of testifying before the Committee or Subcommittee until the witness has properly complied with the rule.

(b) Length of statements.—Written statements properly filed with the Committee or Subcommittee may be as lengthy as the witness desires and may contain such documents or other addenda as the witness feels is necessary to present properly his or her views to the Committee or Subcommittee. The brief summary included in the statement must be no more than 3 pages long. It shall be left to the discretion of the Chairman of the Committee or Subcommittee as to what portion of the documents presented to the Committee or Subcommittee shall be published in the printed transcript of the hearings.

(c) Ten-minute duration.—Oral statements of witnesses shall be based upon their filed statements but shall be limited to 10 minutes duration. This period may be limited or extended at the discretion of the Chairman presiding at the hearings.

(d) Subpoena of witnesses.—Witnesses may be subpoenaed by the Chairman of the Committee or a Subcommittee with the agreement of the Ranking Minority Member of the Committee or Subcommittee or by a majority vote of the Committee or Subcommittee.

(e) Counsel permitted.—Any witness subpoenaed by the Committee or Subcommittee to a public or executive hearing may be accompanied by counsel of his or her own choosing who shall be permitted, while the witness is testifying, to advise him or her of his or her legal rights.

(f) Expenses of witnesses.—No witness shall be reimbursed for his or her appearance at a public or executive hearing before the Committee or Subcommittee unless such reimbursement is agreed to by the Chairman and Ranking Minority Member of the Committee.

(g) Limits of questions.—Questioning of a witness by members shall be limited to 5 minutes duration when 5 or more members are present and 10 minutes duration when less than 5 members are present, except that if a member is unable to finish his or her questioning in this period, he or she may be permitted further questions of the witness after all members have been given an opportunity to question the witness.

Additional opportunity to question a witness shall be limited to a duration of 5 minutes until all members have been given the opportunity of questioning the witness for a second time. This 5-minute period per member will be continued until all members have exhausted their questions of the witness.

RULE 5.—VOTING

(a) Vote to report a measure or matter.—No measure or matter shall be reported from the Committee unless a majority of the Committee is actually present. The vote of the Committee to report a measure or matter shall require the concurrence of a majority of the members of the Committee who are present.

Any absent member may affirmatively request that his or her vote to report a matter be cast by proxy. The proxy shall be sufficiently clear to identify the subject matter, and to inform the Committee as to how the member wishes his vote to be recorded thereon. By written notice to the Chairman any time before the record vote on the measure or matter concerned is taken, any member may withdraw a proxy previously given. All proxies shall be kept in the files of the Committee, along with the record of the rollcall vote of the members present and voting, as an official record of the vote on the measure or matter.

(b) Vote on matters other than to report a measure or matter.—On Committee matters other than a vote to report a measure or matter, no record vote shall be taken unless a majority of the Committee are actually present. On any such other matter, a member of the Committee may request that his or her vote may be cast by proxy. The proxy shall be in writing and shall be sufficiently clear to identify the subject matter, and to inform the Committee as to how the member wishes his or her vote to be recorded thereon. By written notice to the Chairman any time before the vote on such other matter is taken, the member may withdraw a proxy previously given. All proxies relating to such other matters shall be kept in the files of the Committee.

RULE 6.—QUORUM

No executive session of the Committee or a Subcommittee shall be called to order unless a majority of the Committee or Subcommittee, as the case may be, are actually present. Unless the Committee otherwise provides or is required by the Rules of the Senate, one member shall constitute a quorum for the receipt of evidence, the swearing in of witnesses, and the taking of testimony.

RULE 7.—STAFF PRESENT ON DAIS

Only members and the Clerk of the Committee shall be permitted on the dais during public or executive hearings, except that a member may have one staff person accompany him or her during such public or executive hearing on the dais. If a member desires a second staff person to accompany him or her on the dais he or she must make a request to the Chairman for that purpose.

RULE 8.—COINAGE LEGISLATION

At least 40 Senators must cosponsor any gold medal or commemorative coin bill or resolution before consideration by the Committee.

EXTRACTS FROM THE STANDING RULES OF THE SENATE

RULE XXV, STANDING COMMITTEES

1. The following standing committees shall be appointed at the commencement of each Congress, and shall continue and have the power to act until their successors are appointed, with leave to report by bill or otherwise on matters within their respective jurisdictions:

* * * * *

(d)(1) Committee on Banking, Housing, and Urban Affairs, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

1. Banks, banking, and financial institutions.
2. Control of prices of commodities, rents, and services.
3. Deposit insurance.
4. Economic stabilization and defense production.
5. Export and foreign trade promotion.
6. Export controls.
7. Federal monetary policy, including Federal Reserve System.
8. Financial aid to commerce and industry.
9. Issuance and redemption of notes.
10. Money and credit, including currency and coinage.
11. Nursing home construction.
12. Public and private housing (including veterans' housing).
13. Renegotiation of Government contracts.
14. Urban development and urban mass transit.

(2) Such committee shall also study and review, on a comprehensive basis, matters relating to international economic policy as it affects United States monetary affairs, credit, and financial institutions; economic growth, urban affairs, and credit, and report thereon from time to time.

COMMITTEE PROCEDURES FOR PRESIDENTIAL NOMINEES

Procedures formally adopted by the U.S. Senate Committee on Banking, Housing, and Urban Affairs, February 4, 1981, establish a uniform questionnaire for all Presidential nominees whose confirmation hearings come before this Committee.

In addition, the procedures establish that:

(1) A confirmation hearing shall normally be held at least 5 days after receipt of the completed questionnaire by the Committee unless waived by a majority vote of the Committee.

(2) The Committee shall vote on the confirmation not less than 24 hours after the Committee has received transcripts of the hearing unless waived by unanimous consent.

(3) All nominees routinely shall testify under oath at their confirmation hearings.

This questionnaire shall be made a part of the public record except for financial information, which shall be kept confidential.

Nominees are requested to answer all questions, and to add additional pages where necessary.●

ORDER OF BUSINESS

Mr. THOMAS addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming.

(The remarks of Mr. THOMAS pertaining to the introduction of S. 314 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. THOMAS. Mr. President, I thank you for the time. I yield the floor.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

BALANCED BUDGET CONSTITUTIONAL AMENDMENT AND SOCIAL SECURITY TRUST FUNDS

Mr. REID. Mr. President, hopefully the week we get back, we will be able to start a serious debate on the most important issue relating to the balanced budget amendment, namely whether or not Social Security trust fund moneys should be counted in the constitutional amendment to balance the budget.

There will be an amendment offered, of course, that the Social Security trust fund moneys should be excluded from that. It seems each day that goes by we get added support for our amendment. We have received support over the months from various individuals, and just yesterday we received an opinion from the Congressional Research Service of the Library of Congress that was very important.

There has been some talk in the Chamber today that they have changed their opinion. Nothing could be further from the truth. And that certainly can come from reading the transmission from the American Law Division of the Congressional Research Service today. My friend, the Senator from North Dakota, will discuss this when I complete my remarks. But, Mr. President, all you need to do is read this new document that they put out where it says:

Only if no other receipts in any particular year could be found would the possibility of a limitation on drawing down the Trust Funds arise. Even in this eventuality, however, Congress would retain the authority, under the [balanced budget amendment] to raise revenues—

Of course, if you can get a supermajority.

or to reduce expenditures—

That's very true, you could continue to cut.

to obtain the necessary moneys to make good on the liquidation of securities from the Social Security Trust Funds.

Mr. President, this is certainly the same opinion that they rendered yesterday. The Social Security Trust Fund is the largest money out there, this year, $80 billion. This is being applied toward the deficit to make it look smaller. And that is all they are saying, that is, in effect, when it comes time to balance the budget, they will look to Social Security. The way the balanced budget amendment is written, if there are not surpluses over and above the Social Security Trust Fund moneys, people simply would not be able to draw their checks.

I will yield the floor——

Mr. DORGAN. I wonder if the Senator will yield?

Mr. REID. I will be happy to.

Mr. DORGAN. Mr. President, I wanted to make an observation and make a point. The Congressional Research Service has sent a second letter. I wanted to make the point the Senator from Nevada made. The second letter says the same as the first letter on the question of whether surpluses in the Social Security Trust Fund can be used in the outyears to be spent for Social Security needs. The answer is, in the first letter from CRS and in the second, the answer is no, unless there is a corresponding tax increase in the same fiscal year, or corresponding spending cuts, equal to those surpluses. And that is the very point we were making.

The second letter from the Congressional Research Service simply says the same thing that they said earlier with slightly different wording. We

want to make that point, that this is not a change in position for them at all.

In the outyears, the way the constitutional amendment to balance the budget is worded, the Government would be prevented from using the surpluses accrued in the Social Security Trust Fund that were saved for the specific purpose of being used later when they were needed. It would be prevented from using those unless in those years it also increased taxes sufficient to cover them or cut spending sufficient to cover them. This, despite the fact that they were accrued as surpluses, above other needs in the Social Security system now, in order to meet the needs in the future.

I know this is confusing. We just wanted to leave the message that the Congressional Research Service is saying the same thing. This is not a change in message from them at all, and this is about a $3 trillion issue. It is of great significance, and I hope Members will take account of it as we consider these issues.

Mr. REID. I say to my friend from North Dakota, also, we will discuss this at great length right after the break. But it is interesting that we are talking about trust fund moneys like it is some fungible commodity that can be used for any purpose. The fact of the matter is, Social Security Trust Fund moneys are put, supposedly, into a trust fund to be used for people's retirement, not to make the deficit look smaller.

Mr. DORGAN. If the Senator will yield for 1 additional minute, that is exactly the point of this debate. It is not an attempt in any way to create more diversion, or any diversion, on the issue of a constitutional amendment to balance the budget.

The question is, Shall the Constitution be altered? But we are raising the question of, if an alteration of the Constitution is made, how will that affect, in the outyears, the opportunity to spend the surpluses that we are accruing each year now because we need it when the baby boomers retire?

And the answer is, according to the Congressional Research Service, it will have a profound and enormous effect on the Government's ability to do that. That is what we want our colleagues to understand.

The PRESIDING OFFICER. The Chair will inform the Senators, under the previous order we were in morning business for up to 5 minutes each, and I must notify the Senators that time has elapsed.

The Senator from Utah.

Mr. HATCH. Mr. President, I would like to take this time to briefly respond to my friend from North Dakota and others. In their press conference that was held this morning, as I understand it—I was not there, but Senators CONRAD, DORGAN and REID were—at that event a one-page memorandum from the Congressional Research Service, which was inaccurately termed a ''study,'' was characterized as proof that passage and ratification of the balanced budget amendment will harm Social Security.

The problem is that the CRS memorandum did not conclude that at all. All the CRS memorandum concluded was that the Social Security existing surpluses after 2019—the year the program no longer produces surpluses because of the retirement of the baby boomers—cannot be used to fund the program unless such expenditures were offset by revenue or budget cuts.

Of course, this is technically true. That is what a balanced budget does. It balances outlays and receipts, and expenditure of any part of the budget is an outlay.

But these critics of the balanced budget fail to mention a few things. They fail to mention that CRS, in the memorandum, also concluded that the present day surpluses are ''an accounting practice.'' Past CRS studies clearly demonstrate that the Social Security trust funds are, indeed, an accounting measure. There is no separate Federal vault where Social Security receipts are stored. Social Security taxes—called FICA taxes—are simply deposited with all other Federal revenues. The moneys attributed to Social Security are tracked as bookkeeping entries so that we can determine how well the program operates. As soon as the amounts attributed to FICA taxes are entered on the books, Federal interest-bearing bonds are electronically entered as being purchased. That is the safest investment that exists in the world today.

This country has a unified budget. This means that the proceeds from Social Security taxes are part of the Treasury—of general revenue. CRS has recognized this.

Moreover, I might add, without including the present day surpluses, the budget cannot be balanced. That is why President Clinton has included Social Security funds in every one of his budgets.

Do Senators DORGAN, CONRAD, and REID oppose that? If they do, they have a right to, but the President includes them because he has to.

I recognize that Social Security is in danger. But the problem is not the inclusion of Social Security funds in the budget. The problem is that, with the retirement of the baby boomers and that generation, there will not be enough FICA taxes to fund their retirement. CRS, in a study, concluded that the present day surpluses would not be sufficient to resolve this problem. CRS concluded that the Social Security program needs to be fixed.

Finally, not including Social Security in the budget would harm the program. Congress could rename social programs—as they have done before—as Social Security and use the FICA taxes to fund those programs to the detriment of senior citizens; that is, if we do not handle this matter the way the balanced budget amendment requires us to do.

My colleagues' problem, in reality, is not with the balanced budget amendment but with the problems the Social Security program faces and will face in the future. We need to fix that. Adopting the balanced budget amendment is a good start. If we do not do that and if they take these matters so they are not part of the unified budget, then I submit every senior in this country is going to be hurt some time in the future because there will not be the will to get matters under control and spending under control.

We saw the charts of the distinguished Senator from West Virginia all afternoon, which I think make my case, and so do these 28 years of unbalanced budgets. The only way we are going to face up to the needs of Social Security and the needs of our seniors is if it is part of the unified budget.

Frankly, the CRS is right, this is an accounting process. The way to do it right is to have a balanced budget amendment passed that works.

Mr. President, I ask unanimous consent that the Congressional Research Service, Library of Congress, February 12, 1997, letter to the Honorable PETE V. DOMENICI, attention Jim Capretta, from the American Law Division, on the subject of ''Treatment of Outlays from Social Security Surpluses under BBA,'' signed by Johnny H. Killian, Senior Specialist, American Constitutional Law, be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CONGRESSIONAL RESEARCH SERVICE,
THE LIBRARY OF CONGRESS,
Washington, DC, February 12, 1997.

To: Honorable Pete V. Domenici, Attention: Jim Capretta.

From: American Law Division.

Subject: Treatment of Outlays from Social Security Surpluses under BBA.

This memorandum is in response to your inquiry with respect to the effect on the Social Security Trust Funds of the pending Balanced Budget Amendment (BBA). Under S.J. Res. 1 as it is now before the Senate, §1 would mandate that ''[t]otal outlays for any fiscal year shall not exceed total receipts for that fiscal year. . . .'' Outlays and receipts are defined in §7 as practically all inclusive, with two exceptions that are irrelevant here.

At some point, the receipts into the Social Security Trust Funds will not balance the outlays from those Funds. Under present law, then, the surpluses being built up in the Funds, at least as an accounting practice, will be utilized to pay benefits to the extent receipts for each year do not equal the outlays in that year. Simply stated, the federal securities held by the Trust Funds will be drawn down to cover the Social Security deficit in that year, and the Treasury will have to make good on those securities with whatever moneys it has available.

However, §1 of the pending BBA requires that total outlays for any fiscal year not exceed total receipts for that fiscal year. Thus, the amount drawn from the Social Security Trust Funds could not be counted in the calculation of the balance between total federal outlays and receipts. We are not concluding that the Trust Funds surpluses could not be drawn down to pay beneficiaries. The BBA would not require that result. What it would

mandate is that, inasmuch as the United States has a unified budget, other receipts into the Treasury would have to be counted to balance the outlays from the Trust Funds and those receipts would not be otherwise available to the Government for that year. Only if no other receipts in any particular year could be found would the possibility of a limitation on drawing down the Trust Funds arise. Even in this eventuality, however, Congress would retain authority under the BBA to raise revenues or to reduce expenditures to obtain the necessary moneys to make good on the liquidation of securities from the Social Security Trust Funds.

JOHNNY H. KILLIAN,
Senior Specialist,
American Constitutional Law.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, we will likely have a longer debate about this, and I shall not lengthen it today, but the Senator from Utah always makes a strong case for his position.

In the circumstances this evening, he, once again, has made a strong case, but on a couple of points, in my judgment, he is factually in error, and I want to point that out.

In one respect he is not in error, he is absolutely correct. President Reagan, President Bush, and President Clinton have all sent budgets since 1983 to this Congress—1983 is the period in which we began to decide we were going to accumulate substantial surpluses in Social Security to save for a later time when they are needed—all Presidents have sent budgets to this Congress that use the Social Security trust funds as part of the unified budget. I think 2 days ago on the floor of this Senate, I pointed out the President did that in his budget, and his budget that he says is in balance is not in balance. I pointed that out about this President. I made the same point about President Bush and President Reagan when they did it as well.

But, having said that, the Senator from Utah says the Social Security trust funds that are derived from Social Security taxes taken from paychecks of workers all across this country and from the employers, is a technical issue, and they simply go into all other funds and they are commingled. This technical resolution of all these moneys means that there really is not a dedicated Social Security fund, and so on and so forth.

I would be happy to go for a drive with the Senator from Utah to Parkersburg, WV, where the Social Security trust fund securities are held under armed guard. I might even be able to bring him a copy of one of those securities so we could show him that those securities exist. They are held under armed guard. I can tell him where they are held, and it is not merely technical. It is much, much more important than that.

If it is purely technical, then I say to the tens of millions of workers out there, ''The next time you get your paycheck stub and you see that little portion where they take some tax away from you and they say, 'We're doing this to put it in the Social Security account and it's a dedicated tax to go into a dedicated trust fund to be used for only one purpose,' you deserve a tax break; you ought not be paying that if it is not going to where it is indicated it is going, to a trust fund to save for the future.'' If this is just like other money, commingled with other funds, let's stop calling it a trust fund, let's stop calling it a dedicated tax and call it an income tax, and a regressive one because everybody pays the same amount.

In fact, it is the case that most Americans pay more in this payroll tax than they do in taxes, regrettably, but they do so because they believe it goes into a trust fund. I reject the notion somehow that there is no difference between all this money. I think the trust funds are dedicated funds that we promised workers would be saved for their future.

The Congressional Research Service says nothing in the second letter they did not say in the first. They say—and you can say it two ways—the Government with this constitutional amendment to balance the budget, the way it is worded, would be prevented from using the Social Security trust funds in the outyears, when we are going to use that surplus because it is needed, unless a corresponding tax increase or corresponding spending cut equal to those trust funds is enacted by Congress. That is one way of saying it.

The other way of saying it, which they now have in this paper, says the Congress, in the outyears, can use the Social Security trust funds, but only if there is a corresponding tax increase or spending cut. It is another way of saying exactly the same thing. Why use two pieces of paper when you can use one? It doesn't matter much to me. It is probably a waste of paper, but it says exactly the same thing.

I want to make one final point. The reason I have taken issue with President Bush, President Reagan, and, yes, President Clinton on this issue, and taken issue with the Senator from Utah, is embodied in the debt clock that the Senator brought to his hearing. I hope we will have this discussion at some point soon. The Senator will I think agree that the clock showing the amount of public debt that is owed in this country will not stop with the passage of this balanced budget amendment and the passage of a budget that complies with this amendment.

I ask the Senator from Utah, is it not true that if the Congress passes this constitutional amendment to balance the budget and then passes a budget in compliance with that, in the very year in which that budget is so-called balanced, is it not true that the Federal debt will increase $130 billion in that year? And if it is, and I believe the Senator from Utah would admit that it is, if it is true that in the year in which it is represented to the American people that the budget is balanced, then why does the Federal debt rise by another $130 billion? Somehow that doesn't pass any standard of common sense in my hometown.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Thank you, Mr. President. It is interesting to see what has transpired in this past year. It seems there is a new tact now to get the constitutional balanced budget amendment passed, and that is to trash Social Security—''it is going broke; its program is bad; the baby boomers aren't going to get any money''—to do what we can to make Social Security look bad.

Mr. President, Social Security is the most successful social program in the history of the world. It is a good program, and people who want to say Social Security is in deep trouble, it is going out of business soon, simply are wrong. Even the 13-member bipartisan commission which reported back on Social Security acknowledged that until the year 2029, Social Security is going to pay out all the benefits as it now pays out. In fact, in the year 2029, if we did nothing else, benefits would still be paid out at about 80 percent. We have to do some adjustment to Social Security in the outyears. There are many ways we can do that.

Social Security is not in trouble of going broke unless this balanced budget amendment passes, and then there is going to be some real trouble. The trouble is that the surpluses have been and will continue to be used to balance the budget. The fact that there has been a procedure used in years gone by that is wrong does not mean we should enshrine that in the Constitution.

So I suggest that the argument that Social Security is going broke is about as valid as the argument that is used on a continual basis that States balance their budget. The State of Nevada balances its budget, but capital improvements are off budget.

So, Mr. President, I believe we should have a constitutional amendment to balance the budget. I am willing to go for that. I voted for all the motions to table. But I believe we should exclude Social Security trust fund moneys from the numbers that allow the false way of obtaining a balanced budget.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I say to my dear friend and colleague, that would be one of the most tragic errors we could make. To me, that would be almost fiscal insanity.

I am not saying anything is purely technical. What I am saying is that the money, not the securities, the money from FICA is commingled with all Treasury funds. Everybody knows that. That is No. 1.

No. 2, as to the outyear issue, CRS says in various studies that the present surplus is not enough to fund the needs of the system when the baby boomers retire. That is a reality.

No. 3, not including Social Security within the purview of the balanced budget amendment will ultimately hurt that program, because there will not be the same force to reform the program and make sure it works when the baby boomers come on that there may be now, that is included in the unified budget.

I might also add, Mr. President, this is very important. This is the highest item in the Federal budget. How can we take it out of the unified Federal budget and not consider it? Yes, we have surpluses for a few years, but then all of a sudden, it goes into deep deficit. Both sides need to be in the full balanced budget if we are going to meet our realities and meet our necessities.

The question of the Senator from North Dakota, Senator DORGAN, ''If the balanced budget amendment would truly require a balanced budget, then why will the debt increase,'' is, with all due respect, a bit of sophistry. The balanced budget amendment will require a balanced budget. Outlays must not exceed receipts under section 1 of Senate Joint Resolution 1.

It is true that gross debt may still increase even if the budget is balanced. That is because the Government's exchange of interest-bearing securities for the present Social Security surplus is counted in the gross debt. It is merely an accounting or bookkeeping notation of what one agency of Government owes another agency. It is analogous to a corporation buying back its stock or debentures. Such stocks and bonds are considered retired obligations that, once retired, have no economic or fiscal significance.

Moreover, the Defense and Energy Departments list billions of dollars of environmental and nuclear cleanups as liabilities. All in all, gross debt, which includes all debt, is simply an overall indicator of Federal Government obligations. This sets the floor on increasing debt that has a direct, current effect on the overall economy, as the administration agrees. This is very different from obligations owed by the Federal Government to the public. This type of debt termed ''net debt'' or debt held by the public is legally enforceable and is what is economically significant.

If net debt zooms because of interest payments of debt, which last year amounted to $250 billion, budget deficits balloon with all the dire economic consequences. To assure that budgets will be balanced unless extraordinary situations arise, debt held by the public cannot be increased unless three-fifths of the whole number of each House concur.

It is true that a balanced budget amendment does not by itself reduce the $5.3 going to $5.4 trillion national debt. But what it does do is straighten out our national fiscal house. Passage of Senate Joint Resolution 1 will increase economic growth. Almost everybody agrees to that on Wall Street. It will increase economic growth. It will allow us to run surpluses. With this, our national debt may be decreased if Congress desires to do so in the interest of national security, stability, and prosperity.

Without Senate Joint Resolution 1, as we saw from the charts of the distinguished Senator from West Virginia all afternoon long today, without Senate Joint Resolution 1, this will be an impossibility. We will just continue the same darn programs producing deficits producing the 28 years of unbalanced budgets, unbalanced budgets that will just continue on ad infinitum. Ultimately our kids are going to have pay these debts, and it will be a doggone big debt for them. We just cannot do it to them.

I just suggest to my colleagues, as sincere as they are, the worst thing they can do for our senior citizens is to try to exclude Social Security from the budget because then all these big spenders around Congress are going to find everything to be a Social Security expenditure. Ultimately, it will impinge on the Social Security program and ruin the program, which Senator REID this evening has rightly called one of the greatest programs in the history of the world. He called it the greatest. I will certainly say it is one of the greatest in the history of the world.

If we want it to continue, it seems to me we have to treat it, since it is a high item in our budget, as a budgetary item. These accounting approaches are going to go on no matter what happens. So I think if we pass the balanced budget amendment, a balanced budget will ultimately become a reality. We are going to have to face reform of Social Security in the best interests of our senior citizens.

If we keep going where we are going, there will not be any moneys for Social Security and a lot of people are going to get hurt. To exclude Social Security from the budget is penny wise and pound foolish and it is a fiscal gimmick to try to take the largest item in the Federal budget out of the Federal budget without reforming the program to keep it solvent. Passage of the balanced budget amendment will pressure Congress to fix Social Security. Passage of the balanced budget amendment will help increase revenues and economic growth that will aid Social Security.

I yield the floor.

Mr. DORGAN. Mr. President, I wonder if I might—I will not belabor this because there will be another time when we can have a lengthier discussion. I hope we can have some questions back and forth.

The Senator used the word ''sophistry.'' I was recalling when in high school I worked at a service station and learned how to juggle three balls. I remember how difficult it was when I started trying to learn to juggle three balls at once, but how easy it became once I learned how. And I marvel sometimes at how those who really know how to juggle do it with total ease. It seems effortless.

The juggling that I just saw was interesting. The Senator said there may be an increase in gross debt even when the budget is in balance. It is not ''may.'' The Congressional Budget Office says there ''will'' be an increase in gross debt by $130 billion the very year in which people claim there is a balanced budget. So it is not ''may''; it is ''will.''

The question I was asking was, does that matter? Is it not a paradox or contradiction that when we say we have balanced the budget, my young daughter will inherit a higher national debt? And the Senator from Utah, I think, said, yeah, but that is just technical. He said the gross debt is different than the net debt.

In fact, the only reason we keep track of the gross debt, as I heard him say it, is because it has an impact on the economy. But if it has an impact on the economy, I did not understand the second position of why it does not count. It seems to me that the circumstances of the gross debt are that if you increase the indebtedness of the Federal Government, this cannot simply be on cellophane paper someplace. It represents securities that my daughter and sons and all others in the country will have to repay. I would be happy to yield for a question.

Mr. HATCH. Let me just say I never did learn how to juggle things. I think that is one reason why I strongly believe in balanced budgeting, is because I am tired of all the juggling that has gone on around here. But under the exemption proposal of the distinguished Senator from North Dakota, the debt will increase much faster because there is nothing being done about it. His proposal does not change that one bit.

Our proposal says we are tired of this. We are tired of 28 straight years of unbalanced budgets, and we want to face the music of budget deficits and do it within the realm of fiscal restraint. And, if we do not keep all items together, then there are going to be loopholes that literally will blow this country apart. We will have the regular budget and a separate Social Security budget. One will be required to be balanced under the constitutional amendment and the other will be an exempted Social Security budget that can run deficits because under the proposal it will be excluded from the constitutional amendment. Congress will transfer costly programs to the exempted budget. These costly programs will be funded out of Social Security revenues. This will ruin and hurt every senior citizen in this country. Exempting Social Security is just a fiscal gimmick.

Mr. DORGAN addressed the Chair.

Mr. HATCH. We also know it is accounting.

Mr. DORGAN. Reclaiming my time, I was yielding for a question. I guess the question that often comes up for us is: Isn't our balanced budget amendment a

gimmick? Isn't yours real, the one offered by the Senator from Utah? The answer, I would say to the Senator from Utah, is, it is now 6:27. If at 6:28 we pass and all the States ratify your proposal, at 6:29 will there have been one penny difference in the Federal debt or the Federal deficit? The answer is ''No.''

Mr. HATCH. Of course not. Of course not. But passage of the balanced budget amendment is the first and only real step toward a balanced budget and fiscal sanity.

Mr. DORGAN. I say this. My proposal is a proposal to similarly require a balanced budget. I think there is merit in that discipline. But I would say this. When we alter the Constitution to require a balanced budget, I want to do it in a way that really requires that this debt clock that you brought to your hearing that day stop, dead stop; not a slow creep, but a dead stop. No more debt for your kids, my kids, no more debts for this country, so we can start paying down the debt rather than continue to increase the debt.

I do not want to create a shell game here where we say, let us have a giant feast because we have balanced the budget, and then have someone, some little kid point up to that debt clock and say, ''Gee, Daddy, why is the debt clock still increasing, because Senator HATCH or Senator so and so said we balanced the budget?''

I say you and I do not have a disagreement about what we ought to be doing. We ought to balance the budget. Nor do we have a disagreement about whether there is merit to have put it in the Constitution.

We have a very big disagreement about the $3 trillion in the next 20 years or so in Social Security surpluses, deciding that we ought to take those out of reach and save them for the purpose we said we are going to save them for. We have great disagreement about whether or not that is a gimmick or whether that is important for the future of this country. That is where we disagree.

Mr. HATCH. I think that is true. Let me just say, so I clarify, I did not say that the distinguished Senator from North Dakota is a sophist, though I think he would make a good one. I did say that I think his arguments are—

Mr. DORGAN. I did not say the Senator from Utah could juggle, although I think it looks to me like he has that talent.

Mr. HATCH. I admitted I could not.

Mr. DORGAN. I think he has the talent, the potential.

Mr. HATCH. Let me say this. I think there is a good argument the gross debt increase does not matter in this context. Why? Because it is just evidence of what one agency in the Government owes another agency. What is of economic consequence is net debt—net debt; that is debt held by the public which is legally enforceable.

Now, I have to say that the Senator's proposal does not stop the debt from growing, and under his proposal, if this balanced budget amendment goes down, if his amendment was added—and it will go down and everybody knows that—the gross debt will grow at least as fast. So his solution is not a solution.

We all know that the only balanced budget amendment we have a chance of passing is the underlying amendment that includes everything on the budget. We also all know, in all fairness, that Social Security should be included because it is more than capable of competing with other programs, and it ought to have to compete. Let me tell you this, if it is not on there, I think it is a risky gimmick to take it out.

When somebody says our balanced budget amendment is a gimmick, I agree with the Senator from Maine, OLYMPIA SNOWE, who said today, if it was a gimmick, we would have passed it long ago. The fact is that it is why it is being fought so hard against. It will put fiscal restraints and discipline on all items of the budget that has been long overdue. I think that has to be done.

I yield the floor.

The PRESIDING OFFICER (Mr. BROWNBACK). The Senator from North Dakota.

Mr. CONRAD. Mr. President, I have been listening to this debate with a great deal of interest. I was especially interested that the Senator from Utah described as a fiscal gimmick separating out the Social Security trust fund from the rest of the Federal budget, because, if I am not mistaken, the Senator from Utah himself voted for that very proposition in 1990. In fact, we had a vote right on the floor of the U.S. Senate on the specific question of whether or not we were going to count the Social Security trust fund as part of the overall budget or not.

I believe separating out the Social Security trust fund received 97 or 98 votes. I believe the Senator from Utah was recorded in favor of the proposition that he now describes as a gimmick. I do not believe that he felt it was a gimmick then, and I do not believe that anybody who voted for it believed it was a gimmick then. It was a move to try to stop the nefarious practice of using Social Security trust fund surpluses to mask the true size of the operating deficit in this country.

Now what they are seeking to do is put that flawed principle in the Constitution of the United States. I just note that back in 1990 when we had that vote, passed by a vote, as I recall, of 20 to 1 in the Senate Budget Committee.

Mr. HATCH. Will the Senator yield?

Mr. CONRAD. I am happy to yield to the Senator.

Mr. HATCH. That is quite a bit different from what I am saying. We did not include Social Security in the budget in Gramm–Rudman-Hollings solely so as to not give the President the right to sequester Social Security funds. But this exclusion was not from the budget itself. But we should not lock the exemption into the Constitution. We can always change statutes. It is much harder to amend the Constitution. We should not lock into the Constitution the largest item in the Federal budget, which is outside the purview of the constitutional amendment. If you start doing that, that is risky.

You do not know how that will affect senior citizens. It is likely to hurt the senior citizens, and it is better to keep things on budget. I suspect that there is no question in anybody's mind that Social Security is more than capable of fending for itself and of getting another 98-to-2 vote in the Senate and an equivalent vote in the House that you cannot tamper with it.

Frankly, I am one of those that would make sure to vote that you do not tamper with Social Security, to lock the exemption in the Constitution forever. Such a budgetary practice, is risky. That could have a terribly bad effect on senior citizens. I think senior citizens are starting to wake up to that. They know this issue has been used blatantly and politically and demogogically for years now. I think they are getting tired of it.

Mr. CONRAD. Mr. President, let me say I find this argument very interesting because the principle is identical.

In 1990, we had a vote on the floor of the U.S. Senate to separate out the Social Security trust fund from the rest of the Federal budget. The Senator from Utah voted in favor of separating out the Social Security trust fund.

Today, he says we ought to enshrine in the Constitution the reverse principle, that we ought to put them together, that the Social Security trust fund ought to be married to the rest of the Federal budget.

What is wrong with that principle is what was wrong with it in 1990, and what I believe 98 Senators said, that we are not going to merge the two, we will not count the Social Security trust fund with the rest of the budget, because it is a risky financial move to put the two together. It masks the size of the deficits in the early years, and in the later years creates a whole series of other problems.

Mr. HATCH. Will the Senator yield?

Mr. CONRAD. If I could finish the thought, we are in a circumstance now where the Senator from Utah is advocating when he says locking into the Constitution is a risky matter, that is precisely what he is advocating.

In 1990, he voted to keep Social Security separate from the rest of the budget. Now he is advocating a constitutional amendment that would force the two together.

Mr. President, I think the Senator from Utah was right in 1990 when he cast that vote. I think he is simply mistaken in offering this constitutional amendment that puts the two together.

What is the difference between the Social Security trust fund and other parts of the Federal budget? Mr. President, the primary difference is a dedicated revenue source. We withhold in

the payroll of employees and employers specific amounts every month to go into a fund on the predicate they will then receive, when they retire, their Social Security benefit. Frankly, this proposal puts all of that at risk.

Mr. HATCH. I will end with this. The 1990 Budget Act basically stated in one section to take Social Security out of budget. It said in another section to leave it in. This is confusing. But both Congress and the President have construed the Budget Act of 1990 to allow Social Security to be included within the unitary budget.

Second, Social Security is not a pay-go system under the 1990 act. I want to add that once you make that decision to take the largest item out of the budget, you have provided a loophole where people can impinge on Social Security and hurt senior citizens. Anybody who does not believe in those loopholes better look at these stacks. They are filled with loopholes like that. We are trying to stop those loopholes.

I might also mention this, because I think it is pretty important. All constitutional scholars who testified before our committee, those for the balanced budget amendment and those against the balanced budget amendment, Senate Joint Resolution 1, testified that exempting Social Security in the Constitution was constitutionally risky. It is a risky gimmick to do that. No one knows how that will hurt the seniors, but we know it will. It would subject Social Security and the Constitution to a gaming approach. They could game the process. They could game Social Security. They could game the Constitution. That would be a disaster for our country.

Alan Morrison, one of the leading constitutional lawyers in this country, who disagreed about the wisdom of the balanced budget amendment, said: ''Given the size of Social Security, to allow it to run at a deficit would undermine the whole concept of a balanced budget. Moreover, there is no definition of Social Security in the Constitution and it would be extremely unwise and productive of litigation and political maneuvering to try to write one. If there is to be a balanced budget constitutional amendment, there should be no exceptions.''

In conclusion, the biggest threat to Social Security is our growing debt and the concomitant interest payments. That related inflation hits hardest on those on fixed incomes, and the Government's use of capital to fund debt slows productivity and income growth and siphons off needed money for worthwhile programs. The way to protect Social Security benefits is to pass Senate Joint Resolution 1, the balanced budget constitutional amendment.

The proposal to exempt Social Security would not only destroy the balanced budget amendment—the only one that can pass, a bipartisan amendment, a bicameral amendment, bipartisan in both parties—but, in all probability, would very badly hurt Social Security and every recipient of Social Security, and would definitely guarantee that the baby boomers would not have any Social Security in the future. They will come to the realization that it is going to hurt Social Security, too. The best thing we can do is keep everything in the budget and start being budget people who work, and who do what's right, and get rid of these 28 years of unbalanced budgets that have just about wrecked the country. And it could very well wreck Social Security.

I yield the floor.

APPOINTMENTS BY THE VICE PRESIDENT

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to Public Law 94–304, as amended by Public Law 99–7, appoints the Senator from New York [Mr. D'AMATO] as Chairman of the Commission on Security and Cooperation in Europe.

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to the order of the Senate of January 24, 1901, as modified by the order of February 10, 1997, appoints the Senator from Tennessee [Mr. FRIST] to read Washington's Farewell Address on Monday, February 24, 1997.

ORDERS FOR THURSDAY, FEBRUARY 13, 1997

Mr. HATCH. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until the hour of 11 a.m. on Thursday, February 13. I further ask that immediately following the prayer, the routine requests for the morning hour be granted and the Senate then proceed to a period of morning business until the hour of 3 p.m., with Senators to speak during the designated times:

Senator THOMAS, or his designee, in control of the time from 11 to 12 noon; Senator REED of Rhode Island and Senator KENNEDY for up to 30 minutes each, between 12 and 1 o'clock; the time from 1 o'clock until 2 o'clock divided among the following Senators: Senator GRAMS for 20 minutes, Senator DOMENICI for 10 minutes, Senator MURKOWSKI for 10 minutes, Senator COATS for 10 minutes, Senator FAIRCLOTH for 5 minutes; the time between 2 o'clock to 3 o'clock divided in the following fashion: Senator GRAHAM of Florida, 10 minutes; Senator KOHL, 10 minutes; and Senator HOLLINGS, 45 minutes.

The PRESIDING OFFICER. Without objection——

Mr. FORD. Mr. President, reserving the right to object, and I probably will not. I would like to ask the distinguished Senator from Utah, the acting floor leader, this. We have more Senators that would like to have an opportunity to speak tomorrow as it relates to morning business. I see that you are cutting it off. And you have done a pretty good job there. You have 65 minutes assigned to an hour.

Mr. HATCH. Hopefully, by 2 o'clock tomorrow, the majority leader should be able to let us know what will be done thereafter. We can't extend morning business past 3 o'clock tomorrow.

Mr. FORD. Well, maybe we want to object to all of it, then, if we can't——

Mr. HATCH. I think we just have to work it out.

Mr. FORD. I understand you will work it out if you work it out your way. I just want us to have an opportunity to get involved in this. How do you intend to work it out?

Mr. HATCH. These are the only requests I have.

Mr. FORD. We have a list, a bushel basketful, just like you have, and these Senators want time. They have been told they could get time, and we expect to get them time.

Mr. HATCH. I am informed by the leadership office that we will be able to update the Senate about 2 o'clock tomorrow. Hopefully, these matters can be resolved. The majority leader may want to proceed to other business. I don't know. But my understanding is that there is going to be an effort to try to accommodate people. I think the two leaders will have to work that out. But we can't do it until 2 o'clock tomorrow.

Mr. FORD. Why can't the leader be asked tonight? We can suggest the absence of a quorum and see if we can get an answer tonight.

Mr. HATCH. Well, I think the Senator knows the problems of leadership. The things we are trying to do tomorrow can't be cleared tonight. So until we get to 2 o'clock, we can't resolve this.

Mr. FORD. Do I have the Senator's word that, at 2 o'clock tomorrow, this side will be notified as to the time available for us to allow our colleagues to have time in morning business—and it won't be 5 minutes; some will want more than 5 minutes. Some will want 15. I see on here that of the 1 hour you have, you have 65 minutes assigned. So you stretched it a little bit here. If you could do that on all the hours, maybe we can get more business done.

Mr. HATCH. I will certainly take the Senator's request to the majority leader and ask him to consider it.

Mr. FORD. I expect, at 2 o'clock, for us to be informed tomorrow as to how much time will be available to us and how many of my colleagues will be able to speak.

Mr. HATCH. I will take that request to the majority leader. I will certainly do that.

Mr. FORD. As long as it is a matter of record and you understand where I am coming from.

Mr. HATCH. I do. I know you are protecting your side, as you should.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. HATCH. Mr. President, for the information of all Senators, tomorrow, the Senate will be in a period of morning business to accommodate a large number of requests. It is still possible that the Senate will consider a resolution regarding milk prices during Thursday's session. Rollcall votes are, therefore, possible tomorrow. The Senate may also be asked to turn to the consideration of any other legislative or executive items that can be cleared.

ORDER FOR ADJOURNMENT

Mr. HATCH. Mr. President, if there is no further business to come before the Senate, I now ask that the Senate stand in adjournment under the previous order following the remarks of Senator MOSELEY-BRAUN.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. MOSELEY-BRAUN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. MOSELEY-BRAUN. Mr. President, I ask unanimous consent to proceed as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Ms. MOSELEY-BRAUN pertaining to the introduction of S. 319 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Ms. MOSELEY-BRAUN. Mr. President, I yield the floor.

ADJOURNMENT UNTIL 11 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until 11 a.m. Thursday, February 13, 1997.

Thereupon, the Senate, at 6:54, adjourned until Thursday, February 13, 1997, at 11 a.m.

NOMINATIONS

Executive nominations received by the Senate February 12, 1997:

THE JUDICIARY

ALAN S. GOLD, OF FLORIDA, TO BE U.S. DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF FLORIDA, VICE JOSE A. GONZALES, JR., RETIRED.

ANTHONY W. ISHII, OF CALIFORNIA, TO BE U.S. DISTRICT JUDGE FOR THE EASTERN DISTRICT OF CALIFORNIA, VICE ROBERT E. COYLE, RETIRED.

LYNNE R. LASRY, OF CALIFORNIA, TO BE U.S. DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF CALIFORNIA, VICE JOHN S. RHOADES, SR., RETIRED.

IVAN L. R. LEMELLE, OF LOUISIANA, TO BE U.S. DISTRICT JUDGE FOR THE EASTERN DISTRICT OF LOUISIANA, VICE VERONICA D. WICKER, DECEASED.

IN THE AIR FORCE

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT IN THE U.S. AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be lieutenant general

MAJ. GEN. DAVID L. VESELY, 0000.

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT IN THE U.S. AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be lieutenant general

LT. GEN. LAWRENCE P. FARRELL, JR., 0000.

EXTENSIONS OF REMARKS

ACHIEVING A CIVIL SOCIETY IN THE UNITED STATES

HON. NEWT GINGRICH
OF GEORGIA
IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 12, 1997

Mr. GINGRICH. Mr. Speaker, I want to encourage my colleagues to read the following report, ''Achieving a Civil Society in the U.S.'' which was written by a nonprofit roundtable that I set up in my district to study the need to reform and improve the nonprofit sector.

Our Nation is the leading country on the planet, with both a successful economy and the greatest opportunities for success. However, our civilization is at the risk of decay. Poverty, crime, and drugs threaten the lives of countless citizens on a daily basis. Our mission must be to create an opportunity society where nonprofit organizations, businesses, and government work together to ensure everyone in this country can pursue the American dream of life, liberty, and the pursuit of happiness. All it takes to make a difference in the lives of those less fortunate, is to give a couple of hours, even just once a month. Such a commitment would make a tremendous difference in the quality of life of all Americans.

The report follows:

ACHIEVING A CIVIL SOCIETY IN THE UNITED STATES—JULY 5, 1996

Since September 1995, a group of executive directors and volunteer leaders from a cross-section of nonprofit organizations primarily in the Atlanta, Georgia, area with participation from Augusta, Dalton and Tifton, Georgia have been meeting periodically with the Speaker of the U.S. House, Rep. Newt Gingrich. The purpose of these meetings has been to begin a dialog about the role of the nonprofit sector in creating a civil society and the potential impact of federal policy on this sector.

Through the course of several meetings, Rep. Gingrich charged the group with the task of defining their vision for a transformational society, an ideal view of the future of America from the nonprofit standpoint.

A vision of a civil society is one on which most Americans can agree. It describes a country where the three sectors of society, nonprofit, business, government, cooperate to meet the needs of its citizens. In this ideal country, neighbors help neighbors, and the general populace is fed, housed, clothed, educated, and healed. In this civil society all citizens are actively engaged in their communities, dedicated to improving the quality of life for all.

The true challenge comes in trying to create a more concrete statement from this vision: a system by which individuals and their institutions—nonprofits, business and government—collaborate to create a civil society with the capacity to continually transform and reinvent itself as population needs change and new challenges arise.

Through a facilitated meeting, the group of nonprofit representatives developed several broad principles and recommendations on which to build such a system. This is only a start; there is much work and discussion left. This document represents a beginning; it also represents a consensus in regard to the conditions necessary to create a society that works for all Americans and gives individuals and families the power to create the communities they want.

HOW DO WE GET THERE: GROUNDWORK FOR ACHIEVING A CIVIL SOCIETY

1. Create a shared vision of the roles and responsibilities of each sector in building strong communities.

We are all in this together. Each of the three sectors-business, government and nonprofits—must understand our respective roles and responsibilities in keeping the ''three legged stool'' of a civil society upright. Our interdependence must be acknowledged, celebrated and undergirded through public policy, public relations, financing mechanisms and program development. Agreeing on relative roles and responsibilities of each sector is essential to achieving a civil society. And each sector must recognize and support the roles of the others in this society.

The nonprofit sector's unique role in the community is to be a model builder and pioneer for new social forms and human services. The flexible and entrepreneurial spirit which birthed most nonprofits is the appropriate environment in which experiments and innovative programs can be developed.

ACTION ITEMS/GUIDING PRINCIPLES

Nonprofit organizations working on the front lines of issues must clearly define and articulate best practices and develop new models of impact.

Nonprofits must take responsibility for being the voice of their constituents to all aspects of the organization's work and to the public policy table.

The federal government must take responsibility for accomplishing welfare reform in a way that does not leave behind or punish our country's most vulnerable citizens. It must also recognize that the private sector cannot fill the gap in funding currently proposed by Congress.

All three sectors must share the risks of change and work to communicate the shared vision to the general public. Public discussion should focus on a tripartite model which clearly articulates the civil sector's role as an equal partner in the creation of a new vision of our society.

We must develop a shared definition of healthy communities that allows for local flexibility at the same time identifies common benchmarks against which to measure impact.

In developing power from the federal to local governments, Washington must take responsibility and leadership for managing the change and measuring the impact of devolution on communities, nonprofits and state and local governments.

Privatization efforts must take into account the role of private nonprofits in accomplishing the task of delivering high-quality, cost efficient services.

Nonprofits must have a voice in government and in the planning of our future as a nation. It is especially essential that they have a fair say with regards to issues and legislation that directly affects them.

Business must bear its responsibility, as corporate citizens of its communities, for supporting the creation of healthy communities and civil society by providing funding, leadership and volunteers.

2. Together, define short- and long-term needs of communities and create plans to meet them.

As a society, with all sectors at the table, we must assess where we share a collective vision for creating a civil society which will transcend separate purposes of each sector, and create plans and policies needed to structure a civil society.

ACTION ITEMS/GUIDING PRINCIPLES

Nonprofits must move from a deficit-model approach to one that builds on existing strengths and assets in communities.

Government policy makers must look beyond this budget year or election year in planning for the future.

Nonprofits must develop long-term strategies that are focused on prevention and solutions while ensuring that basic human needs are met.

Nonprofits must learn to adopt the best practices of the corporate sector to sustain their community mission. They must know how to cost their services and bring greater efficiencies into their operations.

Funding sources—government and private—must allow for long-term solutions to be developed and implemented.

Government and nonprofits must work together to ensure that the process for transformation takes into account that this will be a time of great transition and develop ways to protect the most vulnerable in society during that time.

Planning must take place from a thorough understanding of past successes and failures.

3. Establish and promote true collaborations and partnerships within and among the sectors to work toward a civil society.

No single sector has the capacity, by itself to implement a vision for a civil society. No agency or business or department of government can bring about significant change unless it works with partners within its sector and the other two. Our success in transforming our society is dependent upon the three sectors working together. Collaboration must move beyond rhetoric to substantial action and must draw upon mutual respect, use of each sector's strengths and broad expertise.

ACTION ITEMS/GUIDING PRINCIPLES

Nonprofits must work together to define problems and bring best practices to light in their respective fields.

Nonprofits should strive to create high-quality, cost effective integrated service delivery systems across the human services continuum.

Funding sources—government and private—should recognize and fund costs associated with collaborative efforts among nonprofits.

Government should recognize and support partnerships with nonprofits as a desirable method of providing services in the community.

Business must recognize that return on investment in the community through partnerships affects the corporate bottom line and the quality of life of its employees.

Each sector must actively seek partnerships to implement the shared vision.

4. Evaluate and implement financial reforms and incentives to support the shared vision. Provide revenue sources necessary to support the new vision.

Undergirding the creation of civil society are a number of economic factors. Transformation must include financial reforms and appropriate incentives for government, business and the nonprofit sector. Incentivized strategies will allow for the most creative and unencumbered approaches toward development of a civil society. Resources are each sector's investment in the shared vision.

ACTION ITEMS/GUIDING PRINCIPLES

Congress must protect the current tax-exempt status of nonprofits and expand the charitable deduction to non-itemizers.

Business must encourage employees to give both money and time to their communities.

Congress should develop tax incentives for business to become more involved in their communities.

Business should seek ways to partner with nonprofit organizations to leverage human and financial capital for community needs.

Nonprofits should seek ways for their constituents to invest in their services to create new revenue streams as they are available.

Business and government should create incentives for displaced workers to join in creating a civil society by working in nonprofit causes.

5. Establish requirements and measurement systems that will ensure mutual accountability for community outcomes.

The focus of accountability and regulation must go beyond cost-effectiveness and highlight outcomes leading the realization of our vision. Currently, in both the nonprofit and government sectors, accountability often relates only to process. The ultimate accountability questions in a civil society are: ''What impact did we have in the community? What benefits, and at what cost?''

ACTION ITEMS/GUIDING PRINCIPLES

Impact measurements should be developed using common benchmarks among all three sectors, by which progress and success may be measured and all involved may be held accountable for their work.

A system to measure efficiency and impact should be developed specifically for nonprofit organizations.

Government regulations of the nonprofit sector should be focused on outcomes rather than on processes. Government should be especially sensitive to the effect of regulations on small, grassroots organizations and the tradeoff of impact for efficiency that burdensome regulations can cause. There should be a balance of regulation that brings about meaningful accountability without sacrificing the ability of nonprofits to have significant impact.

Intermediate sanctions should be developed to allow the IRS to impose targeted and proportionate measures on a public charity's officers, directors or other individuals in cases of abuse in nonprofits.

The emerging field of business ethics and accountability should align itself with community outcomes for the shared vision.

COMPUTER MODERNIZATION

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 12, 1997

Mr. HAMILTON. Mr. Speaker, I am inserting my Washington Report for Wednesday, January 8, 1997 into the CONGRESSIONAL RECORD.

COMPUTER MODERNIZATION IN THE FEDERAL GOVERNMENT

During the past several months, President Clinton urged Americans to work together to provide computers and an Internet link-up for every school and library in the country. The idea is to give every school child, indeed, every citizen, across the country the same access to information of every conceivable sort. This promises to expand greatly the educational and employment opportunities for all Americans. The President is surely right to focus on information technology as a key to education and opportunity in the 21st Century.

The federal government, however, has not been a model of successful computerization. The ''reinventing government'' effort has already resulted in a federal government that is smaller and cheaper in terms of proportion of our GDP than at any time since the early 1960's, but it has been hindered by the failure of the government to modernize its computer technology. While some agencies are doing a good job government cannot ''work smarter'' unless it has the best and most modern information tools.

Outdated Technology: The federal government spends about $30 billion per year on information technology, but sometimes it is hard to see the benefits. A recent report by the General Accounting Office, Congress' investigative arm, documented failures in government acquisition and management of information technology. This report criticized in particular two agencies that have direct impact on all Americans: the Federal Aviation Administration (FAA) and the Internal Revenue Service (IRS).

The FAA began a comprehensive modernization of the nationwide air traffic control system in 1981. Today, 16 years and several billion dollars later, air traffic controllers are still using 1960's-vintage equipment. The men and women responsible for the safety of passenger airliners depend upon equipment using vacuum tubes so antiquated that replacements have to be imported from Poland. As might be expected, this equipment is prone to frequent breakdowns. Experts say that several fatal airplane accidents could have been prevented by better computers. The good news is that air traffic controllers will finally begin to receive new and more reliable equipment this year. But it has taken too long, and cost too much.

The IRS has spent vast sums on new computers—some $4 billion to date—with only limited results. Most returns are still processed the old fashioned way, by hand, with error rates of as much as 16%. This waste is compounded by the fact that obsolete technology lets many tax cheats off the hook. The IRS itself has estimated that in 1995 it failed to collect $170 billion owed the government. If better computers allowed the IRS to collect even a fraction of that amount, it would go a long way toward balancing the federal budget.

Roots of the Problem: Why has the government spent so much money but fallen so far behind in information technology? One reason is the complexity of tasks we ask the federal government to do for us. For instance, keeping track of dozens or hundreds of aircraft flying through a particular sector, or managing the tax returns for a nation of 260 million people, are tasks which overwhelm most sophisticated supercomputers. Faced with ''downsized'' staffs and increased workload, the FAA and IRS attempted to leap to ''new generation'' computer systems. Unfortunately, they did not have the proper management or technical skills to oversee creation of this advanced technology.

A lack of management expertise has hindered attempts to automate operations throughout the government. The political appointees who run our agencies serve for a few years at most (an average Cabinet Secretary, for example, serves about 2 years), and do not possess the specialized skills necessary to oversee a multi-year technology project. The departure of many top managers from the government to the corporate sector makes a tough job even more difficult. The government, of course, cannot compete with the salaries offered by private companies. This loss of talent has been worsened in recent years by anti-government rhetoric, culminating in last winter's government shutdowns. This has hurt morale throughout the career civil service and prompted many of the best government professionals to seek other careers.

There are other reasons for the poor government track record on computer modernization. Congress, for example, has in some cases simply slashed budgets for technology, without providing alternative means for agencies to replace obsolete technology. In addition, government procurement rules have often impeded modernization efforts. These regulations were aimed at preventing waste and ensuring fairness in the purchasing of goods and services, but have often proved too restrictive and too cumbersome.

Moving Toward Reform: Fortunately, the situation is improving. In the past few years, Congress has passed new laws to improve procurement and the management of information, and to eliminate red tape. These new laws, drawing upon private sector models, have decentralized decision-making and made it easier for government agencies to act like private companies in negotiating the best deals when buying computers and other items. They have also mandated that agencies give higher priority to information technology modernization.

Early indications are that agencies are using their new administrative freedom well and making real gains. For instance, after implementing a new computer system, the Social Security Administration was ranked as offering the best telephone customer service in the nation. Also, the U.S. Postal Service, thanks to increased automation, achieved record on-time mail delivery in 1996. Congress must keep the pressure on so that we see more progress in the years ahead.

Conclusion: Hoosiers want government to work better and cost less. But as we ask government to do more with less by ''working smarter'', we have to make sure it has the proper tools to do the job. Congress and the President must work together to ensure that the federal government has the necessary management expertise and administrative flexibility to procure and effectively to use the best information technology. Only then can the government serve its customers better.

MEXICAN BAILOUT

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 12, 1997

Mr. PAUL. Mr. Speaker, President Clinton, in his State of the Union Address, proudly announced that ''We should all be proud that America led the effort to rescue our neighbor, Mexico, from its economic crisis. And we should all be proud that Mexico repaid the United States—3 full years ahead of schedule—with half a billion dollar profit to us.'' The reporting of this payback and the State of the Union Address was all favorable, highly praising the administration. The bailout was bipartisan so leaders of both parties were pleased with the announcement. International finance, just as it is with international military operations, is rarely hindered by inter-party fights

that get so much attention. But there are several reasons why we should not be too quick to congratulate the money manipulators.

First, they merely celebrate the postponement of the day of reckoning of their financial Ponzi scheme. It took $50 billion in United States dollars to save creditors who had unwisely invested in Mexico prior to the crisis of 2 years ago. Much of this $50 billion also included U.S. credit extended through the IMF, the World Bank, and the Bank of International Settlements, much of which is yet to be repaid.

Second, foreign government welfare, and there is no better name for it, takes money out of the productive sectors of the economy—the paychecks of middle-class Americans—to reward economic mismanagement and political corruption. Such welfare exacerbates Mexico's suffering: social disruption, economic stagnation, debt crises, and declines in real incomes.

Third, a new fund set up under the IMF will serve to bail out the next Mexico in trouble. The plan calls for the establishment of a $25 billion credit fund with the United States ponying up $3.5 billion. This fund is in addition to the IMF funds already available for such crises. Mexico has also received help from the Inter-American Development Fund; again, indirectly supported by United States taxpayers. These funds indirectly guarantee the newly-issued Mexican Government bonds and undermine the normal incentive for investors to police governments.

As such, more confidence is now being placed in new Mexican bonds enabling Mexico to refinance its old loans. Of course, it is at slightly lower interest rates, but they are more than doubling the time of repayment. All investments involve some risks. The rewards of such risk-taking are appropriately realized by investors as loans are repaid. American taxpayers should not, however, be forced to subsidize the Wall Street financier any time such entrepreneurial ventures are unprofitable. The true test of the professed confidence in Mexico will come from the level of private investment into the productive sectors of the economy.

Fourth, the Fed is allowed to hold Mexican bonds and use them as collateral for our own Federal Reserve Notes. It does so, even though it will not admit it, and refuses to reveal just how much it holds. It is quite possible that the newly issued Mexican bonds will find their way into the Fed's holdings. How far down the road we have traveled from constitutional money when we are backing the dollar not with gold but with Mexican bonds!

Fifth, a likely motivation for this fanfare regarding the repayment of the loans, and the so-called profits engendered, is to get the United States Congress to go along with using this money to pay our back dues to the United Nations. How about paying our so-called U.N. back dues with our Mexican bond holdings?

The use of the Exchange Stabilization Fund to bail out the peso was illegal and unconstitutional, and yet now we have a precedent not only established but praised for its great success. This precedent encourages political currency manipulation over sound fiscal and monetary policies as well as establishes the United States as lender of last resort for all governments with bad policies.

President Clinton claims that ''We stand at another moment of change and choice—and another time to be farsighted, to bring America 50 more years of security and prosperity.'' He earlier told us the ''era of big government is over,'' but calls for full burden sharing through the IMF in a multilateral way with the Mexico agreement. We need to end this shell game of masking economic mismanagement by circumventing both the Constitution and Congress.

We must stand firm in our opposition to the establishment of new extra-governmental agreements that will reward governments with irresponsible policies which, at the same time, punish their own people and erode U.S. sovereignty. Such policies take us one step further from a constitutional rule of law, and institutionalize the United States as the world's lender of last resort—all at the expense of the American taxpayer.

Political and economic factors can override, only in the short run, the subtle reality that the fiat nature of the dollar guarantees its inherent weakness and steady depreciation. This new easy credit scheme that the Government creates by fiat only expands the World Dollar Base leading to U.S. dollar depreciation and reduced buying power.

In essence, the bailout of Mexico and the financing of the payback with interest, to the sheer delight of the politicians and their Wall Street constituents, were done on the back of the United States dollar and the United States taxpayer. The real consequence, however, will not be felt until dollar confidence is lost which will surely come and be accompanied by rapid inflation and high interest rates.

INVESTMENT COMPETITIVENESS ACT

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 12, 1997

Mr. CRANE. Mr. Speaker, today I am introducing the Investment Competitiveness Act along with my colleagues, Ms. DUNN and Mr. MCDERMOTT. In a nutshell, this legislation is designed to encourage additional foreign investment in the United States by eliminating a tax that we impose on foreigners only when they invest in the United States through a U.S. mutual fund. As chairman of the Ways and Means Subcommittee on Trade, I view this tax issue from the trade perspective—we ought not be setting up artificial barriers to trade or investment, particularly when others do not require the same of us. Such a policy is not only contrary to basic free market principles, but leaves us with a tax policy that discourages foreign investment in the United States through mutual funds—meaning the money goes elsewhere. Our ability to encourage foreign investment in U.S. securities will help lower capital costs and interest rates here at home. That means that money will be more easily available for entrepreneurs to create and expand business opportunities, meaning more job creation in the United States.

Under present law, most kinds of interest and short-term capital gains received directly by a foreign investor or received through a foreign mutual fund are not subject to the 30 percent withholding tax on investment income. However, interest and short-term capital gain income, when received through a U.S. mutual fund, are subject to the withholding tax. Without getting into too much detail on the technical aspects of the bill at this time, I would simply say that this legislation would modify the tax treatment of income received by a foreign investor through a U.S. mutual fund so as to make it generally comparable to the tax treatment of the same income when received directly or through a foreign mutual fund.

Mr. Speaker, I believe this legislation makes good sense both from a tax and trade policy perspective, and I urge my colleagues to lend their support.

TRIBUTE TO THE HONORABLE FRANK TEJEDA

HON. FLOYD SPENCE

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 12, 1997

Mr. SPENCE. Mr. Speaker: It is with great sadness that I rise today to honor my friend and colleague, Frank Tejeda, who served our Nation in the House of Representatives for the last 4 years of his life. I wholeheartedly support H.R. 499, legislation which designates a U.S. Postal building in San Antonio to be named the ''Frank M. Tejeda Post Office Building''. Though this is a small gesture with which to recognize Frank's life work, this monument will serve as a testimonial to Frank's heroic public service in his hometown of San Antonio and for our Nation at large.

Frank's career as a dedicated public servant is highlighted by his ongoing commitment to our national defense. He joined the Marines when he was only 17 years of age. While serving in Vietnam, he earned the Bronze Star for valor and the Purple Heart for sustaining wounds during an enemy ambush. Frank was also awarded the Commandment's Trophy, the Marine Corps Association Award, and the Silver Star.

After returning from Vietnam, Frank attended Marine Officers Candidate School and attained the highest grades in the history of the school. He continued on to earn his bachelor's degree in government from St. Mary's College. After graduating from college, Frank went on to earn several high academic degrees from our country's most prestigious schools: a juris doctor from the University of California at Berkeley, a masters degree in public administration from Harvard, and a master of laws degree from Yale.

Prior to being elected to Congress, Frank served 16 years in the Texas legislature: 10 years in the Texas House of Representatives and 6 years in the Texas Senate. Throughout this time, Frank championed veterans' issues and especially, veterans' housing and medical care.

Frank was a valued member of the House National Security Committee for the duration of his career in Congress. I and the other members of the committee will miss him and the high ideals that he brought to his work. As a member of the National Security Committee, Frank fought against defense spending cuts and base closures that would have negatively affected the Nation.

Frank Tejeda was an exceptional politician and a patriotic American. I am thankful to have known him and to have worked alongside him. His leadership, intellect, and friendship will be greatly missed by us all.

PRE-NEED FUNERAL TRUST BILL

HON. PATSY T. MINK

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 12, 1997

Mrs. MINK of Hawaii. Mr. Speaker, I recently introduced legislation (H.R. 684) to relieve the tax burden for individuals who have purchased preneed funeral trusts. A preneed funeral trust is one in which monies are set aside for future funeral costs, in order to alleviate funeral expenses that may abruptly saddle remaining family members with tremendous and even unexpected financial burden. Individuals usually enter into a contract and purchase preneed funeral trusts with funeral or burial service providers, deciding at that time on final arrangements for themselves and/or family members.

H.R. 684 would remedy a bureaucratic inequity related to preneed funeral trusts which was created by a January 29, 1988 Internal Revenue Ruling (87–127). Under this IRS ruling, individuals purchasing preneed funeral trusts are required to report money in these trusts on their 1040 income tax forms and pay taxes on the interest income earned by these trusts, despite the fact that this interest is not returned to the purchaser. This has created confusion on the part of the purchasers who believe it unfair that they be assessed this tax on interest they never receive nor benefit from.

The ruling also established two classes of taxpayers with disproportionate tax treatment. Trusts purchased before the effective date of the ruling were subject to a grandfather clause, establishing a significant inequity between trusts purchased before and after the effective date.

H.R. 684 would require providers of preneed funeral trusts—funeral homes or cemeteries—to pay the tax on interest earned on the trusts, unless the interest is returned to the purchaser.

A related provision from the Ways and Means Committee was included in the vetoed Balanced Budget Act of 1995 that would have allowed providers of preneed funeral trusts to elect to pay the tax on interest earned on these trusts.

I urge my colleagues to support H.R. 684 to relieve families from unwarranted taxes.

RETIREMENT OF MAJ. GEN. RAYMOND PENDERGRASS

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 12, 1997

Mr. SKELTON. Mr. Speaker, Raymond Pendergrass prepares to retire more than 48 years after first donning a uniform. A native of Boonesville, AR, he first joined the Armed Forces as a member of the Air Force Reserves in September, 1948, then joined his hometown Army National Guard unit, the 217th Medical Collecting Company, a litter bearer unit. The unit was called to active service in August 1950 and deployed to Korea, where General Pendergrass served with them through June 1952.

By the time he moved to Missouri, General Pendergrass had been commissioned and served with signal and armor units. Locating in Rolla, MO, he joined the 1438th Engineer Company, and later would command the company.

He moved through the ranks, and at the time of his retirement as a colonel in February, 1986 was deputy commander of the 35th Engineer Brigade. His time in the retired ranks lasted 7 years almost to the day. Missouri Gov. Mel Carnahan recalled him to duty and he became Missouri's adjutant general in February 1993.

Immediately General Pendergrass had to deal with difficult reorganization decisions facing the National Guard as a result of the post-cold war reductions being made to the Army and Air Forces. But in only 4 months a more acute challenge faced him, the great flood of 1993.

Beginning in July 1993 and for the next 2 months, General Pendergrass led the men and women of the Missouri National Guard in its largest State emergency mission ever as both the Missouri and Mississippi Rivers overran their banks and everything in front of them.

General Pendergrass and the men and women of the Missouri National Guard worked with scores of State and Federal agencies to provide a response capability unequaled anywhere during that massive multi-State disaster.

General Pendergrass applied his leadership skills to ensure that the forces of the Missouri National Guard were equally accessible for Federal missions. During his tenure as adjutant general, units and individuals from the Missouri National Guard have served with distinction from Germany to the Balkans in Operation Joint Endeavor, and earlier in Somalia, Haiti, and Rwanda. During the same period his units led our nation-building efforts in Latin America, building roads and schools and providing medical care to families in isolated rural areas from Belize to Panama.

Through all his years of service to our Nation, Raymond Pendergrass has been more than a military leader, more than a man who knows that leading involves teaching. He has served as a gentlewoman willing to answer the call time after time, even returning from well-earned retirement. He is more than one of the last to remain in uniform with a Korean War combat patch on his right shoulder. He is a leader whose distinguished career is surely in the finest tradition of the American citizen soldier.

UNITED STATES-INDONESIAN RELATIONS

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 12, 1997

Mr. HAMILTON. Mr. Speaker, I ask permission to include in the RECORD an exchange of letters with the State Department regarding United States relations with Indonesia.

Mr. Speaker, Indonesia, which is the world's fourth largest country in terms of population, will almost certainly play an important role in Asia in the 21st century. An effective American presence in Asia will be far more likely if our relations with Indonesia are on a sound footing. Unfortunately, there are a number of issues—most notably, East Timor, human rights, and labor rights—that at present limit our ability to develop strong across-the-board ties with Indonesia.

Given the actual, and even more the potential, importance of this bilateral relationship, I encourage my colleagues to read the enclosed exchange of letters.

COMMITTEE ON INTERNATIONAL RELATIONS,
HOUSE OF REPRESENTATIVES,
Washington, DC, November 20, 1996.

Hon. WARREN M. CHRISTOPHER,
Secretary of State,
Washington, DC.

DEAR MR. SECRETARY: I write in order to share with you some of my thoughts on the U.S. relationship with Indonesia.

I believe it is very much in the U.S. interest to have a fundamentally sound relationship with Indonesia. Unfortunately, I fear that we are reaching a point where it may be impossible to sustain political support in the Congress for such a relationship. Certainly a repetition of the events associated with the Jakarta riot last July, and the government's subsequent crackdown on its critics, would undermine congressional support for solid relations with Indonesia.

For this reason, I would urge you and other senior administration officials to make certain that President Suharto understands that the maintenance of a cordial U.S.-Indonesian relationship depends upon the avoidance of any further upheavals in either East Timor or the rest of Indonesia.

Given the importance of the East Timor issue to many Members of Congress, you might suggest specific steps Jakarta could take to ease tensions in East Timor and assuage congressional concern in Washington. Reducing the number of Indonesian troops and police in East Timor would be an invaluable first step. In addition, you might encourage the Indonesian government to:

Continue and accelerate Indonesia's dialogue with Portugal regarding East Timor.

Recognize the importance of bringing the East Timorese themselves into a dialogue regarding the future of the province.

Grant increased access by international human rights organizations to all areas of Indonesia, including East Timor.

Provide for a full accounting for those who have been killed or ''disappeared'' in recent years.

Ensure that if the security forces do commit abuses, punishments are carried out in a manner that will act as a deterrent to future abuses.

Finally, Mr. Secretary, I would urge you and your colleagues in the administration to pay particular attention in the coming months to the need for informing Members of Congress of the many ways in which a constructive relationship with Indonesia serves U.S. interests. Many Members of Congress think of Indonesia almost exclusively in terms of either East Timor or worker rights issues. Certainly these are important issues, but they are not the only issues which ought to drive U.S. policy toward what is, after all, the world's fourth largest state. I would urge the administration to give a higher priority to the need for articulating the case for a cooperative relationship between the United States and Indonesia.

I believe that the President's reelection two weeks ago gives us a crucial opportunity to lay the groundwork for an effective American presence in Asia well into the 21st century. Indonesia will almost certainly play a leading role in Asia in the years to come, and I look forward to working closely with the administration over the next four years to strengthen our ties with this important country.

With best regards,
Sincerely,

LEE H. HAMILTON,
Ranking Democratic Member.

U.S. DEPARTMENT OF STATE,
Washington, DC, January 30, 1997.

DEAR MR. HAMILTON: Thank your for your letter of November 20 in which you commented on the U.S.-Indonesia relationship.

We appreciate your thoughtful comments. We share your concerns, both about human rights violations in Indonesia and the continued tension in East Timor, and the problems these issues could pose as we work to preserve Congressional support for a relationship that has contributed so much to the stability of the Southeast Asia region and has proven so beneficial to U.S. security and economic interests.

Indonesia is entering a protracted period of political transition that will determine the country's future in the post-Soeharto period. The widespread arrests of political dissidents that occurred in the aftermath of the July 27 riots in Jakarta are particularly troubling. Although it is the Indonesian people and government who ultimately will shape their nation's future, we believe we can and should help encourage the development of civil society in Indonesia. To this end, we have worked to promote a greater respect for human rights and democratic principles of governance.

We concur with your view that we must ensure as well that the Indonesian Government understands that sound U.S.-Indonesia relations depend on improvements in the human rights situation and progress toward resolution of the East Timor question. Secretary Albright, Acting Assistant Secretary Kartman, and Ambassador Roy have and will continue to underscore at every opportunity that our bilateral relationship is important but cannot reach its full potential until Indonesia's human rights performance improves.

With regard to East Timor, we strongly support the ongoing UN-sponsored talks between Indonesia and Portugal and the intro-Timorese discussions. We have consistently urged the Indonesian Government to implement tension reduction measures and will continue to do so, drawing on the excellent advice include in your letter. These initiatives as well as a growing realization that the world is watching seem to have had a positive effect in East Timor, as the Indonesian authorities recently have maintained considerable restraint in the face of large demonstrations in support of Bishop Belo.

Recently, the Indonesian military has taken steps to try to correct its human rights shortcomings. Abuses by troops, for example, have been followed up by courts martial and in some cases by prison sentences. Furthermore, in some instances the military honor boards have been headed by graduates of U.S. International Military Education and Training (IMET) programs. These same officers also have helped incorporate human rights materials in Indonesian military training courses and, in the province Irian Jaya, have been responsible for issuing new rules of engagement manuals that include human rights principles.

Your suggestion that we should continue to pay special attention to informing Members of Congress of the benefits the U.S. derives from our relationship with Indonesia is well-taken. In this regard, we have and will continue to press the Indonesian government to authorize Congressional travel to East Timor so that members can assess first-hand the human rights situation and economic development there.

Although the Administration is strongly committed to advancing the cause of human rights in Indonesia, we must also craft our initiatives in a balanced manner that preserves and promotes the cooperative relationship from which both countries derive important benefits. To accomplish this and to enhance our limited influence on internal developments in Indonesia, we will have to approach the Indonesian first as a friend—a nation which recognizes their contributions and can, therefore, speak frankly about what further progress is needed to allow the relationship to reach its full potential.

We greatly value your counsel on the challenges we face and look forward to working with you to pursue a course that advances the full range of interests that characterize our bilateral relationship with Indonesia.

Please do not hesitate to contact us if we can be of further assistance.

Sincerely,

BARBARA LARKIN,
Assistant Secretary, Legislative Affairs.

TRIBUTE TO WILLA J. HAWKINS

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 12, 1997

Mr. KILDEE. Mr. Speaker, it is truly an honor to rise before you today to pay tribute to an individual who exemplifies the very best in civic pride and responsibility, and who has shown how gifted a woman she is by her actions and spirit. On Saturday, February 15, 1997, a luncheon will be held to honor Willa Junior Hawkins for her distinguished service to the citizens of Flint, MI, in her roles as educator, administrator, activist, and community leader.

Willa Hawkins, a resident of Flint, MI since the age of 6, graduated from Northern High School, and received degrees from Michigan State University and Eastern Michigan University in the field of education. She took those degrees and put them to use as a teacher in the Flint Public School system for 15 years, and as a principal for 17 years.

In addition to helping cultivate our most precious natural resource, our Nation's children, Mrs. Hawkins developed an interest in politics, beginning in the 1960's with her participation in the civil rights march in Washington, DC. She continued her involvement by working on various campaigns, including serving as campaign manager for 12 years for County Commissioner Sylvester Broome. Upon Commissioner Broome's death in 1991, Ms. Hawkins made the transition from campaigner to candidate as she was appointed commissioner and was later elected to the position, holding it until December 21, 1996.

Because of Ms. Hawkins' stellar reputation as a writer, planner, and organizer, she has served on numerous Genesee County boards including Community Mental Health, Community Action Agency, and Parks and Recreation Commission. She has also served with the Valley Area Agency on Aging, New Paths, Food Bank of Eastern Michigan, and Transition House board of directors.

Mr. Speaker, it is with a tremendous amount of pride that I appear before you today to recognize my colleague, my constituent, and my friend, Willa J. Hawkins. In the time I have known her, she has been a person who cannot help but make a lasting impact on everyone she comes in contact with. I ask you, Mr. Speaker, and my fellow members of the 105th Congress to join me in recognizing Mrs. Willa J. Hawkins.

TRIBUTE TO LOCKWOOD GREENE

HON. BOB INGLIS

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 12, 1997

Mr. INGLIS of South Carolina. Mr. Speaker, I would like to recognize Lockwood Greene, one of the country's largest design-build consulting firms and a fine company located in Spartanburg, SC, in my district. On February 19, Lockwood Greene will donate more than 5,000 original engineering drawings to the Smithsonian's National Museum of American History so they may be preserved for all to enjoy.

The works date to the mid-1800's and provide a historical look at how America evolved as new technologies were invented. Included in the collection are drawings, depicting how power was transmitted through a factory before the introduction of electricity; drawings recording the emergence of water as a form of power; and designs for radio stations that were built shortly after World War II. Lockwood Greene has a long history of contributions to engineering, beginning with its founding in New England in 1832 and continuing today with its headquarters in South Carolina.

I commend Lockwood Greene and its chairman, Donald R. Luger, for their tremendous gift to the Smithsonian and for preserving these wonderful designs, which lend so much insight into the history of both American engineering and our cultural development. I am pleased to represent the employees of Lockwood Greene.

TRIBUTE TO JO KAPLAN

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 12, 1997

Mr. BERMAN. Mr. Speaker, I am honored to pay tribute to Jo Kaplan, who has devoted her legal career to representing the poor, the underprivileged, and children. As both a member of the Los Angeles County Public Defenders Office and a lawyer in private practice, Jo has dedicated herself to helping those members of society who are desperately in need of help. Through her tireless efforts and selfless ways, she has made life better for so many.

Jo's husband, Larry Feldman, is a close friend of mine, and I know how proud he is of his wife's accomplishments. There is so much to tell. For example, since graduating from UCLA Law School in 1968, Jo has been a leader in getting more humane treatment for juvenile prisoners. She began by working in the public defenders office and later with then-Los Angeles County Supervisor Jim Hayes on ways to improve the lot of children held in detention. This included advocating a right to treatment for incarcerated youths, meaning the State had an obligation to try to give them ameliorative treatment while they were in custody.

After leaving the public defenders office, Jo established her own practice, quickly becoming a recognized expert in juvenile law in Los Angeles County. During this period she continued to work for better conditions for juveniles housed in mental hospitals, camps, group homes, and local county-run detention facilities. In recent years, Jo has broadened her area of advocacy to include reasons why children turn to crime. She concluded that almost all her clients started out as abandoned, abused, and/or neglected children. She has represented both parents and children in Los Angeles County Dependency Court with the idea that the parties need help, not punishment.

Since 1990, Jo has been head of one of the law firms of Dependency Court Legal Services. Currently, her firm represents over 10,000 children, ranging from infants born with drugs in their system to legally orphaned 19-year-olds who have been raised in our foster care system.

I ask my colleagues to join me today in saluting Jo Kaplan, whose dedication to the rights and well-being of children is an inspiration to us all.

IN HONOR OF WARD CONNERLY

HON. CHARLES T. CANADY

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 12, 1997

Mr. CANADY of Florida. Mr. Speaker, I rise today in commendation of Ward Connerly for his singular contributions to the fight for equal opportunity for all Americans. Ward Connerly has fought tirelessly to bring an end to the discriminatory practice of giving preferential treatment to individuals based on race or gender. His accomplishments in the cause of equality are a tribute to his strong will and character.

As a member of the University of California Board of Regents, Ward Connerly successfully led the fight to end the university's practice of using race as a factor in admissions. His example should be a beacon to national academic institutions, illuminating a brighter path toward policies which truly reflect the American understanding of equal opportunity.

Ward Connerly continued his struggle against preferences as the leader of the grassroots movement that brought the California civil rights initiative to fruition. Through his efforts, more than 1 million signatures were obtained in support of CCRI, which was placed on the November ballot. After a vicious campaign of distortions waged by its opponents, the initiative received 54 percent of the vote: The people of California let it be known that they wanted an end to the unjust policy of race and gender preferences in hiring, contracting, and college admissions.

Today, Ward Connerly is chairman of the American Civil Rights Institute. This new civil rights organization is dedicated to educating the American public about race and gender preferences. Through the institute, Mr. Connerly will again be at the forefront of this debate, carrying the banner of equal opportunity throughout the Nation and to Washington. I know of few other people who can shoulder such a burden with the exemplary combination of determination and grace that Mr. Connerly has demonstrated.

In a world where rhetoric rarely matches action, Ward Connerly practices what he preaches. As a young man, he did not stand outside the ring, waiting for an invitation to enter. He climbed in, fighting difficult odds. Through hard work and sacrifice, he paid his way through college. Then, he would not let the color of his skin hold him back; now, he refuses to let it win him favor.

Ward Connerly fights for the belief in fairness that lies at the heart of the American spirit. What lessons are we teaching our children if, on the one hand we say discrimination is wrong, yet on the other, practice the very discrimination we denounce? Our actions must reflect our principles. We simply cannot build a colorblind society by requiring that people be colorcoded. The examples we set for our children should reflect the principles of equal treatment that this great Nation embodies.

Ward Connerly is living proof of what we can accomplish through hard work and devotion to principle. When others have shied away, he has stood his ground. When others have quit, he has presevered. And where others have failed, he has succeeded. Today, despite the worst kind of personal attacks, Ward Connerly maintains his dignity and courage. It is people like Ward Connerly, who are determined to unite America—not fragment it along racial, ethnic, or gender lines—that will lead this Nation into the 21st century. Indeed, Ward Connerly is worthy of our praise and admiration.

LEGISLATION TO BAN THE USE OF PANTOPAQUE IN MYELOGRAMS

HON. JAMES A. TRAFICANT

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 12, 1997

Mr. TRAFICANT. Mr. Speaker, arachnoiditis easily qualifies as a disease of the nineties. It has been described as ''the greatest enigma in the field of spinal surgery'' with few surgeons ever having seen it, and even fewer knowing how to treat it. In simple terms, arachnoiditis means ''inflammation of the arachnoid,'' and is characterized by chronic inflammation and thickening of the arachnoid matter, the middle of the three membranes that cover and protect the brain and spinal cord.

Arachnoiditis may develop up to several years after an episode of meningitis or subarachnoid hemorrhage—bleeding beneath the arachnoid. It may be a feature in diseases and disorders such as syphilis or it may result from trauma during a diagnostic procedure known as a myelogram. According to the Arachnoiditis Information and Support Network, more than 300,000 myelograms are performed in this country every year. Of the 12 million Americans who suffer from arachnoiditis, the cases resulting from myelograms could have been avoided.

In a myelogram, a radiopaque dye is injected into the spinal subarachnoid space. After the x-ray examination, as much of the oil as possible is withdrawn; however, a small amount is left behind and is slowly absorbed. Studies have implicated the iodized oil contrast medium, Pantopaque, in arachnoiditis. Water-soluble dyes such as Amipaque, Omipaque, and Isovue were once thought to be safer for use, however, recent evidence proves they also cause arachnoiditis. In fact, Harry Feffer, Professor of Orthopedic Surgery at George Washington University states that patients who have had two or more myelograms stand a 50-percent chance of developing arachnoiditis. Numerous studies on animals have confirmed these findings.

Symptoms of arachnoiditis include chronic severe pain and a burning sensation which may attack the back, groin, leg, knee, or foot and can result in loss of movement to almost total disability. Other symptoms include bladder, bowel, thyroid, and sexual disfunction, as well as headaches, epileptic seizures, blindness, and progressive spastic paralysis affecting the legs and arms.

In the past few years, arachnoiditis sufferers and Members of Congress alike have repeatedly asked the FDA to recall the use of Pantopaque. The FDA has clearly not reviewed the safety of Pantopaque—oil-based—as well as waterbased dyes, in spite of medical evidence. As a result, I have introduced a bill to ban myelograms involving the use of Pantopaque, Amipaque, Omipaque, or Isovue.

This legislation is not a new idea. Since 1990, Britain and Sweden have banned the use of Pantopaque in myelograms. In fact, a class action suit is still pending in Britain consisting of 25,000 people, 1,500 of which are nurses. In 1986, Kodak, the company that makes Pantopaque, voluntarily stopped distributing the drug in the United States, due to public pressure. Pantopaque has a 5-year shelf life. The last batch was due to expire April 1, 1991. However, the use of Pantopaque has continued, with the Arachnoiditis Information and Support Network having documented a case in September 1993 and hospitals stocking the dye as recently as April 1994. Undocumented cases of use continue.

A large number of medical professionals do not know how to diagnose myelogram-related arachnoiditis, and when they do, they cannot treat it. Medical journals and case studies from around the world document the connection between radiopaque dyes and arachnoiditis. Despite this documentation, the medical profession as a whole has not been effectively informed and still persists in its use. Moreover, the lack of information prevents the physician from recognizing the disease or side effects of the residual dyes after the fact. The time has come for thorough research to study this painful, disabling condition. The legislation I have introduced today will direct the National Institute of Neurological Disorders and Stroke to estimate the number of Americans suffering from myelogram-related arachnoiditis and determine the extent of this relationship.

Every year, chronic back pain is responsible for billions of dollars in lost revenues and millions more in health care costs. The American Journal reports that chronic low-back pain is estimated to cost $16 billion annually in the United States. Occupational research finds that back injuries, pain, and complications cost an average of $15,000 per incident. According to The Power of Pain by Shirley Kraus, 100 million Americans are either permanently disabled or are less productive due to back pain. Those who do work lose about 5 work days per year, a productivity loss of $55 billion. Interestingly enough, these figures only refer to chronic back pain patients. Almost all arachnoiditis sufferers eventually become totally disabled, becoming permanent fixtures on

the rolls of social security, disability, welfare, and medicaid.

Arachnoiditis sufferers want to become functioning, contributing members of society again. The Traficant legislation will provide research for treatments for arachnoiditis sufferers, including treatments to manage pain. Pain-management treatments would enable sufferers to once again become active, working members of society.

It's time to protect unsuspecting Americans from this debilitating and preventable condition. I ask Members of Congress to join me by cosponsoring my legislation.

SALUTE TO BLACK HISTORY MONTH

HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 12, 1997

Mr. SCHUMER. Mr. Speaker, I urge my colleagues to join me this February in celebrating Black History Month. I would like to take a moment to reflect on the courageous leadership and civic duty that has shaped the communities of New York throughout this decade. As we approach a new century, New Yorkers of all ethnic backgrounds will face a new set of economic, social, and political challenges. If we stop and recognize the perseverance of African-Americans in times of change, their record of commitment to the pursuit of prosperity, integrity and opportunity for their families and friends speaks for itself.

The tireless work of community and religious leaders in guiding African-American communities have done much to improve the quality of life in our city. I am proud to honor this important occasion where African-Americans join hands to acknowledge their accomplishments and their unique contributions to our society and the world.

The level of civic participation in today's culture is depressingly low among average American citizens. However, I am always inspired by the surge of community spirit and leadership from African-Americans in New York. Our society would be a better place if more Americans emulated the civic duty and moral strength of their African-American counterparts. I hope that Black History Month is recognized and honored by citizens of all backgrounds. I honor the work and vision of my African-American colleagues in Congress and throughout New York. May our city continue to be blessed with their leadership.

PERSONAL EXPLANATION

HON. TIM ROEMER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 12, 1997

Mr. ROEMER. Mr. Speaker, on February 5, 1997, I was not present for rollcall votes No. 9 and No. 10 due to the birth of my daughter Sarah Kathryn Roemer.

Had I been present, I would have voted ''yea'' for rollcall vote No. 9 and I would have voted ''yea'' for rollcall vote No. 10.

25 YEARS OF GLORY

HON. JOE KNOLLENBERG

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 12, 1997

Mr. KNOLLENBERG. Mr. Speaker, I rise today to honor a person special to Livonia, MI: Father George Shalhoub.

For the last 25 years, Fr. George has been a spiritual leader, church builder, educator, loyal husband, and father. He was the driving force that built St. Mary Antiochian Orthodox Church, making the church what it is today.

Born in Lebanon, George Shalhoub immigrated to America and in 1972 he married his wife, Nouhad, was ordained as a priest, and assigned to the newly established St. Mary Orthodox Church within 2 weeks.

After the birth of their first child the following year, St. Mary's broke ground for the new church and fellowship building. In March 1976, the congregation, led by Fr. Shalhoub, celebrated its first divine liturgy in their own church.

After years of building, growth, and progress, tragedy struck in April 1996, testing the strength of the Fr. Shalhoub and the entire St. Mary's family. Their church was destroyed by fire.

But just 6 months later, thanks to the hard work, leadership, and dedication of Fr. Shalhoub, St. Mary's was resurrected from the flames like the phoenix.

This week George, Nina, their four children, and the entire St. Mary's congregation celebrate 25 years of strength, dedication, commitment, and faith. I extend my heartiest congratulations on their special anniversary.

LET'S SHOW THE PUBLIC WE'RE SERIOUS ABOUT REDUCING THE SIZE OF FEDERAL SPENDING: REFORM OUR CONGRESSIONAL PENSION SYSTEM

HON. JOSEPH R. PITTS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 12, 1997

Mr. PITTS. Mr. Speaker, today I introduced a bill to reform the pension system for Members of Congress and their staff. My bill, the Congressional Pension Reform Act, will make the pension benefits for Members of Congress the same as other Federal employees.

The Congressional Pension Reform Act of 1997 reduces the pension accrual rates for Members of Congress and their staff members. A pension accrual rate is the percentage of pre-retirement pay earned in pension benefits for each year of service. Under my bill, those congressional Members and staff who entered Federal service before 1984 will have their accrual rates reduced from 2.5 percent to between 1.5 and 2 percent, depending on how long a person has worked for the Federal Government. For Members and staff who began Federal service after 1984, their accrual rates are reduced from 1.7 percent to 1 or 1.1 percent. These changes will save the taxpayers about $9 million over 6 years.

As a member of the House Budget Committee, I realize that we as legislators have to make tough decisions which limit the size of our Federal Government. We need to shift responsibilities from a bloated Federal bureaucracy to families and local communities. I want to demonstrate to the people of Lancaster and Chester Counties that I will impose sacrifices upon myself and the rest of Congress which are similar to those we ask others to make.

Mr. Speaker, I believe that Members of Congress should be treated like every other Federal employee. By reforming our own pension plan, we can reduce the perks of elected office which have no place in our Federal Government and which shake the public's confidence.

On January 30, I wrote to Budget Chairman JOHN KASICH to urge that my provisions on congressional pension reform be included in the majority's balanced budget package. Further, I plan to have my bill included in the budget reconciliation bill so that our shared goals of reducing Government spending and reviving the public's trust in this body can become a reality. I thank the Speaker, and look forward to working with him to reform our pension system.

THE STATE OF THE UNION ADDRESS

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 12, 1997

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, February 12, 1997, into the CONGRESSIONAL RECORD.

THE STATE OF THE UNION ADDRESS

Declaring that we have no imminent threat and that the enemy of our time is inaction, President Clinton issued a call to action in his State of the Union address. It was a call to keep our economy and our democracy strong, to strengthen education and harness technology, to build stronger families and communities, and to keep America the world's strongest force for peace, freedom, and prosperity. The President used more of the ''bully pulpit'' in the speech, often using rhetoric and challenges to the American people rather than urging new federal programs.

In many ways, the address distilled the President's thinking about what is needed to prepare the American people for the 21st century. He said we need to ''take the tough decisions in the next four years that will carry our country through the next fifty years''.

ROLE OF GOVERNMENT

The President sought to define himself, his agenda, and his presidency for the American people, and he certainly summed up his view of government. He said we must be committed to ''a new kind of government—not to solve all our problems for us, but to give all our people the tools they need to make the most of their own lives''.

The President clearly focused on small, incremental proposals rather than the sweeping federal initiatives he proposed when he first took office, such as health care reform. Even when the President promises to focus time, energy, and money on an issue—like education—he proposes something less than an all-out federal assault. Overall, he brought together many proposals from his recent speeches in an effort to frame a program that seems significant but would cost relatively little.

DOMESTIC PRIORITIES

His discussion of his domestic priorities was by far the most detailed portion of his

speech. Often he spoke about problems that the nation's governors have been talking about, such as education and crime.

The President spoke crisply, and with conviction. He showed genuine passion as he talked about his number one priority for the next four years—ensuring that Americans have the best education in the world. Recognizing widespread concerns about education, he called it ''one of the critical national security issues for our future''. He then dealt in rapid-fire fashion with most of the policy areas on the nation's agenda. He wants to expand Head Start, extend the family and medical leave law, expand medical research and technology, mount a full-scale assault on juvenile crime, and clean up 500 toxic waste sites. He wants low-tax empowerment zones in urban areas to encourage revitalization.

His education proposals call for a 40 percent increase in federal spending on education by the year 2002. He set out a ten-point plan to renew education at all levels; especially noteworthy for me was his emphasis on teachers. So much of the discussion on reforming education has omitted the key importance of teachers. More controversial was his call for education standards. Most everybody is demanding improvement in the quality of education, recognizing the wide variety in what schools teach and students learn among the states and the counties. Most past efforts to create national education standards have been either ignored or diluted, and the U.S. is one of the few industrialized countries without specific national requirements for what students should know. The challenge here is to help students and teachers to know what to strive for in class without creating more federal intrusion into the schools.

The most moving portion of the speech came at the end when he called for one America, emphasizing that diversity is our strength, not a weakness, and that we must all be ''repairers of the breach''. Even after a long speech, the audience was clearly moved by the president's conclusions and plea for unity amidst diversity.

His bluntest statements were in opposition to the balanced budget amendment to the constitution, even as he made a strong plea to balance the budget. He stated that a constitutional amendment would cripple the country in time of crisis and force unwanted results upon the country. I strongly applauded his call for bipartisan campaign finance reform, and I was not surprised to see him make a plea for improving welfare reform. And I liked his challenge to employers to make the new welfare system work by giving someone on welfare the chance to work.

The most dramatic change in the President's thinking is on health care. He has clearly abandoned his plans for sweeping changes, and is now proposing more incremental steps by extending insurance to at least half of the ten million children in our country who have no health insurance.

WORLD LEADERSHIP

The President gave major emphasis to keeping American leadership in the world strong. He spoke for some time and in considerable detail about what that means. He wants an undivided democratic Europe and an America that looks to the East no less than the West. He also wants an America that prospers in a global economy, free to conclude new trade agreements that open new markets to our goods and services, even as we preserve our values. He expressed his confidence that with the best workers and the best products, we can out-compete anybody in the world in a truly open market. The President made a very strong and direct appeal to Congress to approve the chemical weapons convention, and to support the necessary resources to carry on our diplomacy. He urged Congress to take the steps to keep America strong, secure, and prosperous for another fifty years.

CONCLUSION

I thought the State of the Union address was one of the President's better speeches. It gave a very clear indication of his priorities. The President hit the right themes of improving education and better preparing our nation for the future, but he spent very little time discussing the tough decisions and shared sacrifices that will be needed to tackle the problems of balancing the budget, shoring up Social Security and Medicare, and reforming the campaign finance system.

The President tried to convey a sense of decisive and coherent action by setting out the agenda for the next four years but without proposing ambitious new federal programs. He was clearly aware throughout the speech of the limits imposed by the fiscal realities. The President still speaks of offering opportunity, demanding responsibility, and preparing us for the 21st century, but his proposals reveal a diminished means for accomplishing those goals.

CONGRATULATIONS TO TRICIA PATTERSON

HON. JERRY WELLER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 12, 1997

Mr. WELLER. Mr. Speaker, today I rise to bring to the House's attention the good work of a valued community organization in my district, the Italian American Commercial Club, and their efforts to assist outstanding young people to further their education.

This year the Italian American Commercial Club of Joliet's 1996 scholarship recipient is Tricia Patterson. Tricia is an outstanding young lady and is an honors student at Joliet West High School. While maintaining a full load of honors classes, Tricia still manages active involvement in the National Honors Society, the French National Honors Society, French Club, and Peer Helpers. On top of this, she works part-time at Dominic's.

Tricia is proud of her family and credits her family with teaching her the basic values that have helped her succeed.

This outstanding Joliet West High School student has worked hard to succeed, especially when it comes to academics. Tricia plans to attend college and has already been accepted to two outstanding colleges, Northern Illinois University and the University of Illinois to study accounting.

I'm proud to represent outstanding young people like Tricia Patterson and commend community groups like the Italian American Commercial Club for their contribution to helping young people.

I ask the House to join me in congratulating Tricia Patterson.

HONORING PAMELA Y. LOVING

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 12, 1997

Mr. KILDEE. Mr. Speaker, I rise today to honor an individual who is strong and positive force within the community, and who by her actions has shown that the rewards from such dedication are immeasurable. On Thursday, February 6, 1997, the Flint, MI Pan-Hellenic Council will honor Ms. Pamela Y. Loving as a part of their Seventh Annual Salute to African-American Elected Officials. The awards dinner is chaired by Mr. James B. Franklin III, and the honorary chair is Dr. Alan Arnold.

Pamela Loving, a resident of Flint MI, has blessed the city with a professional career that spans 35 years, beginning at Lippincott Market as a sweeper, a butcher and a cashier. Ms. Loving has also held positions at Hurley Medical Center and served as the public health nurse for the city of Flint. She has also served as president of Whole Village, Inc. and then began a 23 year tenure at GMI Engineering and Management Institute. These accomplishments have ultimately led to her current position as acting president of Jobs Central, Inc., proving that hard work and perseverance are prime factors for success.

Armed with an associates degree from C.S. Mott Community College, a bachelor's degree from the University of Detroit and a graduate-level curriculum from such schools as Central Michigan, Purdue, Wisconsin, Michigan State, and Harvard, Ms. Loving decided to pursue a more active role in the community of winning a seat on the Flint Board of Education in 1989, where she still serves as treasurer. In addition to the board, Ms. Loving possesses a host of affiliations including the Flint Cultural Center, Hurley Medical Center Board of Directors, Alzheimer's Association and Forum Magazine Advisory Board, to name a few.

This year's dinner will also honor the Honorable Valdemar Washington with the distinguished Floyd J. McCree Memorial Leadership Award. Additionally, the Community Service Award will be given to Ailene Butler, Joann Owens-Reed, and Ali Saaba. All of these individuals represent the very best in civic and social responsibility, and are more than deserving of the highest respect and admiration.

Mr. Speaker, it is with great pride and honor that I appear before you today to recognize Ms. Pamela Loving. As evidenced by her personal motto that ''Learning is a lifelong process,'' she has been and shall continue to be a solid inspiration to not only me, but to all those she comes in contact with. I ask you, Mr. Speaker, and my fellow members of the 105th Congress to join me in recognizing this outstanding individual, Ms. Pamela Y. Loving.

TRIBUTE TO HONOR JACKIE ROBINSON MARKING THE 50TH ANNIVERSARY OF THE DESEGREGATION OF MAJOR LEAGUE BASEBALL

HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 12, 1997

Mr. SCHUMER. Mr. Speaker, I rise today to pay special tribute to a talented man, Mr. Jackie Robinson, and to the 50th anniversary of the desegregation of major league baseball. Not only did Jackie's efforts gain entrance for African-Americans into professional baseball, but they paved the way for African-American participation in all professional sports.

Fifty years ago, as the United States fought racism in World War II, America's national

pastime remained a white-only sport. On April 10, 1947, Jackie Robinson broke the color barrier in major league baseball, ending 71 years of exclusion for African-American athletes, when he was signed by Brooklyn Dodger president Branch Rickey.

Jackie's path breaking career in professional baseball began on October 23, 1945, when he was signed to the Montreal Royals, the Dodger's Triple-A farm team, as the first African-American player in the minor leagues. In his first game, Jackie led the Royals to a 14–1 victory over Jersey City Giants winning the respect and admiration of Montreal and Jersey City fans alike. As he remembered, ''the crowd just mobbed me. Kids were chasing me * * * to get my autograph and grown people were patting me on the back * * * I was convinced that American sports fans are truly democratic * * * that they would accept me—they didn't care what color a player was.''

Jackie went on to play as first baseman for the Brooklyn Dodgers in April 1947 and was named National League Rookie of the Year. During his 10 years on the Dodgers the team won the pennant six times and the World Series in 1955. When Jackie retired in 1957 he had played every position but pitcher and catcher, and boasted a .311 lifetime major-league average, with 1,518 hits, 947 runs, 273 doubles, and 734 RBI's. He was named the National League's Most Valued Player in 1949 and to the Baseball Hall of Fame at the first election he was eligible on July 6, 1962.

In this, the golden anniversary of major league baseball's desegregation, I ask Members to join me in honoring Mr. Jackie Robinson and the American ideals of opportunity and equality which make our Nation great.

25 YEARS OF SERVICE TO SOUTH LYON

HON. JOE KNOLLENBERG

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 12, 1997

Mr. KNOLLENBERG. Mr. Speaker, I rise today to honor a loyal and dedicated officer to the community of South Lyon in Oakland County, MI. David LaFond celebrated his 25th year on the South Lyon police force on January 26, 1997.

David began his career in law enforcement on August 11, 1963, with the city of Northville. He transferred to South Lyon in 1972 and has served 25 dedicated years since.

He was promoted to sergeant in 1977 and in 1990, became the first lieutenant in South Lyon police history. Currently, David serves as the second in command of the South Lyon department and, for the past 12 years, has been the officer in charge of all department investigations.

Mr. LaFond has been awarded many citations and letters of commendation during his years of service. He has acted as director of public safety and served on the West Oakland major crime team since its inception. In 1994, he was elected the team coordinator.

The dedication of David LaFond exemplifies his commitment to making South Lyon a safer place for our families. He is a loyal public servant who deserves the recognition, honors, and accolades he receives.

REPEAL THE ESTATE TAX

HON. BOB STUMP

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 12, 1997

Mr. STUMP. Mr. Speaker, among the taxes the Internal Revenue Service collects, the estate tax ranks as one of the most unfair. With top rates reaching as high as 55 percent, the estate tax can and does force the sale of family businesses, farms, and ranches to satisfy the tax collectors.

Mr. Speaker, I think it's safe to say that most people work for themselves and their families. They do not spend long hours and many years building a successful business or family farm so that when they die, the Government can step in and take the fruits of their labors. Yet, that is exactly what the estate tax allows.

Though they account for only 1 percent of Federal revenues, estate taxes have forced the sale of thousands of farms, ranches, and businesses throughout this country. We can only guess at the jobs and economic potential lost through this process. One study concluded that one-third of all small business owners will have to sell all or part of their businesses to pay estate taxes—70 percent of that group will have to cut their work force.

Estate taxes hit the agricultural sector particularly hard. American agriculture is filled with farmers who are rich only on paper. These ''paper millionaires'' know that the value of their farms is not in the IRS valuation of their equipment and land, but in the farm's ability to produce agricultural products. Farmers make their living growing food and fiber, not speculating in land and equipment.

Mr. Speaker, I am today introducing legislation to repeal the estate tax. After a lifetime of hard work and sacrifice, the family business owner, farmer, and rancher should not be faced with the prospect of losing it all to the tax man.

IN CELEBRATION OF BLACK HISTORY MONTH

SPEECH OF

HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 11, 1997

Mr. DELLUMS. Mr. Speaker, I rise today in commemoration of Black History Month. The observation of Black History Month dates back to 1926 when African-American historian and scholar Dr. Carter G. Woodson introduced ''Negro History Week,'' traditionally observed during the second week of February to coincide with the birthdays of Abraham Lincoln and Frederick Douglass, a personal hero. In 1976, this was expanded to include the entire month of February. In many communities, this has also been expanded with celebrations beginning with Kwanzaa in late December, continuing in January with the birthday celebration of Dr. Martin Luther King, Jr. through February, culminating in May with the birthday of Malcolm X. Of course, it goes without saying that black history is relevant everyday especially in the United States since it is inextricably linked to the history and development of this Nation.

I would like to take this opportunity to highlight one celebration that resonates personally. This past Sunday, February 9, the Pullman Blues Whistle Stop Tour departed Jack London Square in my hometown of Oakland, CA. This tour was created to coincide with a February 16 celebration by the Historic Pullman Foundation in honor of the thousands of African-American men and women who provided the Pullman Co. and the railroads of America with over a century of faithful service on the passenger trains of railroad's Golden Age.

My uncle, C.L. Dellums, for whom the Amtrak station at London Square is named, was a Pullman car porter. He was a colleague and comrade of A. Philip Randolph in the struggle to bring dignity to the jobs that were being performed by railroad workers. Their pioneering struggle that resulted in the creation of the first largely African-American trade union was a harbinger not only of future victories for worker rights—but it was a catalyst that led to some of the important and more general civil rights victories in our society. It is no small wonder that this movement succeeded, given the towering vision and the charismatic intellectual leadership of people like A. Philip Randolph and C.L. Dellums.

This cross country whistle stop tour via two private railroad cars began in Oakland, stopping over at Los Angeles, Kansas City, St. Louis, Chicago, and will end in the historic town of Pullman, IL. Cosponsors of this event include the A. Philip Randolph Institute, the NAACP, Amtrak, Twayne Publishers, and various private and union sponsors throughout the country.

Their efforts to highlight the work of thousands of African-American men and women in the railroad industry is an important and moving contribution to our continuing struggle to bring about equality of opportunity and an end to bigotry and intolerance in our Nation. We have so far to go to achieve equality, and we desperately need to remain engaged in this struggle—not just because the goal is so terribly important but because we need urgently to persuade our children that we continue to fight and struggle for their future as well.

I applaud their efforts and wish them the very best in their celebration.

SPECIAL TRIBUTE TO BENTLEY KASSAL

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 12, 1997

Mr. RANGEL. Mr. Speaker, and my colleagues of the House, I would like to take this opportunity to bring to your attention a very special person who is about to celebrate his 80th birthday on February 28, 1997.

I am speaking about Justice Bentley Kassal who has faithfully served the people of the State of New York for over 40 years. Bentley Kassal was born in New York City on February 28, 1917, to Pauline Nirenberg and Hyman Kassal, who arrived from Poland in 1914. He attended New York City public schools. He graduated from Townsend Harris High School and was a member of the varsity soccer and baseball teams. He was elected to the Townsend Harris hall of fame in April 1991 and received its Life Achievement Award in October 1989.

He is a graduate of the University of Pennsylvania [1937, B.A.] and Harvard Law School [1940, J.D.]. Justice Kassel enlisted and served for 4 years in World War II and was awarded a Bronze Star Medal, three bronze arrowheads for participating in three D-day invasions, Sicily, Salerno, and Southern France and seven battle stars for his service in the African, Italian, and European theaters of war.

In 1956, Justice Kassal was the first reform Democrat legislator elected to the New York State Legislature. He served from 1957 to 1963 in the New York State Assembly. In 1960, he authored a bill establishing the first arts council in the United States—the New York State Council on the Arts.

He was elected to the New York State civil court on January 1, 1970, and later to the New York State supreme court in 1976, and designated as an associate justice of the appellate division where he served until his mandatory retirement by reason of the constitutional age limitation on December 31, 1993. As a supreme court justice, he authored 334 published opinions.

Justice Kassal served as chairman of the New York State Chapter of Americans for Democratic Action from 1964 to 1966 and was a member of ADA's national board. He is also a trustee at large of the Federation of Jewish Philanthropies and the United Jewish Appeal, as well as a director of the city of New York Supreme Court Justices Association, the Helsinki Watch Committee, and several other organizations.

In addition, he worked as a pro bono photographer for Save the Children Federation, UNICEF, Helsinki Watch Committee, Foster Parents Plan, Joint Distribution Committee, International Rescue Committee, World Monuments Fund, and numerous other charities, traveling throughout the world, covering 147 countries on 65 photo assignments.

Justice Kassel is listed in 14 different ''Who's Who'' directories and is married to Barbara Joan Wax. New York is blessed to have this wonderful and devoted justice, and I am proud and fortunate to be able to call him my friend.

TRIBUTE TO HONOR GEORGE ALEXANDER OF BROOKLYN, NY ON HIS CENTENNIAL

HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 12, 1997

Mr. SCHUMER. Mr. Speaker, I rise today to honor a dedicated and honorable citizen of Brooklyn, NY, upon his 100th birthday. Throughout his long and full life, Mr. Alexander has possessed a passion for the sea. In hopes of seeing the world, Mr. Alexander left his native Barbados at the early age of 13 as a deck boy aboard an Argentine flag vessel. Mr. Alexander realized his hopes and sailed around the world working on many foreign flag vessels. One notable vessel being the TSS *Van Dyke,* which was the largest passenger ship in the world at the time. The *Van Dyke* took Mr. Alexander to ports of call such as his native Barbados, St. Lucia, and Rio de Janeiro, as well as many ports throughout Europe.

A naturalized citizen, Mr. Alexander answered his call to duty during both World Wars. Serving as a merchant marine, Mr. Alexander transported supplies and ammunition over the treacherous war-time seas to our troops aboard.

As tribute to his dedication to seamanship, Mr. Alexander became a charter member of the Seafarers International Union [SIU] in 1938. He served brilliantly in the SIU until his retirement in April 1970.

For the last 12 years of his seagoing career, Mr. Alexander ascended to the rank of port steward. Serving as port steward for Calmar Lines was Mr. Alexander's last assignment with the SIU before his retirement. Mr. Alexander has remained visible within his beloved union and after 27 years of retirement, still visits the Brooklyn union hall to short the breeze with some of his old ship mates weekly.

Mr. Alexander's outstanding career demonstrates the values of dedication, commitment, and hard work that all Americans value. I urge my colleagues to recognize and honor this distinguished sailor.

RECOGNIZING FRANK DEL OLMO FOR 25 YEARS OF DISTINGUISHED JOURNALISM

HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 12, 1997

Mr. TORRES. Mr. Speaker,I rise today to honor Mr. Frank Del Olmo, a good friend and distinguished journalist. Tomorrow night, Frank's colleagues, family, and friends will gather to pay tribute to him for his 25 years of distinguished journalism at the Los Angeles Times.

During his tenure at the Times, Frank has earned respect and admiration of his colleagues in journalism. He thoroughly and objectively covered such national stories as Watergate, and the civil wars in El Salvador and Nicaragua. In addition to working as a field reporter, Frank has worked as an editorial writer, a commentator, and an editor.

Throughout his career, Frank has received numerous awards for his contributions to print media. He was a member of a team of Times reporters who won the coveted Pulitzer Gold Medal for Meritorious Public Service for a series of articles on southern California's Latino community. In 1976, he won a Emmy for Distinguished Achievement in Writing for a KNBC–TV documentary.

Because of his notable body of work, Frank is a well known and highly respected voice in the Latino community. He has frequently covered such subjects as affirmative action, bilingual education, immigration, and Latin America. Currently working as assistant to the editor, Frank writes a weekly column, often focusing his attention on the pulse of Los Angeles' Latino community, for the Sunday Times Opinion section.

Mr. Speaker, I ask my colleagues to join me in paying tribute to a distinguished journalist and friend, Mr. Frank Del Olmo. His presence at the Los Angeles Times is invaluable to our community, and it is fitting that he will be honored for his 25 years of contributions to print media, and to the community at large.

ACCURACY IN CAMPUS CRIME REPORTING ACT

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 12, 1997

Mr. DUNCAN. Mr. Speaker, Congressman CHARLES SCHUMER and I have introduced today the Accuracy in Campus Crime Reporting Act of 1997. This bill will close some of the loopholes that have allowed many colleges and universities to not report many instances of criminal activity on their campuses.

Last year, the House of Representatives passed House Resolution 470, which expressed the sense of the Congress that the Department of Education was not adequately monitoring and enforcing compliance with the current campus security law. This resolution passed the House by a vote of 413 to 0 on September 11, 1996.

The Accuracy in Campus Crime Reporting Act will supplement the Campus Security Act of 1990. Specifically, it will instruct colleges and universities, which receive Federal funding, to make available to their students in a timely fashion information on all crimes reported to campus police departments, security agencies, and other campus officials to whom crimes are reported. Such crime logs would be open to public inspection on a daily basis.

Similar laws are already in effect in seven States: Tennessee, Massachusetts, Oklahoma, California, West Virginia, and Minnesota.

The Accuracy in Campus Crime Reporting Act will also change Federal educational privacy laws that have shielded students who have been charged with criminal acts because of a definition that considers such charges as part of an individual student's private academic record.

The current law lists only a few crimes that are required to be reported annually and these crimes are to be determined at the discretion of college administrators. Some college administrations do not comply with the spirit of the law because they would simply like to avoid bad publicity.

The Accuracy in Campus Crime Reporting Act of 1997 will allow students and their parents to have a greater awareness of patterns of crimes that occur on campuses all too frequently. The bill will also make it possible to have independent confirmation of the accuracy of the annual statistics that colleges submit. I believe that this bill will help make colleges and universities much safer places.

PRIMARY CARE EDUCATION ACT

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 12, 1997

Mr. TRAFICANT. Mr. Speaker, it's a well known fact that America's growing emphasis on specialization in the physician work force has driven up the costs of health care and fragmented access to medical services. What is not widely known is that America will have a shortage of 35,000 primary care physicians by the year 2000 and a projected surplus of 115,000 specialists—Dept. of Health and

Human Services. To reverse current trends in medical education and lower the rate of inflation on health care costs, I have introduced the Primary Health Care Education Act.

In the past year, two separate Government-funded studies have produced substantial evidence that medical schools must respond now to compensate for our primary care needs of the 21st century. The Primary Health Care Education Act is based on the findings and recommendations to the Congress found in both reports. These reports include: first, the General Accounting Office's [GAO] October 1994 report to congressional requesters entitled, ''Medical Education: Curriculum and Financing Strategies, Need to Encourage Primary Care,'' and second, the Council on Graduate Medical Education's [COGME] eighth report to Congress and the Department of Health and Human Services called Patient Care Physician Supply and Requirements: Testing COGME Recommendations.

I would like to briefly summarize the GAO's findings. Medical career decisions are usually made at three specific times during a student's education: first, at the end of college when students typically apply to medical school, second, during the fourth year of medical school when students choose the area of medicine to pursue and enter residency training, and third, at the end of residency training when residents decide to enter practice or to train further for a subspecialty. The Primary Health Care Education Act attempts to encourage primary care as a career choice at all points in a student's academic career.

The choice of career paths in medicine is found to be significantly influenced by the curriculum and training opportunities students receive during their medical education. Foremost among these factors was whether the medical school had a family practice department. Students attending schools with family practice departments were 57 percent more likely to pursue primary care than those attending schools without family practice departments. Second, the higher the ratio of funding of a family practice department in relation to the number of students, the higher the percentage of students choosing to enter primary care. Students attending medical schools with highly funded departments were 18 percent more likely to pursue primary care than students attending schools with lower funding. A third factor was whether a family practice clerkship was required before career decisions were made in the fourth year. Students attending schools which required a third-year clerkship were 18 percent more likely to pursue primary care. Fourth, a significant correlation was found between residents who were exposed to primary care faculty, exposed to hospital rounds taught by primary care faculty, and exposed to rotations which required training in primary care—and residents who were not—in choosing to enter general practice.

Given the health care needs of the 21st century, COGME recommends we attain the following physician work force goals by the year 2000. First year residency positions should be limited to the number of 1993 U.S. medical school graduates, plus 10 percent. At least 50 percent of residency graduates should enter practice as primary care physicians. By comparison, current projections show that America will have a mix of 31 percent generalists and 69 percent specialists by 2000—under the status quo.

To reverse the current trends toward specialization, the Traficant Primary Care Education Act directs the Secretary of Health and Human Services to give preference to medical schools which have established programs that: first, emphasize training in primary care, and second, encourage students to choose primary care. Under the act, the Secretary must consider the GAO's findings when establishing the conditions a medical school must meet to receive preference.

The Secretary, however, is by no means limited to the GAO's findings. The Primary Health Care Education Act was designed to give the Department of Health and Human Services the authority to shift the current trends in medical education to meet existing and future needs. It does this by giving preference, or awarding grants and contracts to schools which have designed curriculum that has been proven to increase primary care. The Traficant bill, however, by no means dictates, to the administering agency or medical schools, the best way to achieve the desired results. The Traficant bill, in fact, follows the intent of language of the Public Health Service amendments of 1992, which was passed only by this body. It is my hope that HHS, as the expert agency on this issue, in consultation with medical schools, GAO, and COGME, will attain the health care and physician work force needs of the 21st century.

The Primary Health Care Education Act has been endorsed by the American Osteopathic Association and the American Association of Colleges of Osteopathic Medicine. If you support improved access to services and lower health care costs, I urge you to cosponsor the Primary Care Education Act.

BLACK HISTORY MONTH TRIBUTE TO REV. LEON H. SULLIVAN

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 12, 1997

Mr. RAHALL. Mr. Speaker, today we take the time to observe Black History Month and pay tribute to those individuals who have made significant contributions to history and to our society. One such individual is Rev. Leon Howard Sullivan, a clergyman and civil rights activist, from Charleston, WV.

Leon H. Sullivan was born on October 16, 1922. Growing up, he lived in an environment that was severely limited both economically and socially. In spite of his circumstances, Sullivan focused his after school energies on religion and sports. At the remarkably early age of 17, he was ordained a Baptist minister, and soon thereafter, he entered West Virginia State College, a historically black college, on an athletic scholarship. His contribution to society and to West Virginia State College led to the construction of Sullivan Hall in 1970. Sullivan Hall houses the women students at West Virginia State College and the West Virginia Graduate Studies Administrative and College Offices.

In 1942, Sullivan met former U.S. Representative, Adam Clayton-Powell who was visiting West Virginia. Sullivan so deeply impressed Powell that at Powell's suggestion, Sullivan moved to New York City to study theology at the Union Theological Seminary and sociology at Columbia University.

After completing his studies, Sullivan became the pastor of the Zion Baptist Church in Philadelphia from 1950 to 1988. In the 38 years he served at the Zion Baptist Church in Philadelphia, the congregation increased from 600 to 6,000 members. Sullivan expanded the church's activities to include a daycare center, a credit union, an employment agency, a community center for youth and adults, adult education reading classes, athletic teams, choral groups, and family counseling services.

In an effort to provide opportunities for African-American business ventures, in 1962 Sullivan established the Zion Investment Association in Philadelphia. He has constantly fought the war against racist hiring practices and organized protests and economic boycotts. In 1964, he demonstrated another act of courage on behalf of justice and equality when he established the Opportunities Industrialization Center [OICA], the first organization of its kind in the United States dedicated to providing comprehensive employment training and placement for disadvantaged, unemployed, and unskilled Americans of all races. Today, there are more than 70 OIC centers across the United States and 28 centers in countries such as Africa, Poland, Central America, England, and the Philippines.

Reverend Sullivan's concerns regarding housing for the poor and the elderly resulted in the construction of more than 1,000 housing units in major cities including Philadelphia, Kansas City, Oklahoma City, and Indianapolis. His OIC training programs have trained more than 2 million people for better job opportunities in America and Africa.

He is the recipient of more than 100 national and international awards, and in 1992, President George Bush presented Reverend Sullivan with The Presidential Medal of Freedom. He serves on the board of directors of numerous companies such as Mellon Bank and is the director emeritus of General Motors Corp. where he was the first African-American to sit on the GM board.

This is but a thumbnail sketch of the many achievements of Rev. Leon H. Sullivan. With a mind full of ideas and the motto ''We help ourselves,'' Rev. Leon H. Sullivan has contributed immensely to the advancement of African-Americans and to society as a whole. He is a man of great wisdom with many hopes and dreams for his fellow Americans and is an inspiration to us all.

TRIBUTE TO LOUIS MARCHESE

HON. SIDNEY R. YATES

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 12, 1997

Mr. YATES. Mr. Speaker, on Sunday, February 9, 1997, Mr. Louis Marchese, 65, died at his home in Arlington Heights, IL. I rise today to pay tribute to this fine man.

A prominent lawyer in Illinois, with an extensive background in contract and distribution law, Mr. Marchese was a senior partner with the Chicago law firm of Halfpenny, Hahn, Roche & Marchese. He was nationally recognized for his expertise in association law, antitrust law, contract law, trade regulation, employment law, product liability, interstate taxation, and government regulatory law. In addition to his significant legal contributions, Mr.

Marchese also lectured at the Executive Development Centers of both the University of Illinois at Chicago and Northwestern University. He also is credited with writing several books and articles related to his legal work and experience.

Mr. Marchese was a member of the Chicago Bar Association, the American Trial Lawyers Association, and the legal section of the American Society of Association Executives. He received his law degree from the DePaul University School of Law in Chicago and was an Army veteran of the Korean war.

His son, Steven, is my talented and effective legislative assistant.

Besides Steven, Mr. Marchese is survived by his wife, Margaret; son, John; daughters, Mary Ellen Baker, Ann Griffin, and Meg Marchese; his mother, Anna; brother, Jerry; and five grandchildren.

A TRIBUTE TO GWENDOLYN BROOKS, A LEADING VOICE IN AMERICA

HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 12, 1997

Mr. DELLUMS. Mr. Speaker, I rise today to pay tribute to Ms. Gwendolyn Brooks, who is being honored for her distinguished career on February 14, 1997, by the Department of English and the Moorland Spingarn Research Center of Howard University. I ask my colleagues to join me in paying tribute to a special person who has touched millions of people throughout the world with her words.

Gwendolyn Brooks was born in Topeka, KS, in 1917 and then moved to Chicago early in her life. She has long been recognized as a leading voice in modern American letters. For more than 50 years, she has undertaken as her life's work a composite portrait of African-Americans acknowledging within the universe of her poems their nobility and enduring spirit. For five decades, she has interpreted their stories within the context of America, commemorating in works such as ''A Street in Bronzeville,'' ''Annie Allen,'' ''The Bean Eaters,'' ''In the Mecca,'' ''Family Pictures,'' ''Riot,'' ''Aloneness,'' ''Beckonings,'' ''To Disembark,'' ''Maud Martha,'' and ''Blacks,'' those of us adjudged the leastwise of the land. With prophetic insight, eloquence, and passion she has written of her people's joys; their triumphs, their follies, and their despair. But through the sustaining power of her love and the depth of her commitment, her people live and may yet prevail.

Gwendolyn Brooks, distinguished poet of our time, distinguished poet laureate of Illinois, distinguished consultant-in-poetry to the Library of Congress, distinguished Pulitzer Prize winner, teacher, mentor, true lover of the poor, poet of the people, we honor and salute you.

TRIBUTE TO THOMAS ALVA EDISON

HON. JAMES E. ROGAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 12, 1997

Mr. ROGAN. Mr. Speaker, I ask my colleagues to join me in paying tribute to Thomas Alva Edison, the greatest inventor, whose 150th birthday was February 11. He was a man whose vision transformed America from an agrarian nation into an urban-industrial power. He almost single-handedly ushered the world from the age of steam into the age of electricity. Thomas Edison embodies everything noble about our great country.

He was born to Canadian immigrants Samuel and Nancy Edison in Milan, OH, on February 11, 1847. As a young, inquisitive boy he was actually expelled from elementary school for asking too many questions. Instead, he was taught at home by his mother and by his own intellect and curiosity. Despite these difficulties, he became one of the most prolific inventors in history.

There are few Americans who can claim that their vision, their creativity, their hard work and their entrepreneurial imagination have positively benefited the lives of virtually every human being on the planet for the last century.

Thomas Edison is one such person. He received a record 1,093 patents. These were for inventions such as the electric light bulb, the phonograph, and the motion picture camera. He also revolutionized the electric power generation and distribution systems, marking the true beginnings of the world's electric utility industry.

California has particularly benefited from this great man's genius. He created our film and recording industries which now employ over half-a-million people and exceed more than $40 billion in annual worldwide revenues. Even today, one of the world's largest energy companies based in California, still bears his name: Edison International.

Perhaps Edison's greatest contribution to the science community was establishing the world's first research laboratory. His lab in West Orange, NJ, is now designated as the Edison National Historic Site.

I ask my colleagues to join me in recognizing Thomas Alva Edison for his contributions to all mankind. He is an American we can proudly point to as a role model for our youth and as an inspiration to our future.

REGARDING CONGRESSIONAL REVIEW OF THE ARMY CORPS OF ENGINEERS NATIONWIDE PERMIT PROGRAM REVISIONS

HON. BUD SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 12, 1997

Mr. SHUSTER. Mr. Speaker, I rise today to call the attention of the House to an issue which has recently arisen regarding the implementation of the Congressional Review Act [CRA], Public Law No. 104–121, subtitle E, title II, 110 Stat. 847, 868–74 (1996). I particularly want to thank the Honorable H. Martin Lancaster, Assistant Secretary of the Army for Civil Works, and Maj. Gen. Russell Fuhrman, Director of Civil Works, for the spirit of bipartisan cooperation with which they and their staff worked with the Transportation and Infrastructure Committee and staff of the Government Reform and Oversight Committee. Because, however, the issue is one which is likely to recur, I bring it to the attention of my colleagues for their consideration.

As many of you are aware, in December 1996, the Army Corps of Engineers issued its ''Final Notice of Issuance, Reissuance and Modification of Nationwide Permits,'' (61 Fed. Reg. 65874 (Dec. 13, 1996)), which will significantly alter wetlands permitting in the United States. That regulation took effect yesterday, February 11, 1997.

Initially, the corps refused to submit the nationwide permit final rule to Congress because the agency maintained that the CRA did not apply. The corps argued that the nationwide permit regulations were not a rule within the meaning of the act for various reasons relating to, among other things, the permit-like nature of the regulations and their optional—rather than mandatory—use by permittees.

I disagree with that view. In my judgment, the corps' nationwide permit regulation was a rule within the meaning of the CRA and section 551 of the Administrative Procedure Act. My view was supported by an earlier opinion of the general counsel of the General Accounting Office who reached a similar conclusion on analogous facts last year. The general counsel considered the Secretary of Agriculture's issuance of an agency memorandum concerning the implementation of the Emergency Salvage Timer Sale Program. See B–274505, Letter from Robert Murphy, General Counsel, to Senator Larry E. Craig (Sept. 16, 1996). Even though that implementing memorandum was not a formal notice and comment rule, GAO nonetheless concluded that the memorandum met the much broader definition of a ''rule'' used in the CRA and was required by that act to be submitted to Congress for review. Given the nature of the Corps' Nationwide Permit Program proposal, I concluded that failure to submit the proposal to Congress would also violate the CRA, in light of the analysis and criteria used by GAO.

I was even more concerned with the potential that failure to submit the nationwide permit proposal for review could have rendered the entire, reissued program invalid based solely on procedural grounds. The CRA, 5 U.S.C. 801(a)(1), provides that before a rule may become effective, the agency promulgating the rule must submit it to each House of Congress for review. The corps' initial inclination not to submit the nationwide permit final notice to Congress ran the risk that a Federal court might subsequently determine that the failure to do so violated the requirements of § 801(a)(1). Were that determination to be made, the nationwide permit rule might be deemed without effect and all permits issued thereunder subsequent to February 11, 1997, deemed null and void ab initio.

In light of this uncertainty, I urged the corps to rethink its position and accept the congressional review process adopted in the 104th Congress. To its credit, the corps did so—although with reluctance. Though the corps continues to believe that submission of the nationwide permit rule was unnecessary, the corps agreed to submit the rule for review under the congressional review process and did so yesterday. We have both agreed that in doing so the corps remains free to argue its position both to Congress in connection with any further submissions under the CRA and in the Federal courts.

While the corps submitted the rule in the interest of comity, I remain concerned about the agency's determination that the rule is not a major rule triggering the special moratorium

and review provisions of § 801. I am also concerned that the level of consultation with, and analysis by, the Office of Management and Budget—as required by CRA—was minimal. Even so, I appreciate the corps' willingness to work with us in the spirit of bipartisan cooperation so as to move beyond the initial issue of submission to Congress under the CRA.

With this procedural issue set aside, we can now focus on the substance of these significant changes to the Nationwide Permit Program. The leadership of the Transportation and Infrastructure Committee and its Water Resources and Environment Subcommittee looks forward to reviewing the modifications, particularly to Nationwide Permit No. 26, and the overall impact of the January 23, 1997, Federal court ruling—American Mining Congress versus Army Corps of Engineers—invalidating the corps' so-called excavation rule. Congressional review of these recent developments should help in the overall effort to reauthorize and improve the Clean Water Act, including the wetlands permitting program.

HONORING THE NORTH PARK MIDDLE SCHOOL BAND OF PICO RIVERA

HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 12, 1997

Mr. TORRES. Mr. Speaker, I rise today to honor the members of Pico Rivera's North Park Middle School marching band. On Wednesday, January 1, 1997, this group of talented young individuals participated in the 108th Annual Tournament of Roses Parade in Pasadena, CA, as the first group of middle school students to perform in this event in over 45 years. As I watched the North Park Middle School band on television, I was filled with pride that this group of talented youth from my congressional district was representing my community. It is through their dedication, hard work, and perseverance that the band members earned this distinct privilege, and they are to be commended.

On Monday, May 24, 1993, I stood before my colleagues in the House and honored this same group of young people for their commitment to excellence. I spoke of the band members and their parents who faced the board of education to demand that North Park Middle School's music program not be abolished. As a result, funding was continued, and the band was bestowed with one of the greatest honors possible: the opportunity to perform before millions of viewers in the 1997 Rose Parade.

The outstanding performance demonstrated by each of the band members is testimony to the leadership and guidance that the band's director, Mr. Ron Wakefield, has provided over the years. Because of Ron's dedication and belief in his young musicians, the band never gave up its dream of one day performing in the Rose Parade. Helping Ron were assistant director, Jose Diaz, parade coordinator, Lou Diaz, and Rhonda Cheat, colorguard adviser. I would also like to recognize North Park Middle School principal, Robert Martinez, vice principal, Dwight Jones, and the parents of the bandmembers for their support of the band's efforts.

Mr. Speaker, I stand before you today in recognition of the young members of the North Park Middle School band for their tireless efforts and outstanding achievements. This talented group of musicians has made the Pico Rivera community proud. I, too, am proud to represent such fine young men and women, and I ask my colleagues to join me in honoring them for their hard work and accomplishments.

THANK YOU, PETER KING

HON. KAREN McCARTHY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 12, 1997

Ms. MCCARTHY of Missouri. Mr. Speaker, I would like to take this opportunity to recognize Congressman PETER KING for his tireless and diligent work on behalf of the Irish people.

Congressman KING, who serves as the cochairman of the Congressional Ad Hoc Committee on Irish Affairs, was awarded the Heart of America International Peace Award by the Ancient Order of Hibernians, Padriac Pearse Division I, Jackson County, MO, on February 1, 1997. This honor was for his strong opposition to British oppression of the Irish people. Mr. KING was only the third leader to receive this prestigious honor. Previous winners of this award include Jerry Adams and Bernadette Devlin. All three have distinguished themselves through exemplary leadership in the area of human rights equalization in Northern Ireland. He was recently presented this award by the Ancient Order of Hibernians in my district.

Congressman PETER KING has traveled to the six occupied counties in Northern Ireland on 15 different occasions and is recognized as the leader in Congress on issues facing Ireland. He has been honored by the Ancient Order of Hibernians, the Knights of Columbus, the Irish-American Fenian Society, the Irish National Caucus, and the Irish Northern Aid Committee.

His travels to Northern Ireland enabled him to witness hunger strikes, the Diplock Courts, and other monumental events. He accompanied President Clinton on the President's historic peace mission to Belfast and Derry in 1995.

Thank you, PETER KING, for your outstanding service to the Congress, the Irish-American community throughout our great Nation, and the Irish nationalist community abroad. I applaud your efforts and salute you as the 1997 Heart of America International Peace Award recipient.

HONORING FRANK VISAGGIO

HON. STEVE R. ROTHMAN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 12, 1997

Mr. ROTHMAN. Mr. Speaker, I rise today to honor Frank Visaggio, who was selected to represent the United States in Taekwon Do's 1997 World Championships.

A team of six men and six women will compete against over 30 countries this July in St. Petersburg, Russia. The team competition includes four events: sparring, breaking, patterns, and team patterns.

Mr. Visaggio of Seacaucus, NJ, has been training in Taekwon Do for 15 years. He is the New Jersey State director of the International Taekwon Do Association, and is owner and head instructor of the Meadowlands Academy of Martial Arts.

Mr. Speaker, I urge you and all of our colleagues to join me in commending Frank Visaggio on all of his worthy accomplishments. I wish Frank and his teammates the best of luck in this summer's competition.

THE INDEPENDENT COUNSEL LAW

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 12, 1997

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, February 5, 1997, into the CONGRESSIONAL RECORD.

REFORMING THE INDEPENDENT COUNSEL LAW

Congress enacted the independent counsel law in 1978 in response to Watergate and the seeming inability of the executive branch to investigate and prosecute crimes by senior administration officials. The independent counsel, appointed by federal judges and working outside the executive branch, was intended to handle such cases in an impartial manner, thus restoring public confidence in the process.

Since the law's enactment there have been 17 independent counsel investigations at an estimated total cost of over $115 million. Of those 10 ended with no indictments. Four others, including the Whitewater investigation of the President, are ongoing. There were several convictions in the Iran-contra investigation, although some were overturned on appeal.

Even though the law is not up for review until 1999, Congress is already considering proposals to reform the measure. A House subcommittee held hearings on the law last year, and numerous articles have been written on the issue, particularly in light of the ongoing Whitewater investigation. Some argue that the act has worked reasonably well, while others say it has led to costly and unending investigations and should be overhauled or scrapped.

HOW THE LAW WORKS

The independent counsel law generally applies to high ranking officials in the executive branch, including the President, Vice President, senior White House staff, and Cabinet members as well as members of Congress. The Attorney General can seek an independent counsel on her own initiative or on receipt of information alleging a violation of federal criminal law.

The Attorney General conducts an initial review of the matter. If she reasonably believes further investigation is warranted, she applies to a special three-judge panel appointed by the Chief Justice of the Supreme Court, requesting that the panel appoint an independent counsel. The panel selects the independent counsel, and defines the scope of the investigation. The independent counsel has the full range of investigatory and prosecutorial powers and functions of the Attorney General.

There is no specific term of appointment for independent counsels. They have unlimited budgets, serve as long as it takes to complete their duties, and may seek to expand the scope of their investigation. An independent counsel may only be removed by

the Attorney General for good cause. Likewise, the special three-judge panel may terminate the work of the independent counsel if the counsel's work is deemed completed.

ARGUMENTS PRO AND CON

Supporters of the independent counsel law contend that it is necessary to investigate allegations of high-level misconduct in the executive branch. Only an independent counsel, chosen by a panel of judges, can provide the best assurance of a thorough and impartial investigation followed by a fair-minded prosecution or public dismissal of the charges. The Attorney General, in contrast, is a political appointee of the President, and might not be counted on to conduct an impartial review of allegations of misconduct by the President or his appointees.

Opponents respond that the law is too easily abused. Congress enacted the independent counsel statute to address those occasions, as with Watergate, where there is serious evidence of criminal misconduct by the President or high level government officials. An independent counsel operates with broad powers and an unlimited budget, outside the standard constraints of executive branch accountability, and should be rarely appointed. The Iran-contra affair and Watergate might justify appointment of a special counsel, but determining whether a Department Secretary told an FBI background reviewer the total amount of money he gave his former mistress does not. Such a case could be handled by the Justice Department.

REFORM PROPOSALS

There is a wide range of proposals for reforming the independent counsel law. Some favor outright repeal. They say that career Justice Department prosecutors can impartially investigate and prosecute cases of executive branch misconduct, and that the political process will hold the President accountable for prosecutorial abuse. After all, they observe, the Watergate cases were investigated and prosecuted without an independent counsel law.

Others support incremental changes to the law. One set of reforms would limit the circumstances when an independent counsel would be appointed. For example, the law could be limited to allegations of misconduct at the highest levels of government, such as the President, Vice President, and Attorney General, and to crimes committed in office. Likewise, the law could be amended to raise the threshold at which the Attorney General must ask the three-judge panel to name a special prosecutor.

Another set of reforms would place some checks on the powers of an independent counsel. The law, for example, could be amended to fix a time limit on the investigation, subject to extension by the appointing court if there has been an indictment or if the independent counsel has the evidence to justify further inquiry. The law could also be changed to limit the ability of the independent counsel to expand the scope of an investigation. Some have also proposed constraining spending on investigations by making them subject to annual congressional appropriations.

A third set of reforms would improve the integrity of the independent counsel process. One such proposal would make the job of independent counsel full time, permitting no representation of other clients. This reform would enhance public confidence in the impartiality of the investigation, and help expedite the proceedings.

CONCLUSION

I have consistently supported the independent counsel law, and approved of the appointment of a special prosecutor in the Iran-contra and Whitewater cases. I believe, however, that the process should be used more sparingly and subject to more contraints. Public confidence in the process has diminished as investigations drag on for years, at great expense.

The independent counsel law expires in 1999. We should use the next two years to review the current law, and consider reforms that would improve public confidence in the process, including limiting the use of the independent counsel law and making the process, when invoked, move more swiftly and less expensively.

HOORAY FOR THE LADY BULLDOGS

HON. HAROLD ROGERS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 12, 1997

Mr. ROGERS. Mr. Speaker, on Sunday, February 3, 1997, the Lady Bulldogs of Hazard High School in Hazard, KY, made a dream come true. That was the night they won the All ''A'' State Tournament by beating Lexington Catholic 53 to 45.

This was the fourth time in history that Hazard High School had a team in a basketball State championship. In fact, the Lady Bulldogs of 1996–97 had a lot to live up to—every Hazard team that had gone to the State championships before had won. Were they up to the challenge?

In their opening game of the tournament, the Lady Bulldogs beat the defending All ''A'' champions from Louisville Holy Cross 61 to 34. This was a sign of great things to come. After two more games, the Lady Bulldogs faced Lexington Catholic—and the rest is history. With effective offense, tenacious defense, skillful shooting, and tremendous coaching, the Lady Bulldogs claimed victory for their own.

Today, the 1996–97 Lady Bulldogs—Jaime Steele, Dee Sammons, Leah Cornett, Betsy Boggs, Charlotte Sizemore, Lori Graves, Carolyn Alexander, Tracy Kershaw, Nea Rogers, Christy Dunigan, and Jennifer Sharp—are walking tall. Each one a dedicated, hard-working young lady. Each one with the character and perseverance of a champion, not because she won a State tourney, but because she dared to pursue the dream.

The victory, however, is not theirs alone. Their coach, William ''Bill'' Fannin, began to lay the groundwork over a decade ago. In 1985, he took on the coaching job, and with patience, understanding, hard work, and love in his heart, he helped show the Lady Bulldogs what it takes to be winners—not just on the court, but also in school and their community.

Of course, Coach Fannin had a little help. Coach ''Cos'' Hugh Cosimini; coach Frieda Fannin, Bill's wife; and coach Candi Fannin, Bill's daughter, put a lot of time, energy, and heart into building the Lady Bulldog team we know today.

The community of Hazard also deserves some of the credit for their staunch support of the team. And, I would be leaving out an important part of the team if I didn't mention the Hazard cheerleaders, whose spirit at the games helped rally the Lady Bulldogs to victory. In fact, both the Lady Bulldog cheerleaders and the Hazard boy's team cheerleaders won first place in their competitions during the All ''A'' Tournament.

We all know that it's not whether you win or lose—it's how you play the game. Certainly, these Lady Bulldogs played fairly, with dignity and pride. But it sure is a great feeling to actually win the game. Today, I congratulate the Hazard Lady Bulldogs and their coaches. Good work on a job well done.

CONGRESSMAN FRANK LUCAS HONORS EIGHT OKLAHOMANS WHO HAVE BEEN HONORED AS ''CIVIL RIGHTS TRAILBLAZERS''

HON. FRANK D. LUCAS

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 12, 1997

Mr. LUCAS. Mr. Speaker, I rise today to honor eight Oklahomans who were recently honored as ''Civil Rights Trailblazers.'' The Oklahoma Historical Society's Black Heritage Committee acknowledged the commitment to civil rights that these leaders have made. The following were honored on February 6, 1997.

Former Oklahoma Representative Hannah Diggs Atkins was a State representative for 12 years and served as a delegate to the United Nations General Assembly under President Jimmy Carter. She is also a member of the Oklahoma Women's Hall of Fame and the Afro-American Hall of Fame.

David Boren is a former Governor and Senator from Oklahoma. Among other things, he chaired the Senate Select Committee on Intelligence and was a cochair of the 1993 Joint Committee on the Organization of Congress. He currently serves as president of the University of Oklahoma.

Rev. W.K. Jackson currently preaches at the Oklahoma City St. John Baptist Church. He has served as president of the Baptist Ministers Union, the Progressive Oklahoma Baptists State Convention, and the Coalition of Civic Leadership.

Ms. Rubye Hall is the current chair of the Oklahoma Historical Society's Black Heritage Committee. She is a life-long educator who is an emeritus member of the Oklahoma Historical Society Board of Directors.

Mr. John Kirkpatrick formed the Kirkpatrick Foundation in the 1970's and has been honored by the Oklahoma City Federation of Colored Women's Clubs with an Achievement Award in 1992. He and his wife Eleanor have been very active philanthropists.

Ms. Clara Luper was an active civil rights leader in the 1960's who led a number of lunch counter sit-ins in Oklahoma City to break down Jim Crowe Laws.

George Nigh is a former Governor, Lieutenant Governor, and State representative of Oklahoma and currently serves as president of the University of Central Oklahoma. In addition, he is a member of the Oklahoma Hall of Fame and was inducted into the U.S. Jaycees Ten Outstanding Young Americans Hall of Leadership.

Ms. Ursula Sanders is the current president of the Baptist Ministers Wives of the National Baptist Congress of Christian Education and served for 16 years as president of the Women's Christian Temperance Union in Oklahoma.

I want to personally salute these leaders and thank them for the progress that has been

made in the area of civil rights as a result of their efforts. It is my hope that their examples will be followed by the next generation of leaders as all of us confront the continuing problems regarding race relations in the United States. We would be well served to do so.

SALUTING STEVE D. BULLOCK—BLACK PROFESSIONAL OF THE YEAR

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 12, 1997

Mr. STOKES. Mr. Speaker, I am proud to salute an outstanding individual from my congressional district who is being recognized for a very special honor. On February 15, 1997, the Black Professionals Association Charitable Foundation will bestow the 1997 Black Professional of the Year Award upon Mr. Steve Delano Bullock. I rise to pay tribute to Mr. Bullock upon this important occasion. I want to share with my colleagues and the Nation some information regarding the honoree.

Mr. Bullock has enjoyed a distinguished career with the American Red Cross. He was named chief executive officer and chapter manager of the Greater Cleveland Chapter in 1982. Prior to assuming this position, he worked for the Red Cross in military installations in the United States, Europe, and Southeast Asia. Mr. Bullock also previously served as executive director of the agency's St. Paul, MN chapter.

Mr. Speaker, in 1988, Steve Bullock was named chairman of the president's advisory committee, a group of senior Red Cross field executives which counsels top management on issues facing the organization. Another highlight of his career occurred in 1995 when Mr. Bullock was appointed to head the 1996 national American Red Cross campaign.

Mr. Bullock is also an active member of the Greater Cleveland community. His board memberships include the Greater Cleveland Roundtable, the Cleveland Campaign, and Leadership Cleveland. He is the chairman of the Mandel Center for Non-Profit Organizations, Case Western Reserve University Executive Advisory Network, and is the past president of the Council of United Way Services Agency Executives.

Mr. Bullock received a Bachelor of Arts Degree in History and Sociology at Virginia Union University and a Master's Degree in Business Administration at the College of St. Thomas. He has also done graduate work in urban administration; attended the American Red Cross Executive Development Institute; and is a graduate of Leadership Cleveland. Mr. Bullock and his wife, Doris, reside in University Heights. They are active members of Antioch Baptist Church in Cleveland.

Mr. Speaker, Steve Bullock will be the 17th individual to receive of the prestigious Black Professional of the Year Award. As a past recipient of this honor, I take special pride in saluting him on this occasion. I join his family, friends, and colleagues in stating that he is more than deserving of the award. I also take this opportunity to applaud the Black Professionals Association for its strong leadership and commitment. I wish Mr. Bullock and the association much continued success.

JOHN GRIESEMER POST OFFICE BUILDING

HON. ROY BLUNT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 12, 1997

Mr. BLUNT. Mr. Speaker, I rise today to introduce a bill to designate the U.S. Post Office Building located at Bennett and Kansas Avenue in Springfield, MO, as the John Griesemer Post Office Building.

John Griesemer was born in Mount Vernon, MO, and grew up on a dairy farm in Billings, MO. He graduated from Billings High School in 1948 and he earned a bachelor of science degree in Civil Engineering from the University of Missouri, Columbia in 1953. He served as a first lieutenant, Engineering Officer in the U.S. Air Force from 1954 until 1956.

After his discharge from the Air Force, John returned to southwest Missouri to work for his family's business, Greisemer Stone Co. He served there as president and as a director until his death in 1993.

In defiance of conventional wisdom, John Griesemer balanced a successful career with family life and a dedication to community service. He and his wife, Kathleen, raised five children on a small farm just east of Springfield, MO. John was active in his church, having served as chairman of the annual Diocesan Development fund drive, member of the Financial Advisory Committee and co-trustee of the Heer-Andres Trust of the Catholic diocese of Springfield-Cape Girardeau, MO. He also served as co-chairman of the Margin for Excellence fund drive to establish an endowment and build a new Catholic High School in Springfield. John was an Eagle Scout, a Scout Master and, in later years, served on the Board of the Ozarks Council of the Boy Scouts of America. He was also involved with the Junior Achievement program.

In addition to his work with Griesemer Stone Co., John founded Joplin Stone Co. and Missouri Commercial Transportation Co., and served as president of Springfield Ready Mix Co. He was a director of Boatmen's National Bank and, in 1991 was president of the Springfield Development Council, a nonprofit subsidiary corporation of the Springfield Chamber of Commerce.

In 1984, John was named by President Reagan to serve on the U.S. Postal Service Board of Governors, which oversees the Postal Service. He was elected chairman of that Board in 1987 and 1988 and served for 3 years as its vice chairman.

In spite of his many personal achievements, John's favorite story about himself was one of personal failure. When he was 8 years old he got a job picking strawberries; at the end of the first day he had failed to meet his quota, so he was fired. In the words of his wife Kathleen, ''that shows that failure is not forever.'' His example is one that all Americans can live by.

John Griesemer passed away in 1993, survived by his wife and five children. His legacy is one of service to his God, his country and to his fellowman through dedication to family, business and community. I ask that my colleagues join me in honoring that legacy by passing the legislation that I have offered today.

CANCER

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 12, 1997

Mr. HAMILTON. Mr. Speaker, I am inserting my Washington Report for Wednesday, January 1, 1997 into the CONGRESSIONAL RECORD.

PROGRESS IN THE WAR ON CANCER

Twenty five years ago this month President Richard Nixon declared a national war on cancer. One of the frequent questions put to me by constituents is, ''How goes the war?'' It is not an easy question to answer. Despite the glut of information on cancer these days much of the news seems destined to confuse us. The statistics pour out from the doctors and hospitals across the country but there is wide disagreement about what they really mean.

There is much good news to report. The cancer death rate fell by nearly 3% between 1991 and 1995, the first sustained drop since national record keeping was begun in the 1930s. The 1990s may well be remembered as the decade when we measurably turned the tide against cancer. Cancer certainly remains among the worst fears of Americans, but it is not the death sentence that it once was. Of more than 10 million Americans who are cancer survivors, 7 million are long term survivors having had cancer diagnosed more than five years ago.

There is, however, reason for concern. After billions of dollars in research, we still don't have a cure for cancer, and some researchers doubt we will develop a single cure. The fear of cancer is obvious. Over 40% of us will develop cancer, and over 20% of us will die from the disease. Within five years cancer will be the leading cause of death in the United States, responsible for over 6 million years of life prematurely lost each year and an annual cost to the economy of over $100 billion.

While we may not have a cure for cancer, our cancer research efforts, led by the National Cancer Institute in conjunction with private research efforts, have produced significant incremental successes. We have a better understanding of how a normal cell changes into a cancerous one. Some forms of cancer have actually been reduced. Better treatment methods with fewer side effects are now available. Less disfiguring surgeries are being performed. The quality of life for cancer survivors has been enhanced substantially. These successes give us cause for optimism in the fight against cancer.

WHAT CAUSES CANCER?

The most striking progress we have made in cancer research over the last quarter century is our understanding of the biology of cancer, that is, how a good cell goes haywire and divides continuously. Cancer occurs when our cells divide uncontrollably resulting in the formation of a mass of tissue, otherwise known as a malignant tumor. The tumor destroys nearby tissues and organs as it grows.

We now know that cancer is linked to human genes. Scientists have discovered that altered genes or altered gene activity cause a cell to divide continuously. A person may inherit altered or abnormal genes, or acquire them through chemical or physical damage or the effects of viruses. Scientists have already discovered over 20 genes linked to cancer that run in the family. They have discovered that a particular gene, the p52 gene, can stop tumors before they grow and that this gene, if damaged, is involved in some 60% of cancers.

CANCER DETECTION, TREATMENT, AND PREVENTION

Our increased knowledge about cancer has led to dramatic improvements in screening, detection, treatment, and prevention. We are seeing a reduction in some cancer types directly resulting from these improvements. Doctors are able to routinely screen patients for cancers like breast, cervical, prostate and colorectal cancer. These tests help detect cancer in the earlier stages of development when the likelihood of successful treatment is best.

We are also seeing progress in the effectiveness of standard cancer treatments. Most cancers are treated first with surgical removal of the tumor and surrounding tissue, followed by radiation or chemotherapy to control spreading to other parts of the body. Less damaging surgical procedures are now an option; radiation can now be administered in a precise, pinpoint fashion; and the side effects of chemotherapy are now more tolerable thanks to new medicines that combat nausea, anemia, and immune suppression. More targeted therapies are also emerging. There are some experimental anticancer drugs, for example, which are better equipped to target a malignant tumor and kill the cancer cells while avoiding the healthy ones.

Researchers also stress the importance of prevention and education in reducing the number of cancer cases. Changes in lifestyle and eating habits as well as reduced exposure to chemicals in the work place have contributed to declining cancer rates. Cancer awareness has also paid off. People are much more conscious of cancer's early warning signs and when to seek treatment.

BUILDING ON OUR SUCCESSES

Much work remains to be done in our fight against cancer. While we are experiencing the first sustained decline in cancer mortality since the 1930's, several types of cancer are staying at the same levels or increasing, such as non-Hodgkin's lymphoma, melanoma, and brain and kidney cancers.

We must continue to strengthen our national investment in cancer research. One reason we have not made great strides in halting cancer deaths is that cancer is perhaps a hundred different diseases. It is just extraordinarily complex to deal with. The National Cancer Institute, the lead Federal cancer research body, will continue to focus its research efforts on understanding the genetic basis of cancer, improving early detection techniques, and developing better treatment methods.

CONCLUSION

The struggle against cancer has been long and hard and has produced very few dramatic breakthroughs, but the doctors and the scientists are slowly gaining ground. We have not found the magic bullet capable of eradicating cancer and may never find it, but what we are seeing is a succession of small incremental improvements that show great promise in controlling the spread of cancer, reducing the death rate and improving the quality of life for cancer survivors. As one doctor said, ''We're running a marathon, not a sprint.''

Note: The National Cancer Institute provides help directly to patients, their families, and health care professionals through its cancer information toll-free telephone service at 1–800–4–CANCER.

THE SPRINT—LA CONEXION FAMILIAR AFFAIR: JUSTICE DELAYED, AND DELAYED AGAIN

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 12, 1997

Mr. LANTOS. Mr. Speaker, almost 3 years ago, on July 14, 1994, a great injustice was committed by one of the most powerful corporations in America—Sprint—against some of the least powerful among us. A union representation election was underway at a Sprint subsidiary which employed 177 Hispanic telemarketers who sold Sprint's long distance services to Spanish-speaking customers. Nearly all the workers at the San Francisco Sprint subsidiary, known as La Conexion Familiar ''The Family Connection'' [LCF], were women who had immigrated to the United States from Mexico and Central and South America. Many of them spoke only Spanish, which was no handicap in their specialized marketing jobs.

When it became clear to Sprint that the La Conexion Familiar workers would vote to be represented by the Communications Workers of America, Sprint suddenly shut the office—just 8 days before their union election. The announcement was made over the PA system during the workday, and the workers were gathered together to be searched by guards and sent out the door. The women were so shocked and upset that paramedics had to be called to the scene, and one worker was even admitted to a hospital.

The dreams of these workers were shattered and their jobs were summarily eliminated, simply because they wanted a union, and because they believed that in the United States, our labor laws would guarantee workplace democracy and the right to organize. One young woman described her ordeal this way at a public hearing on the shutdown held last year in San Francisco: ''For me, everything fell apart that day. I couldn't face being out of work. I started abusing alcohol. I was so depressed. I fought with my fiancé and I yelled at my children. After 2 years, I have another job now, but my experience at Sprint changed everything for me. I will always carry around the fear that I'll suddenly be fired for no reason.''

Mr. Speaker, more than 2½ years later, the National Labor Relations Board [NLRB] finally declared that the LCF closing was an illegal action and ordered Sprint to rehire the workers to comparable jobs with full back pay. Sprint immediately appealed the decision. It is expected that it will take between 1 and 2 years for the NLRB to hear the appeal and issue a final ruling. Of course, pending the appeal, none of the former LCF workers will receive the back pay or the jobs to which they are entitled according to the NLRB ruling. By dragging out this case and refusing to take responsibility for its actions, Sprint adds another chapter in a long and unfortunate tale of abuses against the LCF workers.

It was Sprint's discriminatory treatment of the LCF workers, along with sweatshop working conditions, that first drove the workers to try to seek representation. This Hispanic LCF workers were kept in a second-class status at Sprint—earning $7 an hour as compared to $11 an hour for regular Sprint telemarketers. The payment of commissions was arbitrary and discriminatory, and the workers complained. And Sprint managers restricted their visits to the bathroom, telling the workers to drink less water so they wouldn't have to go as frequently. When the workers started organizing for union representation, Sprint managers engaged in such blatantly illegal behavior to harass and intimidate union supporters that even the NLRB's investigators—investigators who have seen it all—expressed shock when they later reviewed the evidence.

During the long and drawn out legal proceedings in this case, the NLRB proved—and Sprint ultimately admitted to—scores of charges of illegal threats to close the office if workers voted for a union, of coercing workers to spy on other workers, and of interrogating and browbeating union supporters. Sprint's treatment of the LCF workers has been condemned by the Board of Supervisors of San Francisco, by dozens of my colleagues in the Congress, including the Hispanic caucus, and by government and labor officials in Mexico and Canada as well as in Germany, where Sprint is involved in a partnership with Deutsche Telekom.

Mr. Speaker, through its action, Sprint has gained itself an international reputation as a violator of our Nation's labor laws. Sprint should know that pursuing endless legal appeals is an unacceptable business practice. Unfortunately, this is a trend that is growing. I would like to include in the RECORD for the benefit of my colleagues a column by the distinguished president of the Communications Workers of America [CWA], Morton Bahr, which was published in the CWA News of February 1997. President Bahr's column, entitled ''Breaking the Law, Business as Usual,'' provides documentation of increasing labor law violations—specifically the growing use of plant closing threats—by American corporations to defeat union organizing drives.

The column follows:

BREAKING THE LAW, BUSINESS AS USUAL

(By Morton Bahr)

As philosophers and pundits ponder the breakdown of morality, social values and respect for law and order in America, maybe they should look at the example being set by elements of corporate America, such as the Sprint Corp.

The workers at Spring/La Conexion Familiar in San Francisco were determined to organize a union. Working in what came to be exposed as an ''electronic sweatshop,'' these Spanish-language telemarketing workers were so determined, in fact, to change their conditions that they were unfazed by Sprint's fierce, and illegal, campaign of threats and intimidation.

Their support for the union seemingly only grew stronger as Sprint's management team stepped up its campaign of illegal coercion. Finally, Sprint did the only thing it could do to crush the first incursion by a union in its long distance operations. It simply shut the doors at La Conexion Familiar on July 14, 1994, eight days before the union representation election.

About two-and-a-half years later, this past December 27th, the National Labor Relations Board ruled that the closing violated federal law and ordered Sprint to rehire the workers with full back pay.

Sprint immediately filed an appeal of the ruling to a U.S. Appeals Court. That will keep the case spinning around the legal system for at least another year and a half, and a Sprint spokesman already has predicted a further appeal to the Supreme Court if the company loses this round.

A remarkable aspect of this case is that Sprint openly, unashamedly, admitted to more than 50 illegal violations of the La Conexion workers' rights at an earlier trial before an administrative law judge.

Knowing that it would receive no more than a wrist slap for its union-busting activities—creating an atmosphere of surveillance of union supporters, having managers interrogate workers one-on-one about the union campaign, openly threatening to shut the office if they voted for the union—Sprint's lawyer brigade brushed off these charges and focused only on the issue of Sprint's motive for the closing. That was the one issue that could provide a real, costly, remedy for the workers.

And sure enough, a slap on the wrist it was for the 50 violations. The administrative law judge's order amounted almost to a sick joke: Sprint was required to write a letter to the workers, after their office was closed for good, stating that it would not in the future violate their rights to organize a union.

Now, finally, a meaningful remedy has been ordered, but Sprint is determined to see that justice is delayed for as long as it takes. Perhaps the company hopes that some of the workers will be dead, and others scattered to the winds no longer to be found, by the time its legal appeals have been exhausted.

Clearly for Sprint, routinely violating labor laws is viewed simply as a smart strategy to enforce its acknowledged objective of remaining ''union free.'' And its associated legal bills are merely a cost of doing business.

This attitude is not unique in the corporate world—in fact, it's becoming the norm today.

A recent study by researchers at Cornell University was inspired by the Sprint/La Conexion Familiar case. It was the first study specifically of the impact of the threat of plant and office closings on worker union drives.

The study found that in fully one-half of all organizing campaigns, as well as in 18 percent of first contract negotiations, employers today threaten to close their facilities. And employers follow through on the threat 12 percent of the time.

This represented an increase in shutdown threats from 30 percent, as found in earlier studies by the same researchers, to 50 percent today.

The result, Cornell reported, is that worker organizing success rates are cut from about 60 percent to 40 percent when the employer threatens to close the facility.

No wonder. What more devastating weapon could an employer use to kill a union drive than to declare—''vote for the union and you lose your job?'' The answer is, shut the office down even before the union election, which is what has made the La Conexion Familiar affair stand out as a case that's being closely watched around the world.

It's somewhat ironic—and certainly must seem so to Sprint—that the La Conexion Familiar workers have emerged as martyrs on the workers' rights battleground.

Sprint clearly thought that a group of mostly immigrant, mostly female workers who spoke only Spanish could be easily intimidated and turned away from their union campaign.

But they weren't intimidated, and I later learned why at a public hearing on the La Conexion affair in 1995 conducted by the Labor Department. One of the workers, a woman from Peru, had testified and was subsequently asked by a news reporter: ''If you knew you could lose your job, why did you keep supporting the union?''

The young woman replied: ''What does risking a job matter? In my country, workers have risked their lives to have a union.''

CONTEST WINNING ESSAY

HON. ROBERT A. WEYGAND

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 12, 1997

Mr. WEYGAND. Mr. Speaker, I was pleased to have Mr. Matthew Arundale, a student from Warwick, RI, who is currently attending Marymount University in Virginia join me in attending President Clinton's State of the Union Address last Tuesday.

Matt was the winner of a contest my office held that asked interested Rhode Islanders attending college in the Washington, DC, area to prepare an essay on why they wanted to attend the State of the Union Address.

While I received many entries, all of fine quality, Matt's was particularly creative. For that reason, I asked him to watch the President's address from the House gallery.

I commend Mr. Arundale's essay to all my colleagues.

I am a sophomore Political Science and Biology double major at Marymount University in Arlington, Virginia. While many students are bitten by the political bug and decide to major in political science, few decide to also pursue a career in medicine. But I have.

While this double-major may seem a bit odd, it really is not. I have always loved politics and the idea that men can work together and effect change for all. But I have also loved the idea of helping people in a more direct way: through medicine. After examining the two pursuits, one can see that they are not all that dissimilar.

Take a politician or government official. They are doctors. Their patient is not one person with one illness. Rather, their patient is a group of people with a variety of illnesses (crime, poverty, education, to name a few).

The politician's x-rays are opinion polls and late-night phone calls from his constituents. His nurses are called legislative aides and political advisors. Legislation are his prescriptions.

Every politician, whether they realize it or not, has been charged with the duties of a doctor. While one may get references from friends before they choose a doctor, the patients of politics look at debates, news conferences, and press releases before they make their choice. A two party system (quickly giving way to third party candidates) ensures that people will always have the opportunity to get a second opinion before trusting themselves to any one doctor. In the end, they hope their choice was correct.

One such political doctor is President Bill Clinton. Last November, he was charged with the duties of continuing his role as ''Chief Doctor of the Nation.'' He has read the public opinion polls, had conferences with his advisors, and listened to peoples' grumps and groans. Now, on this Tuesday, he has to report back to the patient. President Clinton must tell a concerned nation what is wrong and what he plans to do to change it. The patient(s) will be listening, wondering if he heard their complaints correctly. They will also be analyzing the President's suggested treatments. Then, just as the patient with high blood pressure is not sure if he is willing to quit smoking to get healthy, the nation will decide if it is willing to make the sacrifices necessary to fix its problems.

In short, I would love to be present for this report. The President is renowned for his speaking ability, so his bedside manner is unquestionable. But to see the culmination of the political triage process come together would be a momentous experience for a student who hopes to one day become a doctor, too.

Furthermore, as President of my Sophomore Class, I have been asked by FOX TV to participate in an interview on the effect of President Clinton's educational incentive plans on college students. I can think of no better way to garnish first-hand information for this interview than to be in the House of Representatives while Clinton outlines his proposals.

Finally, I know I can never take your wife's place, but, I voted for you!!

THE PATIENT FREEDOM OF CHOICE ACT

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 12, 1997

Mr. STARK. Mr. Speaker, I am pleased to introduce the Patient Freedom of Choice Act of 1997.

Previously, I have sponsored legislation that restricts physicians from self-referral because this practice leads to overutilization and increased health care expenses. This legislation is designed to rectify a similar problem.

Today, nonprofit hospitals, forprofit hospitals, and large health care conglomerates have acquired their own posthospital entities such as home health care agencies, durable medical equipment businesses and skilled nursing facilities so as to refer discharged patients exclusively to their own services. As a result, many nonhospital based entities have seen inflows of new patients completely halted once a hospital acquires an agency in their service area.

The effects of this self-referral trend are harmful. Hospitals that refer patients exclusively to their own entities eliminate competition in the market and thereby remove incentives to improve quality and decrease costs. Further, hospitals are able to selectively refer patients that require more profitable services to their own entity while sending the less profitable cases to the nonhospital based entities. The nonhospital entity is forced to either raise prices or leave the market. Worst of all, patients have no voice in deciding which entity provides the services.

This legislation remedies the problem by leveling the playing field. First, hospitals will be required to provide those patients being discharged for post-hospital services with a list of all participating providers in the service area so that the patient may choose their provider.

Second, hospitals must disclose all financial interest in post hospital service entities to the Secretary of Health and Human Services. In addition, they must report to the Secretary the percentage of post hospital referrals that are

made to their self-owned entities as well as to other eligible entities. A hospital that fails to comply with the bill's requirements would be subject to a civil money penalty of $10,000 for each violation.

This legislation does not hinder a hospital's ability to offer its own services. It merely guarantees that all providers will have an opportunity to compete in the market. Most importantly, it guarantees that patients will have choice when selecting their provider.

I am drafting a similar bill for introduction later this year which would require that all providers—not just hospitals—give freedom of choice to Medicare and Medicaid beneficiaries. I see no reason why a patient should be held captive to a provider's preference for referral—it should be the patient's choice. For example, home health agencies who refer clients to nursing homes should provide the beneficiary with a complete list of all Medicare-Medicaid certified nursing homes in the area in which the patient resides. This requirement would ensure that all Medicare and Medicaid beneficiaries are given a choice of provider regardless of referral source.

Additionally, I will add to the next bill a third party cause of action which would allow these providers to bring suit against hospitals for failing to adhere to the proper discharge planning process.

Attached is a letter that typifies the current problem in the home health services market.

VISITING NURSE ASSOCIATION
OF GREATER PHILADELPHIA,
December 1, 1995.

Re *United States* v. *Heartland Health Systems Inc.* Civil Action No. 95–6171–CV–SJ–6.

MS. GAIL KURSH,
Chief, Professions & Intellectual Property Section/Health Care Task Force Antitrust Division, U.S. Department of Justice, Washington, DC.

DEAR MS. KURSH: I am writing to urge that the Justice Department not consent to the proposed final judgment in the above-referenced case, because the ''Referral Policy'' regarding provision of home health care does not adequately protect patient choice and fair competition.

The VNA of Greater Philadelphia is the largest home health agency in Pennsylvania. We are a non-profit, community-based agency which has served communities in southeastern Pennsylvania, including the City of Philadelphia, for 110 years. We provide home health services to approximately 2,000 patients a day, many of whom are Medicare and/or Medicaid patients referred for care directly following an episode of hospitalization.

Patient choice and fair competition are protected by both Medicare and Medicaid law and by antitrust provisions. The proposed Heartland referral policy undermines these protections. Heartland would have no obligation to provide reasonable information about other home health providers in the community for patients who have expressed no provider preference. Telling a hospitalized patient that there are other providers listed in the telephone book and then giving the patient ''time to investigate'', all in the context of the Heartland representative extolling the virtues of its home health service, clearly encourages steering patients to the hospital-owned agency. Further, a policy of stonewalling patient's requests for information about other providers, places the discharge planning staff in the position of denying knowledge that they actually have about alternate providers. This clearly undermines continuity of care for patients.

Although the Heartland consent decree may have no formal precedential impact, in practice this decree could have far-reaching, negative impact on patients and on independent providers, including visiting nurse associations, because it would send a clear signal that anti-trust and patient choice protections are no longer to be taken seriously.

We urge that you require a more aggressive policy to assure that vulnerable, hospitalized patients truly have access to the information they need to make an informed choice of their home health provider.

Sincerely,

STEPHEN W. HOLT.

THE INAUGURAL ADDRESS

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 12, 1997

Mr. HAMILTON. Mr. Speaker, I am inserting my Washington Report for Wednesday, January 29, 1997 into the CONGRESSIONAL RECORD.

PRESIDENT CLINTON'S INAUGURAL ADDRESS

The inauguration of a President is one of the great rituals of American democracy. It shows our country's peaceful transition of power every four years, and it is a time for our nation to unite after the divisions of the previous term. A President's inaugural address is important because it sets the tone of his administration. Several themes stood out to me as President Clinton took the oath of office in the last presidential inauguration of the 20th century.

OPTIMISM

One theme was optimism about the future. The President said that the nation stands ''on the edge of a bright new prospect in human affairs''. He has hopeful visions of a ''new century in a new millennium'', and said we should ''shape the hope of this day into the noblest chapter in our history''. It is clear that he sees his presidency as an opportunity to guide America through the challenges of the next few years into a ''land of new promise'' in the next century.

Moving into the ''land of new promise'' was highlighted several times, almost as his central, unifying theme for his second term. I have been impressed by how much the President's attention is in the year 2000 and the new century. President Clinton is very much focussed on the history books. He sees the country as being at a turning point, and he remembers that the great turn-of-the-century Presidents—Thomas Jefferson and Theodore Roosevelt—governed a country undergoing profound changes and created opportunities that altered the course of history.

He wants to do the same. He wants to lead the country through the transition into the next century, all the time keeping the American dream of opportunity alive. He called for a new spirit for a new century, with Americans working together to build ''a nation ever moving forward, toward realizing the full potential of all its citizens.'' He clearly believes America has a lot of assets for its leadership role for the rest of the world. He referred to America as the ''indispensable nation'', with the strongest economy on earth and building stronger families and thriving communities.

The President's clear sense of optimism dominated the address, and it was important to hear. But I think the President missed an opportunity to educate the American people about the tough choices that must be made preparing for the future.

RECONCILIATION

Another major theme in his address was reconciliation. The President urged Americans to bury racial and political divisions and urged a new spirit of community. The inauguration's coming on Martin Luther King Jr. Day added strength to the President's appeal for racial healing. He spoke of the divide of race as being ''America's constant curse''.

He also appealed for an end to the partisan squabbling in Congress, and that sentiment was very well received by Americans who are weary of the constant bickering. The President quoted the late Cardinal Bernadin saying, ''It is wrong to waste the precious gift of time on acrimony and division.'' In perhaps the most memorable line in the address, he reminded us that ''America demands and deserves big things from us, and nothing big ever came from being small''.

The President believes that if the country can come together and put the divisions aside, it can work together toward unparalleled prosperity and freedom for ourselves and for the rest of the world. The President's theme of reconciliation is the right one, but I do wish he had done more to challenge Americans to care more and do more for those less fortunate. We have a time of remarkable prosperity in the country, but there are very wide disparities. I think it is appropriate for the President to urge that more of us think about the common good and contribute to it.

ROLE OF GOVERNMENT

Another theme was the role of government. I was struck by the sentence in his address that ''we have resolved for our time a great debate over the role of government''. Since the beginning of our republic, the great question of American democracy has been over the role of government in the country. The President updated former President Ronald Reagan's declaration sixteen years ago that ''government is not the solution to our problem, government is the problem''. President Clinton challenged that by saying, ''Today we can declare government is not the problem, and government is not the solution. We, the American people, we are the solution.'' Here he reflected the view that most politicians have picked up recently from their constituents, that government is something more than the enemy of the people.

The President's view of government is that it should not attempt to solve people's problems for them nor should it leave them alone to fend for themselves. He wants a government that gives people the tools to solve their own problems and to make the most of their own lives. Like most Americans, he likes the idea of a government that is smaller, lives within its means, and tries to do more with less.

I wonder whether the President is overly optimistic in believing that his first term largely settled the debate over the role of government. My sense is that this is the central issue of American politics and it is not going to go away. His formulation of the role of government in his address was broad enough and vague enough to get most everyone's approval, but it may be too broad and vague to resolve a variety of questions about the role of government.

CONCLUSION

I think President Clinton worked very hard to state the essence of his convictions and his purpose as President. His desire to lead the country in its transition into the new century and the ''land of new promise'' was clear to all who heard his address.

Perhaps some were looking for sweeping policy initiatives or bold new programs, but

the President really has little choice at this point. There is a shortage of federal funds; the American people do not want new taxes; and the major problems of government in recent years have been to restrain spending on current programs. Some criticize the address for not grappling with the tough problems that face the nation, like campaign finance reform, bringing entitlement spending under control, and improving the educational system. The President offered very few specifics, but I am not at all sure that such detailed proposals belong in an inaugural address. Those items are better left for the State of the Union address and other presidential speeches. The President wanted to use his second inaugural address to spell out his broad vision for our nation's future.

HONORING DR. SOLOMON STINSON FOR 36 YEARS OF OUTSTANDING AND CONTINUED SERVICE TO DADE COUNTY PUBLIC SCHOOLS

HON. CARRIE P. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 12, 1997

Mrs. MEEK of Florida. Mr. Speaker, on February 26, Van E. Blanton Elementary School will honor Dr. Solomon Stinson, Chairman of the Dade County School Board, as a ''Living Legend.'' It is my great pleasure to join Dr. Stinson's family, friends, coworkers, and students in recognizing his 36 years of outstanding and continued service to our community. I know my colleagues will join me in congratulating Dr. Stinson for his dedication as an educator, a role model, and a mentor who helped shape thousands of children in my district.

Dr. Stinson earned a Bachelor's degree in social studies, mathematics, and science certification from Alabama State University, a master's degree in school administration and supervision from the University of Iowa, and a doctoral degree in school administration from the University of Iowa. He also received a certification in elementary education from the University of Miami and a certification in adult education from Florida State University.

Dr. Stinson began his career by teaching at Holmes Elementary School. He quickly advanced to become the assistant principal at Rainbow Park and North Grade Elementary Schools, and later principal at North Grade and Lake Steven Elementary Schools. Dr. Stinson distinguished himself as an outstanding administrator in the position of assistant superintendent of the Bureau of Business Services with the Dade County school system. He served in several other important positions in the Dade County public school system, including area superintendent of the north central district; associate superintendent and later senior associate superintendent of the bureau of school operations; and deputy superintendent of school operations for Dade County public schools. Today, Dr. Stinson continues his outstanding record as a school board member for District 2 and Dade County school board chairman. We are fortunate that Dr. Stinson devoted his life to ensuring quality education for all our children.

In addition to his many years as an educator, Dr. Stinson has been extremely active in other areas of our community. He is a member of Mount Tabor Baptist Church, where he serves as chairman of the board of trustees for the last 6 years. He also chaired the Hurricane Trust Fund and the Red Cross Committee. Dr. Stinson is a member of the board of directors of jobs for Miami, and a committee member and council advisory board member of the Boy Scouts of America. His exceptional, notable service, and commitment to Dade County has included dozens of positions in numerous organizations, earning more awards than I can list here.

Dr. Solomon Stinson has proven to be a ''Living Legend,'' and an excellent role model for our children. Mr. Speaker, on behalf of my entire community and as a former educator myself, I offer him my deepest thanks for his many years of dedicated service, and our best wishes for his continued success.

GEORGE FELDENKREIS AND FAMILY TO BE HONORED

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 12, 1997

Ms. ROS-LEHTINEN. Mr. Speaker, I would like to join with The Simon Weisenthal Center in recognizing the achievements of Mr. George Feldenkreis and his family.

On Sunday, March 16, 1997, the Simon Weisenthal Center will be celebrating this family's remarkable story. Thirty-six years ago, George Feldenkreis escaped the Castro dictatorship to come to the United States. With him were his one-year-old son, Oscar, and a daughter, Fanny, on the way.

Like the thousands of refugees from oppression who came before them, all the Feldenkreis family members brought with them was a capacity for hard work and the desire to realize the American dream. Years of struggle were rewarded by success in the business world and the respect of his peers. George Feldenkreis, as head of Supreme International, is a leader in the American apparel industry. Additionally, he heads Carfel Inc., which deals with the importation and distribution of auto parts.

George Feldenkreis chose to give back to his community by lending his considerable talent and energy to civic causes. He served as a leader for Temple Menorah and the Hispanic Heritage Committee, as well as president of the Cuban Hebrew Division of the Greater Miami Jewish Federation for 7 years. He currently serves as a vice president of the federation.

In addition to giving their father six grandchildren, both of George Feldenkreis's two children, together with their spouses, contribute to the success of the family enterprises. Oscar serves as president and CEO and Fanny and her husband, Salomon Hanono, also serve in prominent positions in the firm. Oscar and his wife, Ellen, together with Fanny and her husband also carry forward the family tradition of service. Fanny and Salomon give their time to the Michael Ann Russell Jewish Community Center and the Samuel Hillel Community Day School. Oscar and Ellen work on behalf of Temple Menorah, the Lehrman Day School and Israel Bonds.

Mr. Speaker I ask the House to join with me and The Simon Weisenthal Center in recognizing a family whose achievements have realized the American dream.

TRIBUTE TO CONGRESSMAN FRANK TEJEDA

SPEECH OF

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 5, 1997

Mr. SERRANO. Mr. Speaker, it is always difficult to say goodbye to dear friends, to those who have given so much and so unselfishly to their communities and to our Nation.

Our colleague Frank Tejeda was one of those men who are born to carry the torch for others to follow. His life is a testimony of courage, service, generosity, and integrity.

Throughout his life he stood up against adversity. After dropping out of high school, he enlisted in the Marines. His exceptional military training and courage served him well in Vietnam; he was awarded with the Bronze Star and Purple Heart, and most recently the Silver Star.

After 4 years of military service, Frank completed a bachelor's degree at St. Mary's University in San Antonio. He continued his education at the University of California at Berkeley, where he obtained a law degree. His desire to improve himself and to be of service to the best of his abilities encouraged him to obtain two masters degrees, one in public administration from Harvard University and a second one in law from Yale University.

As a lawyer serving in the Texas House and later in its Senate, he defended the rights of the most vulnerable. He fought for worker's compensation reform and for other initiatives for minorities.

His hard work and his understanding of his community in San Antonio, TX, gained him their overwhelming support to represent them in the U.S. House of Representatives. As a Member of Congress and of the Congressional Hispanic Caucus, Frank works relentlessly to secure veterans' rights and access to education and health care for the poor.

Frank always stayed close to the people he loved: his family, friends, and his community back home. In his later years, he fought his terminal illness with the same courage and dignity that exemplified his life.

To Frank Tejeda's family and friends, I would like to extend my deepest sympathy in this trying time. I would like to join all who had the privilege of knowing him in paying tribute to our American hero, Frank Tejeda, for serving his community, his State, and his Nation with the courage, generosity, and dignity of great men of history.

WYOMING GRAZING PRIVILEGES

HON. BARBARA CUBIN

OF WYOMING

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 12, 1997

Mrs. CUBIN. Mr. Speaker, Jackson Hole, WY, is one of the most beautiful and unique areas of our Nation. Over 3 million visitors per year come to hike, camp, ski, and sightsee amidst the grandeur of the Teton Range and the winding Snake River in Grand Teton National Park and the greater Yellowstone area beyond. Many wildlife species such as moose, bear, eagles, and trumpeter swan make the

valley their home, while the largest elk herd in the lower 48 States annually migrates through it to winter on the wildlife refuge at its southern end.

While much of the valley is protected for perpetuity in Federal ownership, some of the most valuable wildlife habitat, migration routes, and scenic vistas remain in private ownership as working ranch lands. Conservation groups in Jackson Hole and around the country have worked for years to help protect these ranches from development through the use of scenic easements and other means and are to be commended for their good work.

Unfortunately, we now face a situation where some of the most scenic and valuable ranch lands adjacent to the park could be forced to sell and subdivide. In 1950, the law establishing Grand Teton National Park allowed local grazing permittees whose livestock had historically used the new park lands for summer range to continue that grazing for the life of the permittees' designated heirs. As a result, 14,000 acres were set aside, irrigated, and fenced for the benefit of these permit holders who, in turn, paid grazing fees at the required rate.

Since that time, development pressures have grown enormously. One of these permit holders has already sold his ranch, which became a major subdivision of middle-class houses. Meanwhile real estate prices continue to skyrocket and intense development pressure has focused on the remaining permit holders.

In June of last year, a dear friend of mine, Mary Mead, died in a tragic accident doing what she loved best: working on her cherished ranch. Mary was the designated heir to her family's grazing permit on the Grand Teton National Park. Legally, with Mary's death, the grazing permit would be terminated. However, without this permit the Mead family, along with former U.S. Senator Cliff Hansen—father of Mary—would no longer be able to maintain their cattle operation and ranch. Without the park's summer range on which all of their cattle depend, the family would almost certainly be forced to sell their livestock and the ranch, which would in all likelihood be immediately subdivided and developed. This tragic loss would not only destroy open space and scenic vistas but could also adversely impact wildlife habitat and migration patterns as well as the integrity of the park's greater ecosystem.

For these reasons, the family has requested consideration of an extension of their grazing privilege. In return, they are committed to working with the National Park Service and others to actively explore options to preserve their ranch lands. I, too, am dedicated to maintaining the highly valuable open space and ranching culture in this vicinity of the park. An extension of grazing privileges would allow time to explore a network of relationships and avoid the indiscriminate development that could occur on these pastoral lands.

The legislation I am introducing today, written in cooperation with Superintendent Jack Neckles of Grand Teton National Park, authorizes a study which will determine the significance of ranching and the pastoral character of the land, including open vistas, wildlife habitat, and other public benefits. It calls for the Secretary of the Interior to work with the Secretary of Agriculture, the Governor of Wyoming, the Tenon County commissioners, affected land owners, and other interested members of the public, to submit a report to Congress that contains the findings of the study.

With the participation of the interested parties I am hopeful that the study will find open spaces to be an essential dynamic for wildlife in and around the greater Grand Teton National Park system and for all of us who live and desire the wide open spaces.

I commend this legislation to my colleagues and urge their support for its prompt enactment.

TV RATINGS

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 12, 1997

Mr. HAMILTON. Mr. Speaker, I am inserting my Washington Report for Wednesday, January 22, 1997 into the CONGRESSIONAL RECORD.

THE NEW TV RATINGS

The television industry is now implementing a voluntary plan to rate TV programs. Concern about violent and vulgar programming is broad and well-founded: studies have indicated that over half of all television shows contain violence which can encourage children to behave violently.

But there is far less agreement on how to best limit children's exposure to violent programming. I think it is important to alert parents to sensitive material that they may not want their children to view. My hope is that a good rating system coupled with technological advances will help parents monitor their children's television viewing.

The rating system: With my support, Congress last year enacted a law which gave broadcasters until February 8, 1997 to establish a voluntary rating system. The law also requires all newly manufactured TVs with 13-inch or larger screens to include a ''v-chip.'' A TV program's rating could then be electronically transmitted to the v-chip, allowing parents to program their television sets to block certain shows. The Federal Communications Commission (FCC) must develop regulations to implement the v-chip requirement.

The TV rating system, developed by the broadcast and cable networks, is modeled on the motion picture rating system, and includes six different ratings: two for programs designed for children, and four for other programs:

TV–Y: Programs with this rating are considered suitable for children of all ages and specifically designed for a very young audience, like ''Barney and Friends.''

TV–Y7: Designed for children age 7 and above, whose developmental skills generally enable them to distinguish between make-believe and reality, these programs could include mild physical or comedic violence. An example could be ''Mighty Morphin' Power Rangers.''

TV–G: This rating is intended for programs not specifically designed for children, but which most parents would find suitable for all ages. Programs contain little or no violence, no strong language, and little or no sexual dialogue or situations. Example: ''Dr. Quinn, Medicine Woman.''

TV–PG: Parental guidance is suggested for programs with this rating. The programs could contain some suggestive sexual dialogue and situations. Many situation comedies might fit into this category.

TV–14: Parents are strongly cautioned against letting children under the age of 14 watch these programs unattended. These programs may contain sophisticated themes, sexual content, strong language and more intense violence, like ''ER'' or ''NYPD Blue.''

TV–M: These programs are suited for adult audiences only, due to mature themes, profane language, graphic violence and explicit sexual content. Unedited R-rated movies, which run on some cable premium channels, would likely get this rating.

The ratings apply to all programs except sports and news, shown on broadcast or cable channels. Each episode of a TV series is rated separately. Ratings appear in the upper-left hand corner of the television screen at the beginning of a program is more than an hour in length. The television industry has requested that newspapers and TV Guide include the ratings in their TV listings.

One of the greatest challenges in implementing the new ratings is the volume of programming. Motion pictures are rated by an independent board which reviews about two films per day. In contrast, TV ratings must be assigned to 2,000 hours of programming each day. For this reason, television networks, producers, and distributors are responsible for assigning ratings to their programs. An oversight board will review the application of the ratings for uniformity and consistency. The board will also solicit comments from the public.

Potential pitfalls: The new rating system has been criticized on several fronts. Some fear that advertisers will be leery of sponsoring programs that receive certain ratings, thereby driving some critically acclaimed programs off of the air. Others argue that the rating system will lead producers to show even less restraint than they do now.

Some critics favor a more detailed rating which would indicate the levels of sex, violence, or foul language contained in a program, using a scale of 0 through 5. Under this system, a program might receive a rating of S–2, V–1, L–3. Supporters of this system contend that it would give parents more useful information, and offer as examples Showtime and HBO, two premium pay cable channels which offer similar ratings. However, supporters of the current rating system counter that the S–V–L system is logistically impossible, given the volume of programming, and also more difficult to apply consistently. They also argue that paralleling the familiar movie-rating system assures that parents will understand the ratings, and note that Canada recently abandoned S–V–L ratings because they were too complex.

Commercials will not be covered by the new ratings system, though critics point out that even children watching ''family friendly'' shows can be inappropriately exposed to advertisements for violent movies or alcohol. Some critics also believe the TV industry is incapable of rating its own programs fairly.

Assessment: Given the pervasive influence of television, I think we should do what we can to make that influence positive for children. The proposed system is far from perfect. My guess is that parents are going to need more information; the age-based format of the ratings simply will not alert parents sufficiently to the specific violent or sexual content of TV programs. But I do think the new rating system represents at least a good first step, and it should be tested. It is far more desirable for the industry to devise the rating system than have government censorship.

Monitoring children's television viewing is no small task. After all, most parents want not only to steer their kids away from harmful programming—which ratings can help them do—but towards programming that is educational and meaningful. And television

represents only one piece of the puzzle—parents still have to contend with music, video games, Internet sites, and movies which may be inappropriate for kids.

I think our goal should be to make available whatever information and technology is helpful to parents. Neither a rating system nor government regulations can—or should—substitute for the good judgment of parents.

TRIBUTE TO HAROLD G. HALL

HON. WILLIAM J. COYNE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 12, 1997

Mr. COYNE. Mr. Speaker, on Wednesday, February 19, 1997, Harold G. Hall will receive the prestigious Metcalf Award at the 113th Annual Banquet of the Engineers' Society of Western Pennsylvania. The award is named for William Metcalf, ESWP's first president (1880–81) and is presented each year to an individual who has made significant lifetime contributions in the field of engineering.

Harold G. Hall was born and raised in Pittsburgh, PA. He entered Penn State University to pursue a degree in ceramic engineering, but left college to enter the U.S. Army Air Force where he became a pilot in the Alaskan theater. After 3 years in the service, he returned to Pittsburgh and earned his degree as a mechanical engineer at Carnegie Tech (now Carnegie-Mellon University).

Mr. Hall founded Hall Industries in the 1960's. His interest in manufacturing led him to help other small manufacturers who were devastated by the crash of the steel industry in Pittsburgh, and Hall Industries became a collaboration of 11 small companies which had been struggling to stay in business.

Today, Hall Industries has three facilities in western Pennsylvania and one in Greenville, SC. Its 120 employees serve national markets in the aviation and rapid transit industries, and they also produce precision industrial parts. Hall Industries has also been coordinating engineering studies by Lockheed Martin, the Pennsylvania Maglev Corp., Sargent Electric, Union Switch and Signal, P.J. Dick Corp., and Mackin Engineering that are part of an initiative to develop a magnetic levitation transportation system in Pittsburgh.

Mr. Hall continues to contribute his expertise to Hall Industries and to other companies. His next project is the evaluation of a machine facility in Beijing, China.

Harold G. Hall joins a large, distinguished group of previous Metcalf Award winners. He is an individual of gifted insight, imagination, and special abilities. He is richly deserving of this award. I commend him on the occasion of this notable achievement.

ESSENTIAL HEALTH FACILITIES INVESTMENT ACT OF 1997

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 12, 1997

Mr. STARK. Mr. Speaker, today I am introducing the Essential Health Facilities Investment Act of 1997. This legislation will provide a financial helping hand to those hospitals and health centers that are in the front lines of dealing with our national health care crisis. This legislation allows for the expansion of community health services and the capital needs of safety-net health care facilities while at the same time attempting to limit the further duplication of unnecessary high technology services.

This bill is similar to legislation that was introduced in the 103rd and 104th Congresses and which was included in the national health reform legislation that was approved by the Ways and Means Committee. It is my hope that this new Congress will work toward passage of this bill.

At a time when we are faced with continually shrinking budgets and fiscal austerity, it is more important than ever to appropriate Federal moneys in the most cost-effective manner available while providing the most benefit to all our citizens. In terms of health care, this includes establishing and expanding community health programs designed to provide low-cost primary care to underserved populations to avoid subsequent high-cost emergency room visits. In addition, we must help to support those not-for-profit and public hospitals that deal with a disproportionate number of uninsured patients. In one comparative analysis, urban public hospitals averaged over 19,000 admissions, 242,000 outpatient visits, and nearly 4,000 live births per hospital. The urban private hospitals in the same areas registered just 7,000 admissions, 50,000 outpatient visits, and 760 live births. These safety-net facilities—the public and not-for-profit hospitals that serve a disproportionate share of uninsured and low-income patients—are in essence the family doctor for many in our country. Though it would be far better to incorporate the uninsured into our national insurance pools and give them access to any health care facility they choose to visit, the stark reality is that they are dependent upon these safety-net hospitals for any and all of their health care.

But the importance and benefits associated with public hospitals do not end there. In addition to caring for our Nation's most vulnerable populations, these hospitals provide a great deal of specialty care to their communities. Services such as trauma, burn units, and neonatal intensive care units are frequently found in these hospitals. Many of these services are too costly for other hospitals to provide.

These hospitals are expected to provide quality care under extraordinary circumstances. As an example, they are frequently confronted with tragedies associated with our Nation's obsession with guns. Roughly half of all urban safety-net hospitals are equipped with a trauma center and serve as the first-line treatment facilities for victims of gun violence. The Federal Centers for Disease Control and Prevention predict that, by the year 2003, gunfire will have surpassed auto accidents as the leading cause of injury and death in the United States. Unlike victims of auto accidents who are almost always privately insured, 4 out of 5 gunshot victims are on public assistance. More than 60 urban trauma centers have already closed in the past 10 years. This means that less than one-quarter of the Nation's population resides near a trauma center. Gunshot wounds account for fewer than 1 percent of injuries in hospitals nationwide, yet account for roughly 9 percent of injury treatment costs. It is estimated that for every 1 of the 40,000 patients who die from a gunshot wound annually, 3 others suffer injuries serious enough to require hospitalization.

Serving as a safety-net hospital and community provider places public hospitals at great financial risk. With threatened cutbacks and changes in the Medicare and Medicaid programs, coupled with tightened local budgets, public hospitals face an erosion of traditional sources of funding. Additionally, changes in the health care market, particularly the evolution of managed care and increased competition among providers, have further added to the financial pressures faced by these hospitals. Managed care's ability to attract tougher competition to the health care sector has decreased the urban safety-net hospital's ability to cost-shift some of the heavy losses incurred while providing uncompensated care. As a result, according to a June 1996, Prospective Payment Assessment Commission [ProPAC] report, hospitals in urban areas with high managed care penetration saw their payment-to-cost ratio decrease by 2 percent from 1992 to 1994. Declining margins have resulted in many urban hospitals cutting their level of charity care. In fact, ProPAC found that uncompensated care fell by 4.5 percent during the same time period. This represents clear evidence that more and more of the burden for providing charity care is being shifted to the public safety-net hospitals.

As safety-net providers, public hospitals have historically provided large amounts of uncompensated care. In 1995, for instance, 67 of the member hospitals of the National Association of Public Hospitals [NAPH] provided $5.7 billion in bad debt and charity care, averaging $85,060,641 per hospital. Additionally, bad debt and charity care charges represented 25 percent of gross charges at these hospitals in the same year. According to data from the American Hospital Association [AHA], $28.1 billion in bad debt and charity care was provided nationwide. The NAPH member hospitals represent less than 2 percent of hospitals in the U.S., yet provide over 20 percent of bad debt and charity care nationally.

During the last 15 years, public hospitals have been shouldering a greater portion of the uncompensated care burden. Additionally, private hospitals have begun competing for Medicaid patients which further erodes support for the public providers. Public hospitals rely heavily on payments from Medicare and Medicaid patients to cross-subsidize care for the indigent. As dollars from these programs move from the public to the private hospitals, the ability to function as a safety-net provider is severely tested.

OUTLINE OF THE ESSENTIAL HEALTH FACILITIES INVESTMENT ACT OF 1997

In title I of this legislation, Medicare's Essential Access Community Hospital Program [EACH] would be expanded to all States and a new urban Essential Community Provider Program [ECP] would be created. Funding would be provided for the creation of hospital and community health clinic networks that improve the organization, delivery, and access to preventive, primary, and acute care services for underserved populations.

In title II, financial assistance for capital needs would be provided by the Secretary of HHS to safety-net facilities which serve a disproportionate share of uninsured and low-income patients. Funds for this legislation would

be provided by a one-half percent on hospital gross receipts tax.

In title III, financial and technical assistance would be provided to States engaged in review of capital expenditures for health care facilities and high technology equipment. Consideration of alternative, less costly, and existing services would be considered before any funds would be distributed.

REBUILDING THE URBAN SAFETY NET

Even though these essential access facilities fulfill a pivotal role in our Nation's health care system, their infrastructure suffers from gross neglect and under-investment. The buildings and systems that comprise the safety net are often antiquated. Without future reinvestment, the inequities in this system will continue to grow, causing even more of America's underprivileged population to be medically abandoned.

The average age of the physical plant of urban, public hospitals is nearly 27 years, compared to a national average for all hospitals of 7 years. The average capital expenditure for urban hospitals is $12,800 per bed compared to a national average expenditure for all hospitals of $23,700.

A national survey of the Nation's safety-net hospitals found that lack of available hospital beds is resulting in severe overcrowding. Hospital corridors surrounding emergency rooms have begun to resemble triage units seen at the height of military campaigns. A recent study showed that approximately 50 percent of the hospitals in the three most severely impacted areas, Los Angeles, Detroit, and New York were forced to restrict emergency department access over 25 percent of the time. This is occurring despite the fact that occupancy rates of all hospitals have steadily declined during the last decade and are now barely above 60 percent. The average occupancy rate for safety-net hospitals is roughly 82 percent, with some reporting 100 percent occupancy, while private urban hospitals averaged just 67 percent. At any given time, approximately one-third of America's 924,000 hospital beds are empty. Our national priorities have created an excess of beds in areas where need doesn't exist. Likewise, a severe shortage has been created in areas where demand is overwhelming. This bill attempts to address and alleviate some of the pressure built up within the safety-net system.

Historically, health care institutions have found it difficult to secure sufficient financing for capital renovation and expansion products. The financing exists within the market, yet the level of debt service required is often too burdensome for public institutions to manage. Even when revenue bonds are supported by local means, the bond ratings are frequently too low and interest rates too high. After all, these safety-net hospitals treat a high proportion of low-income patients which results in lower operating margins. These ratings have little to do with the ability of hospital administrators to manage their facilities. Rather, market analysts often consider the local appropriations sustaining these facilities to be too uncertain. Thus, the facility is simply prohibited from securing necessary capital.

For facilities facing the greatest demand in our inner-city and rural areas, the traditional method of financing through Federal funding is no longer available. Many of these facilities were originally built with grants or loans under the Hill-Burton Program. These funds have not been available for years. The lack of Federal dollars available to repair and rebuild these facilities, combined with the strain on the resources of local governments, means that the capital needs of safety-net facilities have gone unmet.

This legislation does not propose that the Federal Government take on a massive rebuilding program like the Hill-Burton Program. Nor does it propose that the Federal Government take sole responsibility to solve this problem. However, this legislation is designed to support State and local efforts to upgrade the capacity of these facilities. In drafting this bill, we recognized that the Federal Government has limited resources it can tap for this purpose. Therefore, funding for this program would be achieved through a 0.5 percent—one-half of 1 percent—tax which would be levied against the gross revenues of all hospitals. Hospital revenues received from Medicaid would be exempt from the tax.

Revenue from this relatively modest trust fund would be used by those inner-city and rural facilities across America with the greatest need for assistance. Eligible facilities would include those designated as essential access community hospitals, rural primary care hospitals, large urban hospitals, and qualified health clinics that are members of community health networks.

Assistance from the capital financing trust fund would be provided in the form of loan guarantees, interest rate subsidies, direct matching loans, and in the case of urgent life and safety needs, direct grants. The Federal assistance would be used to leverage State and local government and private sector financing. Repayment would be made back to the trust fund.

For fiscal years through 2002, $995 million will be made available each year through the capital financing trust fund for these safety-net facilities.

With relatively limited resources available to meet the significant health facility infrastructure needs across the Nation, decisions to finance the reconstruction, replacement, or acquisition of facilities and equipment must be made only after first considering whether existing service capacities could be tapped to meet the needs of the underserved more effectively. The next section of this bill is designed to ensure that the capital expenditure decisions supported by this legislation are considered within the context of the entire community's needs and capacities.

MAXIMIZING CAPITAL RESOURCES

Many communities, especially those in rural and inner-city areas, lack the facilities and equipment necessary to adequately meet the needs of their residents at the same time that other hospitals are experiencing a capital oversupply. This oversupply leads to inflationary price pressure. The Essential Health Facilities Investment Act of 1997 will expand medical services to those in need only if the planning authorities feel that the current local medical facilities are unable to meet the needs of the community. In addition, this bill specifically states that only projects that will lead to an increase in the quality of care rendered will be funded. In other words, requests for frivolous, redundant facilities will be denied funding.

One area of oversupply is hospital beds. According to the ''Dartmouth Atlas of Health Care,'' published by the Dartmouth Medical School in 1996, there were more than 827,000 acute care hospital beds in the United States in 1993. The average number of beds per thousand residents was 3.3. Following adjustments for demographic differences, the number of hospital beds per thousand persons varied by a factor of 2.8 across the Nation. The range was from fewer than 2 beds per thousand residents to more than 5 beds per resident. Some of the hospitals with this excess capacity could be closed, or at the very least, denied additional public capital improvement funds. Still, we must also make every effort to ensure that every geographic and community area receives adequate hospital services. In order to avoid exacerbating the current oversupply of hospital beds, we must establish and satisfy safeguards and criteria for the allocation of Capital Financing Trust Fund, EACH, and ECP funds.

Redundancies and inefficiencies with hospital facilities and services are well known. A study in the Annals of Internal Medicine showed that even though America had 10,000 mammography machines at the time of the report, we essentially used only 2,600 of them. This same study asserts that even if every woman in America had a mammography every time the American Cancer Association suggested it was appropriate, we would use only 5,000 of the 10,000 functioning mammography machines.

In addition to a vast waste of valuable resources, this excess capacity can be considered detrimental to the health of patients. Applying the guidelines endorsed by the American Hospital Association and the American College of Cardiologists, 35 percent of the open-heart surgery centers in California perform less than the minimum number of procedures required to achieve an acceptable level of competency and quality. We should not reward those hospitals that insist upon maintaining high cost, redundant, tertiary care services that fail to maintain a minimum level of quality. Admittedly, the availability of reliable outcome studies covering high technology procedures is limited, but there exists reputable data concerning hip replacement surgery and coronary artery bypass surgery [CABS] success factors. The October 25, 1995 issue of the Journal of the American Medical Association cites a study titled ''Regionalization of Cardiac Surgery in the United States and Canada'' which shows that:

> In California, age and sex-adjusted mortality rates in hospitals performing 500 or more CABS operations per year were 49% lower than in hospitals performing fewer than 100 CABS operations * * *
>
> Hip replacement surgery data and this coronary artery bypass surgery study effectively demonstrate a direct correlation between the volume of procedures performed and the resulting success rates.

I propose that in order to be considered for Medicare reimbursement, a coronary artery

bypass surgery hospital must meet the minimum criteria for quality outlined by the Secretary in the Medicare Centers of Excellence for CABS operations. Expanding on this idea, I suggest that any hospital wishing to improve a tertiary care service using resources in excess of $1 million from the Capital Financing Trust Fund must not only demonstrate that they are indeed a safety-net health care provider, but also meet standards of quality for that particular service outlined by the Secretary. As additional reliable outcome studies for other expensive, capital-intensive services become available, disbursement of Capital Financing Trust Funds for improvements will be dependent upon demonstration of adequate quality performance as measured by HCFA's quality outcome measurement.

EXPANDING THE EACH PROGRAM

A third provision of this legislation is designed to facilitate the organization, delivery, and access to primary, preventive, and acute care services for medically underserved populations by fostering networks of essential community providers.

The Essential Access Community Hospital Program was enacted in 1989. This Medicare initiatives provides a unique Federal-State partnership to assure the availability of primary care, emergency services, and limited acute inpatient services in rural areas. The EACH Program was created to maximize resources available to rural residents by establishing regional networks of full-service hospitals [EACH's] connected to limited-service rural primary care hospitals [RPCH's]. Since 1991, over $17 million has been awarded in seven participating States.

In a March 1993 report by the Alpha Center, the strengths of the EACH Program were clearly articulated. They stated:

The EACH Program has released an enormous amount of creative energy focused on the development of regional networks that link health care providers in remote areas with those in more densely populated communities.

A letter from the project directors of the seven EACH States contained the following comment.

We believe the EACH concept will assist policymakers, regulators and changemakers in the long process of refocusing rural health care delivery.

I am confident that the EACH Program provides a framework for greatly improving the quality and efficiency of primary care, emergency services, and acute inpatient services in rural areas across the country. As a result, this legislation contains language that would extend the EACH Program to all States.

In addition, creating a new urban Essential Community Provider Program [ECP] would carry the network concept to our Nation's inner cities. While different from the rural EACH Program, the urban ECP Program would concentrate on networking hospitals with primary care service centers, particularly federally qualified health centers. In addition, ECP networks could combine with rural networks.

A report by the General Accounting Office found that ''more than 40 percent of emergency department patients and illnesses or injuries categorized as nonurgent conditions.'' The growth in the number of patients with nonurgent conditions visiting emergency departments is greatest among patients with little or no health insurance coverage—exactly those populations served by essential community providers. Networks of essential community provider hospitals and clinics will help steer patients to more appropriate clinical settings and, as a result, maximize the resources available in both emergency and nonemergency settings.

The concept of inner-city provider networks designed to ease access and improve continuity of care is not new. Initiatives are currently being pursued in urban areas across this country to do just that. This legislation would boost these efforts through critical financial and structured technical assistance.

Funding under the ECP Program would be available for the expansion of primary care sites, development of information, billing and reporting systems, planning and needs assessment, and health promotion outreach to underserved populations in the service area. Facilities eligible to participate in the ECP networks—those designated as ''essential community providers''—include Medicare disproportionate share hospitals, rural primary care hospitals, essential access community hospitals, and federally qualified health centers [FQHC] or those clinics which otherwise fulfill the requirements for FQHC status except for board membership requirements.

In order to facilitate integration of hospitals and clinics into these community health networks, physicians at network clinic sites would be provided admitting privileges at network hospitals. In addition, the placement of residents at network-affiliated FQHC's would be counted in the total number of residency positions when determining the indirect medical education [IME] reimbursement to hospitals under Medicare. The authorized funding level for rural EACH and urban ECP would be increased tenfold, from the current level of $25 to $250 million annually.

I am introducing the Essential Health Facilities Investment Act of 1997 because I believe this legislation is an important and necessary component of the effort to reform our Nation's health care delivery system. The initiatives in this bill are essential to ensuring access to high quality and efficient services for everyone in our communities.

TRIBUTE TO THE SOUTH BRONX JOBS CORPS CENTER

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 12, 1997

Mr. SERRANO. Mr. Speaker, recently I had the opportunity to visit the South Bronx Jobs Corps Center, which has been successful at helping disadvantaged youngsters acquire the educational and professional skills they need to succeed in the workplace.

Established 11 years ago in my South Bronx congressional district, the South Bronx Jobs Corps Center is proud of the 500 Bronx youngsters it serves annually. The center provides students with guidance and training, tailored to their individual needs. At the center, younsters have the opportunity to obtain a high school equivalency diploma and to learn a variety of trades including, office assistant with knowledge of word processing, accounting clerk, nurse assistant, and building maintenance technician.

In addition, the center encourages students to participate in community service. Every year students partake in antigraffiti campaigns and in beautifying buildings in our community. They also host meetings of Community Board No. 5 and the 46th Precinct Council, which students are encouraged to attend and participate in.

The South Bronx Jobs Corps Center fosters a family-oriented environment to help youngsters overcome their challenges. It houses 200 youngsters and provides day care services to students' children ages 3 months to 3 years. The social component of the center's training includes parenting classes for students.

In 1964, President Lyndon B. Johnson proposed the establishment of the Jobs Corps as an initiative to fight poverty. The South Bronx Jobs Corps Center is 1 of 100 centers nationwide and in Puerto Rico, serving youngsters ages 16 to 24.

Supported by President Clinton, the Jobs Corps continues to be an effective program to assist at-risk youngsters in completing their education, increasing their self-esteem, developing a sense of belonging to the community, and preparing for a productive adulthood.

This May 100 students will graduate from the South Bronx Jobs Corps Center. Seventeen of the center's 100 employees are South Bronx Jobs Corps graduates. Many others after completing the program have pursued a college education and secured part-time or full-time jobs.

The most famous graduate from one of the centers in the Nation is heavyweight champion George Foreman. Mr. Foreman, who also authored a cook book, visited the South Bronx Jobs Corps Center recently to talk about the importance that the Jobs Corps program has had in his overall career.

Mr. Speaker, I ask my colleagues to join me recognizing the staff and students of the South Bronx Jobs Corps Center for their outstanding achievements and in wishing them continued success.

TERM LIMITS

HON. LINDA SMITH

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 12, 1997

Mrs. SMITH of Washington. Mr. Chairman, today I will vote against the seven term limits amendments to the U.S. Constitution which were offered by Members of Congress who represent States which have passed term limits referendums. According to these so-called scarlet letter proposals, if a Member of Congress from one of these States failed to vote in favor of the exact term limit proposal approved in the referendum, the phrase ''violated voter instruction on term limits'' would be printed next to the Member's name on future ballots.

I am a strong supporter of term limits. I cosponsored House Joint Resolution 3 in the 104th and 105th Congress which would limit terms in the House to three terms and two terms in the Senate.

Nevertheless, I opposed the scarlet letter proposals because the way these referendums are drafted, they preclude Members of Congress in scarlet letter ballot States from voting for any other version than the one approved

by the voters. While I respect the voters' will to impose term limits and return to a citizen legislature, I believe the scarlet letter initiative is ill-conceived. By dictating the exact language of the amendment rather than providing the desired general terms, the referendum precludes Members from voting for amendments which would accomplish the same thing.

Today I supported three different proposals including: First the McCollum base bill which sets a lifetime limit of six terms in the House and two terms in the Senate; second, the Fowler amendment which sets four consecutive terms in the House and two consecutive terms in the Senate; and third, the Scott amendment which sets a lifetime limit of six terms in the House and two terms in the Senate while also giving States the right to enact shorter terms. I believe these are each viable and reasonable proposals.

We need legislators in Washington, DC, more concerned about the well-being of the Nation than building their own political empire. Term limits will eliminate career politicians who, through the benefits of incumbency and cozy relationships with special interests, have stacked the deck against challengers.

While term limitations are a blunt instrument, I hope they will help bring to Congress citizen legislators interested in serving their country for a limited time and returning to private life where they too must live by the laws they have created.

TRIBUTE TO ELLIOTT P. LAWS

HON. JANE HARMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 12, 1997

Ms. HARMAN. Mr. Speaker, I rise today to honor Elliott P. Laws, who is stepping down from his position as EPA's Assistant Administrator for Solid Waste and Emergency Response at the end of this week.

In my view, no member of the Clinton administration has been more effective in serving the American people. Like many, Elliott possesses the necessary intelligence, creativity, and patience. But what has made Elliott truly special is that he is a caring and compassionate person—qualities which pervade every aspect of his work.

With his vast experience not only in the Federal Government, but also in the private sector and at the State level, it is no wonder that Elliott has not tolerated business as usual at the EPA. Elliott embodies the notion of reinventing government.

For more than 2 years, Elliott and I have worked together to help constituents of mine who have the misfortune of living between two Superfund sites—a former DDT manufacturing plant and toxic waste pits. Before Elliott got involved, EPA seemed content to stick with the old way of doing business and planned to temporarily move residents, remove toxic DDT from their homes, and then return them to their neighborhood—notwithstanding the waste pits which loomed nearby.

Once I called on Elliott for help, he made it clear that the old way was not acceptable, and that an innovative solution had to be found. To begin with, Elliott came to California to meet with residents in their own backyards to learn the scope of the problem from them. Elliott used his persuasiveness to get local residents and potential responsible parties to sit down with a mediator to discuss ways to permanently relocate those at the site. Months and months of hard work by everyone involved has apparently paid off and a buyout plan will hopefully be ratified in the next few weeks. Residents will be permanently relocated, and can finally move on with their lives.

Mr. Speaker, the Federal Government needs more public servants like Elliott Laws. I wish him well in all of his future endeavors.

INTRODUCTION OF THE MIGRATORY BIRD TREATY REFORM ACT OF 1997

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 12, 1997

Mr. YOUNG of Alaska. Mr. Speaker, I am pleased to introduce today, along with the cochairman of the Congressional Sportsmen's Caucus, JOHN TANNER, and our colleague, CLIFF STEARNS, the Migratory Bird Treaty Reform Act of 1997. This measure is basically identical to legislation I proposed at the end of the previous Congress.

It has been nearly 80 years since the Congress enacted the Migratory Bird Treaty Act [MBTA]. Since that time, there have been numerous congressional hearings and a distinguished Law Enforcement Advisory Commission was constituted to review the application of the MBTA regulations. Although these efforts clearly indicated serious problems, there has been no meaningful effort to change the statute or modify the regulations. Due to administrative inaction and the clear evidence of inconsistent application of regulations and confusing court decisions, it is time for the Congress to legislatively change certain provisions that have, and will continue to penalize many law-abiding citizens. I assure my colleagues, as well as landowners, farmers, hunters, and concerned citizens, that this legislation in no way undermines the fundamental goal of protecting migratory bird resources.

Before explaining this legislation, I would like to provide my colleagues with some background on this issue. In 1918, Congress enacted the Migratory Bird Treaty Act, that implemented the 1916 Convention for the Protection of Migratory Birds between Great Britain—for Canada—and the United States. Since that time, there have been similar agreements signed between the United States, Mexico, and the former Soviet Union. The convention and the act are designed to protect and manage migratory birds as well as regulate the taking of that renewable resource.

In an effort to accomplish these goals, over the years certain restrictions have been imposed by regulation on the taking of migratory birds by hunters. Many of these restrictions were recommended by sportsmen who felt that they were necessary management measures to protect and conserve renewable migratory bird populations. Those regulations have clearly had a positive impact, and viable migratory bird populations have been maintained despite the loss of natural habitat because of agricultural, industrial, and urban activities.

Since the passage of the MBTA and the development of the regulatory scheme, various legal issues have been raised and most have been successfully resolved. However, one restriction that prohibits hunting migratory birds by the aid of baiting, or on or over any baited area has generated tremendous controversy, and it has not been satisfactorily resolved. The reasons for this controversy are twofold:

First, a doctrine has developed in Federal courts whereby the actual guilt or innocence of an individual hunting migratory birds on a baited field is not an issue. If it is determined that bait is present, and the hunter is there, he is guilty under the doctrine of strict liability, regardless of whether there was knowledge or intent. Courts have ruled that it is not relevant that the hunter did not know or could not have reasonably known bait was present. Understandably, there has been much concern over the injustice of this doctrine that is contrary to the basic tenet of our criminal justice system: that a person is presumed innocent until proven guilty, where intent is a necessary element of that guilt.

A second point of controversy is the related issue of the zone of influence doctrine developed by the courts relating to the luring or attracting of migratory birds to the hunting venue. Currently, courts hold that if the bait could have acted as an effective lure, a hunter will be found guilty, regardless of the amount of the alleged bait or other factors that may have influenced the migratory birds to be present at the hunting site. Again, a number of hunters have been unfairly prosecuted by the blanket application of this doctrine.

In addition, under the current regulations, grains scattered as a result of agricultural pursuits are not considered bait as the term is used. The courts and the U.S. Fish and Wildlife Service, however, disagree on what constitutes normal agricultural planting or harvesting or what activity is the result of bona fide agricultural operations.

During the past three decades, Congress has addressed various aspects of the baiting issue. It has also been addressed by a Law Enforcement Advisory Commission appointed by the Fish and Wildlife Service. Sadly, nothing has resulted from these examinations and the problems still persist. As a consequence, landowners, farmers, wildlife managers, sportsmen, and law enforcement officials are understandably confused.

On May 15, 1996, the House Resources Committee, which I chair, conducted an oversight hearing to review the problems associated with the MBTA regulations, their enforcement, and the appropriate judicial rulings. It was abundantly clear from the testimony at this hearing, as well as previous hearings, that the time has come for the Congress to address these problems through comprehensive legislation. From a historical review, it is obvious that regulatory deficiencies promulgated pursuant to the Migratory Bird Treaty Act will not be corrected, either administratively or by future judicial rulings.

Since there is inconsistent interpretation of the regulations under MBTA that the executive and judicial branches of Government have failed to correct, the Congress has an obligation to eliminate the confusion and, indeed, the injustices that now exist. It is also important that Congress provide guidance to law enforcement officials who are charged with the responsibility of enforcing the law and the accompanying regulations.

It must be underscored that sportsmen, law enforcement officials and, indeed, Members of

Congress all strongly support the basic intent of the Migratory Bird Treaty Act that our migratory bird resources must be protected from overexploitation. Sportsmen have consistently demonstrated their commitment to the wise use of renewable wildlife resources through reasoned management and enforcement of appropriate regulations.

Over the years, various prohibitions on the manner and methods of taking migratory birds have been embodied in regulations. Many of these prohibitions are decades old and have the support of all persons concerned with protecting migratory birds. In my judgment, it would be appropriate to incorporate these regulations in statutory law, and my proposed bill accomplishes that objective. This provision does not, however, restrict or alter the Secretary of the Interior's annual responsibilities to establish bag limits or duration of seasons. Nor does it prevent additional prohibitions, including hunting methods of migratory birds, from being implemented.

Second, a fundamental goal of the Migratory Bird Treaty Reform Act of 1997 is to address the baiting issue. Under my proposed legislation, no person may take migratory birds by the aid of bait, or on or over bait, where that person knew or should have known the bait was present. The provision removes the strict liability interpretation made first by a Federal court in Kentucky in 1939, and presently followed by a majority of Federal courts. With this provision, uniformity in the application of the prohibition is established.

As important, however, is the establishment of a standard that permits a determination of the actual guilt of the defendant. If the facts demonstrate that the hunter knew or should have known of the alleged bait, liability—which includes fines and potential incarceration—will be imposed. If by the evidence, however, the hunter could not have reasonably known that the alleged bait was present, liability would not be imposed and penalties would not be assessed. This would be a question of fact to be determined by the court based on the totality of the evidence presented.

Furthermore, the exceptions to baiting prohibitions contained in Federal regulations have been amended to permit exemption for grains found on a hunting site as a result of normal agricultural planting and harvesting as well as normal agricultural operations. This proposed change will establish reasonable guidelines for both the hunter and the law enforcement official.

To determine what is a normal agricultural operation in a given region, the U.S. Fish and Wildlife Service will be required to annually publish, in the Federal Register, a notice for public comment defining what is a normal agricultural operation for that particular geographic area. This determination is to be made only after meaningful consultation with relevant State and Federal agencies and an opportunity for public comment. Again, the goal of this effort is to provide uniformity and clarity for landowners, farmers, wildlife managers, law enforcement officials, and hunters so they know what a normal agricultural operation is for their region.

In addition, the proposed legislation permits the scattering of various substances like grains and seeds, which are currently considered bait, if it is done to feed farm animals and is a normal agricultural operation in a given area, as recognized by the Fish and Wildlife Service and published in the Federal Register.

Finally, the term bait is defined as the intentional placing of the offending grain, salt, or other feed. This concept removes from violation the accidental appearance of bait at or near the hunting venue. There have been cases where hunters have been charged with violating baiting regulations as a result of grain being unintentionally spilled on a public road, where foreign grain was inadvertently mixed in with other seed by the seller and later found at a hunting site, and where foreign grain was deposited by animals or running water. These are examples of actual cases where citations were given to individuals for violations of the baiting regulations.

Under my proposed legislation, the hunter would also be permitted to introduce evidence at trail on what degree the alleged bait acted as the lure or attraction for the migratory birds in a given area. In cases where 13 kernels of corn were found in a pond in the middle of a 300-acre field planted in corn or where 34 kernels of corn were found in a wheat field next to a freshwater river, the bait was clearly not the reason migratory birds were in the hunting area. First, it was not intentionally placed there and, second, it could not be considered an effective lure or attraction under the factual circumstances. These are questions of fact to be determined in a court of law. Currently, however, evidence of these matters is entirely excluded as irrelevant under the strict liability doctrine.

In 1934, Congress enacted the Migratory Bird Conservation Act as a mechanism to provide badly needed funds to purchase suitable habitat for migratory birds. Today, that need still exists, and my legislation will require that all fines and penalties collected under the MBTA be deposited into the Migratory Bird Conservation Fund. These funds are essential to the long-term survival of our migratory bird populations.

Finally, this measure proposes that personal property that is seized can be returned to the owner by way of a bond or other surety, prior to trial, at the discretion of the court.

Mr. Speaker, the purpose of the proposed Migratory Bird Treaty Reform Act is to provide clear guidance to landowners, farmers, wildlife managers, hunters, law enforcement officials, and the courts on what are the restrictions on the taking of migratory birds. The conflict within the Federal judicial system and the inconsistent application of enforcement within the U.S. Fish and Wildlife Service must be resolved. The proposed legislation accomplishes that objective without, in any manner, weakening the intent of current restrictions on the method and manner of taking migratory birds; nor do the proposed provisions weaken protection of the resource. Finally, the proposed legislation does not alter or restrict the Secretary of the Interior's ability to promulgate annual regulations nor inhibit the issuance of further restrictions on the taking of migratory birds.

Mr. Speaker, I urge my colleagues to carefully review the Migratory Bird Treaty Reform Act of 1997. It is a long overdue solution to several ongoing problems that regrettably continue to unfairly penalize many law-abiding hunters in this country.

TRIBUTE TO MONTEFIORE MEDICAL CENTER

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 12, 1997

Mr. SERRANO. Mr. Speaker, I rise today to pay tribute to Montefiore Medical Center for 50 years of caring in our Bronx community.

Mr. Speaker, this year, 1997, marks the 50th anniversary of the Montefiore Home Health Agency. Since its inception as the first hospital-based home health agency in the United States, Montefiore has cared for tens of thousands of patients.

Montefiore offers a variety of programs. The long term home health care program, provides a continuum of care at home to the chronically ill, who would otherwise require nursing home placement. The teleCare program provides 24-hour access to emergency assistance in the home. The certified home health agency provides short-term care to patients in the post-hospital period. Such programs have been vital to patients recovery and recuperation.

I would like to highlight the staff's devotion and energy in tending to the individual needs of each patient. Medical social workers provide unique and personal care. They teach patients how to use a variety of assistance devices. From nurses to occupational and physical therapists, these fine professionals are there when needed.

Montefiore and its home health care staff stand out in their field. Montefiore succeeds in dramatically improving patients' quality of life.

Mr. Speaker, let us join in the celebration of this milestone and acknowledge this outstanding agency for 50 years of accomplishment and service.

THE INTRODUCTION OF THE SECURITY AND FREEDOM THROUGH ENCRYPTION [SAFE] ACT

HON. BOB GOODLATTE

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 12, 1997

Mr. GOODLATTE. Mr. Speaker, today I am pleased, along with 54 of my colleagues, to introduce the Security And Freedom through Encryption [SAFE] Act of 1997.

This much-needed, bipartisan legislation accomplishes several important goals. First, it aids law enforcement by preventing piracy and white-collar crime on the Internet. It an ounce of prevention is worth a pound of cure, then an ounce of encryption is worth a pound of subpoenas. With the speed of transactions and communications on the Internet, law enforcement cannot possibly deal with pirates and criminal hackers by waiting to react until after the fact.

Only by allowing the use of strong encryption, not only domestically but internationally as well, can we hope to make the Internet a safe and secure environment. As the National Research Council's Committee on National Cryptography Policy concluded:

If cryptography can protect the trade secrets and proprietary information of businesses and thereby reduce economic espionage (which it can), it also supports in a

most important manner the job of law enforcement. If cryptography can help protect national critical information systems and networks against unauthorized penetration (which it can), it also supports the national security of the United States.

Second, if the Global Information Infrastructure is to reach its true potential, citizens and companies alike must have the confidence that their communications and transactions will be secure. The SAFE Act, by allowing all Americans to use the highest technology and strongest security available, will provide them with that confidence.

Third, with the availability of strong encryption overseas and on the Internet, our current export controls only serve to tie the hands of American business. According to an economic study released in December 1995 by the Computer Systems Policy Project, failure to remove these export controls by the year 2000—just 3 short years from now—will cost our economy $60 billion and 200,000 jobs.

The SAFE Act remedies this situation by allowing the unencumbered export of generally available software and hardware if a product with comparable security features is commercially available from foreign suppliers. Removing these export barriers will free U.S. industry to remain the world leader in software, hardware, and Internet development. And by allowing the U.S. computer industry to use and export the highest technology available with the strongest security features available, America will be leading the way into the 21st century information age and beyond.

This bipartisan legislation enjoys the support of members and organizations across the spectrum of all ideological and political beliefs. Groups as varied as the American Civil Liberties Union, National Rifle Association, Americans for Tax Reform, Netscape, Microsoft, Novell, Lotus, Adobe, Software Publishers Association, Information Technology Association of America, Citizens for a Sound Economy, Competitive Enterprise Institute, Business Leadership Council, IBM, Small Business Survival Committee, Sybase, RSA Data Security, Semiconductor Industry Association, Telecommunications Industry Association, and National Association of Manufacturers strongly support this legislation, to name just a few.

The SAFE Act enjoys this support not only because it is a commonsense approach to solving a very immediate problem, but also because ordinary Americans' personal privacy and computer security is being assaulted by this administration. Amazingly enough, the administration wants to mandate a back door into peoples' computer systems in order to access their private information and confidential communications. In fact the administration has said that if private citizens and companies do not voluntarily create this back door, it will seek legislation forcing Americans to give the Government access to their information by means of a key escrow system requiring computer users to put the keys to decode their encrypted communications into a central data bank. This is the technological equivalent of mandating that the Federal Government be given a key to every home in America.

The SAFE Act, on the other hand, will prevent the administration from placing roadblocks on the information superhighway by prohibiting the Government from mandating a back door into the computer systems of private citizens and businesses. Additionally, the SAFE Act ensures that all Americans have the right to choose any security system to protect their confidential information.

Mr. Speaker, with the millions of communications, transmissions, and transactions that occur on the Internet every day, American citizens and businesses must have the confidence that their private information and communications are safe and secure. That is precisely what the SAFE Act will ensure. I urge each of my colleagues to join and support this bipartisan effort.

The original cosponsors are Representatives LOFGREN, DELAY, BOEHNER, COBLE, SENSENBRENNER, BONO, PEASE, CANNON, CONYERS, BOUCHER, GEKAS, SMITH (TX), INGLIS, BRYANT (TN), CHABOT, BARR, JACKSON-LEE, WATERS, ACKERMAN, BAKER (NC), BARTLETT, CAMPBELL, CHAMBLISS, CUNNINGHAM, DAVIS (VA), DICKEY, DOOLITTLE, EHLERS, ENGEL, ESHOO, EVERETT, EWING, FARR, GEJDENSON, GILLMOR, GOODE, Delegate HOLMES-NORTON, Representatives HORN, Mrs. EDDIE BERNICE JOHNSON (TX), Mr. SAM JOHNSON (TX), KOLBE, MCINTOSH, MCKEON, MANZULLO, MATSUI, MICA, MINGE, MOAKLEY, NETHERCUTT, PACKARD, SESSIONS, UPTON, WHITE, and WOOLSEY.

Mr. Speaker, I would like the text of this legislation reprinted in the RECORD.

H.R.—

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Security and Freedom Through Encryption (SAFE) Act''.

SEC. 2. SALE AND USE OF ENCRYPTION.

(a) IN GENERAL.—Part I of title 18, United States Code, is amended by inserting after chapter 121 the following new chapter:

''CHAPTER 122—ENCRYPTED WIRE AND ELECTRONIC INFORMATION

''2801. Definitions.
''2802. Freedom to use encryption.
''2803. Freedom to sell encryption.
''2804. Prohibition on mandatory key escrow.
''2805. Unlawful use of encryption in furtherance of a criminal act.

§ 2801. Definitions

''As used in this chapter—

''(1) the terms 'person', 'State', 'wire communication', 'electronic communication', 'investigative or law enforcement officer', 'judge of competent jurisdiction', and 'electronic storage' have the meanings given those terms in section 2510 of this title;

''(2) the terms 'encrypt' and 'encryption' refer to the scrambling of wire or electronic information using mathematical formulas or algorithms in order to preserve the confidentiality, integrity, or authenticity of, and prevent unauthorized recipients from accessing or altering, such information;

''(3) the term 'key' means the variable information used in a mathematical formula, code, or algorithm, or any component thereof, used to decrypt wire or electronic information that has been encrypted; and

''(4) the term 'United States person' means—

''(A) any United States citizen;

''(B) any other person organized under the laws of any State, the District of Columbia, or any commonwealth, territory, or possession of the United States; and

''(C) any person organized under the laws of any foreign country who is owned or controlled by individuals or persons described in subparagraphs (A) and (B).

''§ 2802. Freedom to use encryption

''Subject to section 2805, it shall be lawful for any person within any State, and for any United States person in a foreign country, to use any encryption, regardless of the encryption algorithm selected, encryption key length chosen, or implementation technique or medium used.

''§ 2803. Freedom to sell encryption

''Subject to section 2805, it shall be lawful for any person within any State to sell in interstate commerce any encryption, regardless of the encryption algorithm selected, encryption key length chosen, or implementation technique or medium used.

''§ 2804. Prohibition on mandatory key escrow

''(a) PROHIBITION.—No person in lawful possession of a key to encrypted information may be required by Federal or State law to relinquish to another person control of that key.

''(B) EXCEPTION FOR ACCESS FOR LAW ENFORCEMENT PURPOSES.—Subsection (a) shall not affect the authority of any investigative or law enforcement officer, acting under any law in effect on the effective date of this chapter, to gain access to encrypted information.

''§ 2805. Unlawful use of encryption in furtherance of a criminal act

''Any person who willfully uses encryption in furtherance of the commission of a criminal offense for which the person may be prosecuted in a court of competent jurisdiction—

''(1) in the case of a first offense under this section, shall be imprisoned for not more than 5 years, or fined in the amount set forth in this title, or both; and

''(2) in the case of a second or subsequent offense under this section, shall be imprisoned for not more than 10 years, or fined in the amount set forth in this title, or both.''.

(b) CONFORMING AMENDMENT.—The table of chapters for part I of title 18, United States Code, is amended by inserting after the item relating to chapter 33 of the following new item:

''122. Encrypted wire and electronic information ..... 2801''.

SEC. 3. EXPORTS OF ENCRYPTION.

(a) AMENDMENT TO EXPORT ADMINISTRATION ACT OF 1979.—Section 17 of the Export Administration Act of 1979 (50 U.S.C. App. 2416) is amended by adding at the end thereof the following new subsection:

''(g) COMPUTERS AND RELATED EQUIPMENT.—

''(1) GENERAL RULE.—Subject to paragraphs (2), (3), and (4), the Secretary shall have exclusive authority to control exports of all computer hardware, software, and technology for information security (including encryption), except that which is specifically designed or modified for military use, including command, control, and intelligence applications.

''(2) ITEMS NOT REQUIRING LICENSES.—No validated license may be required, except pursuant to the Trading With the Enemy Act or the International Emergency Economic Powers Act (but only to the extent that the authority of such Act is not exercised to extend controls imposed under this Act), for the export or reexport of—

''(A) any software, including software with encryption capabilities—

''(i) that is generally available, as is, and is designed for installation by the purchaser; or

''(ii) that is in the public domain for which copyright or other protection is not available under title 17, United States Code, or that is available to the public because it is generally accessible to the interested public in any form; or

''(B) any computing device solely because it incorporates or employs in any form software (including software with encryption capabilities) exempted from any requirement

for a validated license under subparagraph (A).

''(3) SOFTWARE WITH ENCRYPTION CAPABILITIES.—The Secretary shall authorize the export or reexport of software with encryption capabilities for nonmilitary end uses in any country to which exports of software of similar capability are permitted for use by financial institutions not controlled in fact by United States persons, unless there is substantial evidence that such software will be—

''(A) diverted to a military end use or an end use supporting international terrorism;

''(B) modified for military or terrorist end use; or

''(C) reexported without any authorization by the United States that may be required under this Act.

''(4) HARDWARE WITH ENCRYPTION CAPABILITIES.—The Secretary shall authorize the export or reexport of computer hardware with encryption capabilities if the Secretary determines that a product offering comparable security is commercially available outside the United States from a foreign supplier, without effective restrictions.

''(5) DEFINITIONS.—As used in this subsection—

''(A) the term 'encryption' means the scrambling of wire or electronic information using mathematical formulas or algorithms in order to preserve the confidentiality, integrity, or authenticity of, and prevent unauthorized recipients from accessing or altering, such information;

''(B) the term 'generally available' means, in the case of software (including software with encryption capabilities), software that is offered for sale, license, or transfer to any person without restriction, whether or not for consideration, including, but not limited to, over-the-counter retail sales, mail order transactions, phone order transactions, electronic distribution, or sale on approval;

''(C) the term 'as is' means, in the case of software (including software with encryption capabilities), a software program that is not designed, developed, or tailored by the software publisher for specific purchasers, except that such purchasers may supply certain installation parameters needed by the software program to function properly with the purchaser's system and may customize the software program by choosing among options contained in the software program;

''(D) the term 'is designed for installation by the purchaser' means, in the case of software (including software with encryption capabilities) that—

''(i) the software publisher intends for the purchaser (including any licensee or transferee), who may not be the actual program user, to install the software program on a computing device and has supplied the necessary instructions to do so, except that the publisher may also provide telephone help line services for software installation, electronic transmission, or basic operations; and

''(ii) the software program is designed for installation by the purchaser without further substantial support by the supplier;

''(E) the term 'computing device' means a device which incorporates one or more microprocessor-based central processing units that can accept, store, process, or provide output of data; and

''(F) the term 'computer hardware', when used in conjunction with information security, includes, but is not limited to, computer systems, equipment, application-specific assemblies, modules, and integrated circuits.''.

(b) CONTINUATION OF EXPORT ADMINISTRATION ACT.—For purposes of carrying out the amendment made by subsection (a), the Export Administration Act of 1979 shall be deemed to be in effect.

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, February 13, 1997, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

FEBRUARY 25

9:00 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings to examine the impact of estate taxes on farmers.
SR–332

9:30 a.m.
Energy and Natural Resources
To hold hearings on the President's proposed budget request for fiscal year 1998 for the Department of the Interior and Forest Service.
SD–366

FEBRUARY 26

9:00 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings to examine the impact of capital gains taxes on farmers.
SR–332

9:30 a.m.
Energy and Natural Resources
Business meeting, to mark up S. 104, to amend the Nuclear Waste Policy Act of 1982, and to consider the nomination of Federico Pena, of Colorado, to be Secretary of Energy, and other pending calendar business.
SD–366

Environment and Public Works
Transportation and Infrastructure Subcommittee
To resume hearings on proposed legislation authorizing funds for programs of the Intermodal Surface Transportation Efficiency Act.
SD–406

Labor and Human Resources
Business meeting, to consider pending calendar business.
SD–430

Small Business
To hold hearings on the President's budget request for fiscal year 1998 for the Small Business Administration.
SR–428A

Indian Affairs
To hold hearings on the President's proposed budget request for fiscal year 1998 for the Bureau of Indian Affairs and the Indian Health Service.
SR–485

10:00 a.m.
Joint Economic
To hold hearings to examine the economic and budget outlook.
Room to be announced

FEBRUARY 27

9:30 a.m.
Labor and Human Resources
To hold hearings on proposed legislation authorizing funds for programs of the Higher Education Act.
SD–430

10:00 a.m.
Armed Services
To hold hearings concerning the Department of Defense actions pertaining to Persian Gulf illnesses.
SD–106

Commerce, Science, and Transportation
To hold hearings to examine violence in television programming.
SR–253

MARCH 4

9:30 a.m.
Environment and Public Works
Superfund, Waste Control, and Risk Assessment Subcommittee
To hold hearings on proposals relating to liability and resource issues associated with the cleanup and redevelopment of abandoned or underutilized industrial and commercial properties.
SD–406

MARCH 5

9:00 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings to examine the Department of Agriculture's business plan and reorganization management proposals.
SR–332

9:30 a.m.
Environment and Public Works
Superfund, Waste Control, and Risk Assessment Subcommittee
To hold hearings on S. 8, to authorize funds for and reform the Comprehensive Environmental Response, Liability, and Compensation Act of 1980 (Superfund).
SD–406

MARCH 6

9:30 a.m.
Energy and Natural Resources
To hold hearings to examine issues with regard to competitive change in the electric power industry.
SH–216

Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs on the legislative recommendations of the Paralyzed Veterans of America, the Jewish War Veterans, the Retired Officers Association, the Association of the U.S. Army, the Non-Commissioned Officers Association, the Military Order of the Purple Heart, and the Blinded Veterans Association.
345 Cannon Building

MARCH 11

9:00 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings on proposed legislation authorizing funds for agricultural research.
SR–332

10:00 a.m.
Energy and Natural Resources
To hold hearings on the President's proposed budget request for fiscal year 1998 for the Department of Energy and the Federal Energy Regulatory Commission.
SD–366

MARCH 12

9:30 a.m.
Commerce, Science, and Transportation
To hold hearings to examine universal telephone service.
SR–253

Environment and Public Works
To hold hearings on proposals to authorize state and local governments to enact flow control laws and to regulate the interstate transportation of solid waste.
SD–406

MARCH 13

9:00 a.m.
Agriculture, Nutrition, and Forestry
To resume hearings on proposed legislation authorizing funds for agricultural research.
SR–332

9:30 a.m.
Energy and Natural Resources
To resume hearings to examine issues with regard to competitive change in the electric power industry.
SD–G50

MARCH 18

9:00 a.m.
Agriculture, Nutrition, and Forestry
To resume hearings on proposed legislation authorizing funds for agricultural research.
SR–332

MARCH 19

9:30 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs on the legislative recommendations of the Disabled American Veterans.
345 Cannon Building

MARCH 20

9:00 a.m.
Agriculture, Nutrition, and Forestry
To resume hearings on proposed legislation authorizing funds for agricultural research.
SR–332

9:30 a.m.
Energy and Natural Resources
To resume hearings to examine issues with regard to competitive change in the electric power industry.
SH–216

Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs on the legislative recommendations of AMVETS, the American Ex-Prisoners of War, the Veterans of World War I, and the Vietnam Veterans of America.
345 Cannon Building

Daily Digest
Senate

Chamber Action

Routine Proceedings, pages S1251–S1337

Measures Introduced: Fifteen bills and two resolutions were introduced, as follows: S. 304–318, S.J. Res. 16, and S. Res. 54. **Pages S1299–S1300**

Measures Reported: Reports were made as follows:

S. Res. 54, authorizing biennial expenditures by committees of the Senate. **Page S1299**

Balanced Budget Constitutional Amendment: Senate continued consideration of S.J. Res. 1, proposing an amendment to the Constitution of the United States to require a balanced budget, taking action on the following amendments proposed thereto: **Pages S1255–62, S1268–70**

Rejected:

Dodd Modified Amendment No. 4, to simplify the conditions for a declaration of an imminent and serious threat to national security. (By 64 yeas to 36 nays (Vote No. 10), Senate tabled the amendment.) **Pages S1255–62, S1271–96**

Pending:

Byrd Amendment No. 6, to strike the reliance on estimates and receipts. **Pages S1262–65, S1324**

A unanimous-consent time-agreement was reached providing for further consideration of the pending amendment beginning at 3:30 p.m., on Monday, February 24, 1997, with a vote to occur thereon. **Page S1296**

APPOINTMENTS:

Commission on Security and Cooperation in Europe: The Chair, on behalf of the Vice President, pursuant to Public Law 94–304, as amended by Public Law 99–7, appointed Senator D'Amato as Chairman of the Commission on Security and Cooperation in Europe. **Page S1336**

Washington's Farewell Address: The Chair, on behalf of the Vice President, pursuant to the order of the Senate of January 24, 1901, as modified by the order of February 10, 1997, appointed Senator Frist to read Washington's Farewell Address on Monday, February 24, 1997. **Page S1336**

Nominations Received: Senate received the following nominations:

Alan S. Gold, of Florida, to be United States District Judge for the Southern District of Florida.

Anthony W. Ishii, of California, to be United States District Judge for the Eastern District of California.

Lynne R. Lasry, of California, to be United States District Judge for the Southern District of California.

Ivan L. R. Lemelle, of Louisiana, to be United States District Judge for the Eastern District of Louisiana.

2 Air Force nominations in the rank of general. **Page S1337**

Messages From the House: **Page S1298**

Communications: **Pages S1298–99**

Petitions: **Page S1299**

Executive Reports of Committees: **Page S1299**

Statements on Introduced Bills: **Pages S1300–19**

Additional Cosponsors: **Page S1319**

Amendments Submitted: **Pages S1323–24**

Notices of Hearings: **Pages S1324–25**

Authority for Committees: **Page S1325**

Additional Statements: **Pages S1325–31**

Record Votes: One record vote was taken today. (Total—10) **Pages S1295–96**

Adjournment: Senate convened at 9:30 a.m. and adjourned at 6:54 p.m., until 11 a.m., on Thursday, February 13, 1997. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S1337.)

Committee Meetings

(Committees not listed did not meet)

AUTHORIZATION—DEFENSE

Committee on Armed Services: Committee held hearings on proposed legislation authorizing funds for fiscal year 1998 for the Department of Defense and the future years defense program, receiving testimony from William S. Cohen, Secretary of Defense; John J. Hamre, Comptroller, Department of Defense; and

Gen. John M. Shalikashvili, USA, Chairman, Joint Chiefs of Staff.

Hearings were recessed subject to call.

NOMINATION

Committee on Banking, Housing, and Urban Affairs: Committee ordered favorably reported the nomination of Janet L. Yellen, of California, to be a Member of the Council of Economic Advisers.

INVESTMENT AND INFRASTRUCTURE

Committee on the Budget: Committee held hearings to examine the role of government investment in overall Federal budget policy, receiving testimony from Robert B. Reich, Brandeis University, Waltham, Massachusetts, former Secretary of Labor; and Douglas Holtz-Eakin, Syracuse University, Syracuse, New York, on behalf of the National Bureau of Economic Research.

Committee will meet again tomorrow.

CLEAN AIR STANDARDS

Committee on Environment and Public Works: Committee held oversight hearings to examine the national ambient air quality standards for ozone and particulate matter recently proposed by the Environmental Protection Agency, receiving testimony from Carol M. Browner, Administrator, Environmental Protection Agency; and Sally Katzen, Administrator, Office of Information and Regulatory Affairs, Office of Management and Budget.

Hearings were recessed subject to call.

ADMINISTRATION'S BUDGET

Committee on Finance: Committee held hearings on the Administration's budget and revenue proposals for fiscal year 1998, receiving testimony from Robert E. Rubin, Secretary of the Treasury.

Committee will meet again tomorrow.

MEDICARE

Committee on Finance: Subcommittee on Health Care held hearings to examine the financial soundness of the Medicare program, receiving testimony from Bruce C. Vladeck, Administrator, Health Care Financing Administration, Department of Health and Human Services; Joseph R. Antos, Assistant Director for Health and Human Resources, Linda Bilheimer, Deputy Assistant Director for Health, and Sandra Christensen, Principal Analyst, all of the Congressional Budget Office; and Gail R. Wilensky, Project Hope, former Administrator, Health Care Financing Administration, and Marilyn Moon, Urban Institute, both of Washington, D.C.

Hearings were recessed subject to call.

NUCLEAR DETERRENCE

Committee on Governmental Affairs: Subcommittee on International Security, Proliferation and Federal Services concluded hearings to examine the future of nuclear deterrence and U.S. policy toward non-proliferation efforts, after receiving testimony from Walter B. Slocombe, Under Secretary of Defense for Policy; Gen. Andrew J. Goodpaster, USA (Ret.), Atlantic Council of the United States; and Richard Perle, American Enterprise Institute, Washington, D.C.

TEAM ACT

Committee on Labor and Human Resources: Committee concluded hearings on S. 295, to promote cooperation and teamwork among worker-management relations in the American labor force, after receiving testimony from William D. Budinger, Rodel, Inc., Newark, Delaware; J. Thomas Bouchard, Armonk, New York, and Robert Von Bruns, Melinda Weide, and Michael Scarano, all of Essex Junction, Vermont, all on behalf of the International Business Machines Corporation; Charles I. Cohen, Morgan, Lewis & Bockius, former Member, National Labor Relations Board, Jonathan P. Hiatt, AFL–CIO, and Robert Muehlenkamp, International Brotherhood of Teamsters/AFL–CIO, all of Washington, D.C.; Robert Sebris, Jr., Sebris Busto, Bellevue, Washington; Samuel Estreicher, New York University, New York, New York; Michael H. LeRoy, Institute of Labor and Industrial Relations/University of Illinois, Champaign; and Thomas C. Kohler, Boston College Law School, Newton, Massachusetts.

BUSINESS MEETING

Committee on Rules and Administration: Committee ordered favorably reported an original resolution (S. Res. 54) authorizing biennial expenditures by committees of the Senate, in lieu of S. Res. 20, S. Res. 26, S. Res. 27, S. Res. 28, S. Res. 29, S. Res. 30, S. Res. 33, S. Res. 34, S. Res. 35, S. Res. 37, S. Res. 38, S. Res. 39, S. Res. 40, S. Res. 41, S. Res. 43, S. Res. 44, S. Res. 45, and S. Res. 46.

NOMINATION

Committee on Small Business: Committee ordered favorably reported the nomination of Aida Alvarez, of New York, to be Administrator of the Small Business Administration.

Prior to this action, the committee concluded hearings on the nomination of Ms. Alvarez, after the nominee, who was introduced by Senators D'Amato and Abraham, testified and answered questions in her own behalf.

House of Representatives

Chamber Action

Bills Introduced: 49 public bills, H.R. 693–741; 2 private bills, H.R. 742–743; and 9 resolutions, H.J. Res. 51–53, H. Con. Res. 20, and H. Res. 51–55, were introduced. **Pages H521–24**

Reports Filed: No reports were filed today.

Guest Chaplain: The prayer was offered by the guest chaplain, the Rev. Richard Anderson, of Aurora, Illinois. **Page H455**

Bipartisan Task Force on Reform of the Ethics Process: The Majority Leader, with the concurrence of the Minority Leader, announced the establishment of a Bipartisan Task Force on Reform of the Ethics Process. The Majority Leader named as task force members: Representatives Livingston, Co-chairman; Goss; Castle; Thomas; Solomon; and Hanson, ex-officio, in his capacity as Chairman of the Committee on Standards of Official Conduct. The Minority Leader named as members: Representatives Cardin, Co-chairman; Frost; Moakley; Pelosi; Stokes; and Berman, ex-officio, in his capacity as Ranking Minority Member of the Committee on Standards of Official Conduct. **Page H456**

In furtherance of this understanding concerning the establishment of the task force, it was made in order that during the period beginning immediately and ending on April 11, 1997: (1) The Committee on Standards of Official Conduct may not receive, renew, initiate, or investigate a complaint against the official conduct of a member, officer, or employee of the House; (2) The Committee on Standards of Official Conduct may issue advisory opinions and perform other non-investigative functions; and (3) A resolution addressing the official conduct of a member, officer, or employee of the House that is proposed to be offered from the floor by a member other than the Majority Leader or the Minority Leader as a question of the privileges of the House shall, once noticed pursuant to clause 2(a)(1) of Rule IX, have precedence of all other questions except motions to adjourn only at a time or place designated by the chair in the legislative schedule within two legislative days after April 11, 1997. **Pages H456–57**

Congressional Term Limits: By a yea-and-nay vote of 217 yeas to 211 nays with two-thirds required for passage, Roll No. 21, the House failed to pass H.J. Res. 2, proposing an amendment to the Constitution of the United States with respect to the number of terms of office of Members of the Senate and the House of Representatives. **Pages H467–H512**

Amendments Rejected:

The Hutchinson amendment in the nature of a substitute that sought to limit service of House Members to 3 two-year terms and Senators to 2 six-year terms and provides that upon ratification incumbents and others who have served in the House are limited to 2 additional terms and those who have served in the Senate are limited to 1 additional term. The amendment was identical to the ballot initiative approved by the voters of Arkansas (rejected by a recorded vote of 85 ayes to 341 noes, Roll No. 11); **Pages H486–88, H491–92**

The McInnis amendment in the nature of a substitute that sought to limit service of House Members to 3 two-year terms and Senators to 2 six-year terms and provides that upon ratification incumbents and others who have served in the House are limited to 2 additional terms and those who have served in the Senate are limited to 1 additional term. The amendment was identical to the ballot initiative approved by the voters of Colorado (rejected by a recorded vote of 87 ayes to 339 noes, Roll No. 12); **Pages H488–90, H492**

The Crapo amendment in the nature of a substitute that sought to limit service of House Members to 3 two-year terms and Senators to 2 six-year terms and provides that upon ratification incumbents and others who have served in the House are limited to 2 additional terms and those who have served in the Senate are limited to 1 additional term. The amendment was identical to the ballot initiative approved by the voters of Idaho (rejected by a recorded vote of 85 ayes to 339 noes, Roll No. 13); **Pages H490–93**

The Blunt amendment in the nature of a substitute that sought to limit service of House Members to 3 two-year terms and Senators to 2 six-year terms, provides that upon ratification incumbents and others who have served in the House are limited to 2 additional terms and those who have served in the Senate are limited to 1 additional term, and allows any state to enact by state constitutional amendment longer or shorter term limits. The amendment was identical to the ballot initiative approved by the voters of Missouri (rejected by a recorded vote of 72 ayes to 353 noes, Roll No. 14); **Pages H493–95, H497**

The Christensen amendment in the nature of a substitute that sought to limit service of House Members to 3 two-year terms and Senators to 2 six-year terms and provides that upon ratification incumbents and others who have served in the House are limited to 2 additional terms and those who have

served in the Senate are limited to 1 additional term. The amendment was identical to the ballot initiative approved by the voters of Nebraska (rejected by a recorded vote of 83 ayes to 342 noes, Roll No. 15); **Pages H495–96, H497–98**

The Ensign amendment in the nature of a substitute that sought to limit service of House Members to 3 two-year terms and Senators to 2 six-year terms and provides that upon ratification incumbents and others who have served in the House are limited to 2 additional terms and those who have served in the Senate are limited to 1 additional term. The amendment was identical to the ballot initiative approved by the voters of Nevada (rejected by a recorded vote of 85 ayes to 339 noes, Roll No. 16); **Pages H496, H498–99**

The Thune amendment in the nature of a substitute that sought to limit service of House Members to 3 two-year terms and Senators to 2 six-year terms and provides that upon ratification incumbents and others who have served in the House are limited to 2 additional terms and those who have served in the Senate are limited to 1 additional term. The amendment was identical to the ballot initiative approved by the voters of South Dakota (rejected by a recorded vote of 83 ayes to 342 noes, Roll No. 17); **Pages H499–H500, H502**

The Fowler amendment in the nature of a substitute that sought to limit service of House Members to 4 consecutive two-year terms and Senators to 2 consecutive six-year terms, not counting any term that began before the adoption of the amendment (rejected by a recorded vote of 91 ayes to 335 noes, Roll No. 18); **Pages H500, H502–03**

The Scott amendment in the nature of a substitute that sought to limit the election of House Members to 6 two-year terms and Senators to 2 six-year terms, provide that no person who has served in the House for more than 1 year shall be eligible for election more than five times and no person who has served in the Senate more than 3 years be eligible for election more than once, and allow any state to enact shorter term limits (rejected by a recorded vote of 97 ayes to 329 noes, Roll No. 19); **Pages H500–01, H503–04**

The Barton of Texas amendment in the nature of a substitute that sought to limit the election of House Members to 6 two-year terms and Senators to 2 six-year terms, retroactively counting the elections of Representatives or Senators before the ratification of the amendment (rejected by a recorded vote of 152 ayes to 274 noes, Roll No. 20). **Pages H504–10**

Earlier, agreed to H. Res. 47, the rule under which the joint resolution was considered. **Pages H458–67**

Committee Election: The House agreed to H. Res. 52, electing Representatives Hill and Sununu to the Committee on Small Business. **Page H512**

Quorum Calls—Votes: One yea-and-any vote and ten recorded votes developed during the proceedings of the House today and appear on pages H491–92, H492, H493, H497, H497–98, H498–99, H502, H502–03, H503–04, H509–10, and H511–12. There were no quorum calls.

Adjournment: Met at 10 a.m. and adjourned at 7:42 p.m.

Committee Meetings

AGRICULTURE, RURAL DEVELOPMENT, FDA APPROPRIATIONS

Committee on Appropriations: Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies held a hearing on Inspector General Overview. Testimony was heard from Roger C. Viadero, Inspector General, USDA.

FOREIGN OPERATIONS, EXPORT FINANCING APPROPRIATIONS

Committee on Appropriations: Subcommittee on Foreign Operations, Export Financing and Related Programs hearing on Secretary of State. Testimony was heard from Madeleine K. Albright, Secretary of State.

LABOR-HHS-EDUCATION APPROPRIATIONS

Committee on Appropriations: Subcommittee on Labor, Health and Human Services, and Education held a hearing on Substance Abuse and Mental Health Services Administration, the Office of the Inspector General, and on the Health Resources and Services Administration. Testimony was heard from the following officials of the Department of Health and Human Services: Nelba Chavez, Administrator, Substance Abuse and Mental Health Services Administration; June Gibbs Brown, Inspector General; and Ciro V. Sumaya, M.D., Administrator, Health Resources and Services Administration.

LEGISLATIVE APPROPRIATIONS

Committee on Appropriations: Subcommittee on Legislative held a hearing on Joint Economic Committee, the Library of Congress, the Architect of the Capitol/ Botanic Garden. Testimony was heard from Representative Saxton; the following officials of the Library of Congress: James H. Billington, Librarian; Donald L. Scott, Deputy Librarian; Winston Tabb, Associate Librarian for Library Services; Reuben Medina, Law Librarian; Daniel Mulhollan, Director,

CRS; and Frank Kurt Cylke, Director, National Library Service for the Blind and Physically Handicapped; Alan M. Hantman, Architect of the Capitol; Members of Congress; and public witnesses.

OVERSIGHT—DEPARTMENT OF HEALTH AND HUMAN SERVICES PROPOSED BUDGET

Committee on Commerce: Subcommittee on Health and Environment held an oversight hearing on the Department of Health and Human Services' proposed budget for fiscal year 1998. Testimony was heard from Bruce C. Vladeck, Administrator, Health Care Financing Administration, Department of Health and Human Services; and Paul N. Van de Water, Assistant Director, Budget Analysis, CBO.

SPECTRUM MANAGEMENT POLICY

Committee on Commerce: Subcommittee on Telecommunications, Trade, and Consumer Protection held a hearing on Spectrum Management Policy. Testimony was heard from Reed E. Hundt, Chairman, FCC; Larry Irving, Assistant Secretary, Communications and Information, Department of Commerce; Michael Amarosa, Deputy Commissioner, Police Department, City of New York; and public witnesses.

ENCOURAGING PENSION SAVINGS

Committee on Education and the Workforce: Subcommittee on Employer-Employee Relations held a hearing on Defusing the Retirement Timebomb: Encouraging Pension Savings. Testimony was heard from public witnesses.

GOVERNMENT RESULTS AND PERFORMANCE ACT; ORGANIZATIONAL MEETING

Committee on Government Reform and Oversight: Held a hearing on the "Government Performance and Results Act: Sensible Government for the Next Century". Testimony was heard from Representative Armey; John Koskinen, Deputy Director, Management, OMB; and James Hinchman, Acting Comptroller General, GAO.

The committee also met for organizational purposes.

OVERSEAS PRIVATE INVESTMENT CORPORATION

Committee on International Relations: Subcommittee on International Economic Policy and Trade held a hearing on the Future of the Overseas Private Investment Corporation (OPIC). Testimony was heard from Representatives Kolbe and Andrews; and public witnesses.

OVERSIGHT—FBI INVESTIGATION INTO BOMBING IN SAUDI ARABIA

Committee on the Judiciary: Subcommittee on Crime held an oversight hearing on the FBI investigation into the Khobar Towers bombing in Dhahran, Saudi Arabia and on Foreign FBI Investigations. Testimony was heard from Robert M. Bryant, Assistant Director, National Security Division, FBI, Department of Justice.

NATIONAL DEFENSE AUTHORIZATION

Committee on National Security: Held a hearing on the fiscal year 1998 national defense authorization request. Testimony was heard from the following officials of the Department of Defense: William S. Cohen, Secretary; and Gen. John M. Shalikashvili, USA, Chairman, Joint Chiefs of Staff.

INTERNATIONAL SPACE PROGRAM

Committee on Science: Held a hearing on the Status of Russian Participation in the International Space Program. Testimony was heard from John H. Gibbons, Director, Office of Science and Technology Policy; Daniel S. Goldin, Administrator, NASA; and Marcia S. Smith, Specialist in Aerospace and Telecommunications Policy, CRS, Library of Congress.

ISTEA REAUTHORIZATION

Committee on Transportation and Infrastructure: Subcommittee on Surface Transportation held a hearing on ISTEA Comprehensive Reauthorization Proposals: ISTEA Integrity Restoration Act (STEP 21), Transportation Empowerment Act (Devolution), ISTEA Works. Testimony was heard from Senator Mack; Representatives Kasich, Smith of Michigan, DeLay, and Condit; Paul E. Patton, Governor, State of Kentucky; and Christine Todd Whitman, Governor, State of New Jersey.

Hearings continue February 27.

ADMINISTRATION'S BUDGET

Committee on Ways and Means: Continued hearings on the Administration's fiscal year 1998 Budget. Testimony was heard from Donna E. Shalala, Secretary of Health and Human Services.

AIRPORT AND AIRWAY TRUST FUND TAX REINSTATEMENT ACT; OVERSIGHT PLAN

Committee on Ways and Means: Ordered reported H.R. 668, Airport and Airway Trust Fund Tax Reinstatement Act of 1997.

The Committee also approved an oversight plan for the 105th Congress.

COMMITTEE MEETINGS FOR THURSDAY, FEBRUARY 13, 1997

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Agriculture, Nutrition, and Forestry, to resume hearings on S. 257, to amend the Commodity Exchange Act to improve the Act, 9 a.m., SR–332.

Committee on the Budget, to hold hearings on biennial budgeting and appropriations, 1:30 p.m., SD–608.

Committee on Environment and Public Works, Subcommittee on Transportation and Infrastructure, to hold hearings on the implementation of the Intermodal Surface Transportation Efficiency Act and transportation trends, infrastructure funding requirements, and transportation's impact on the economy, 2 p.m., SD–406.

Committee on Finance, to hold hearings on the Administration's budget for fiscal year 1998, focusing on Medicare, Medicaid and welfare proposals, 1 p.m., SD–215.

Committee on Foreign Relations, to hold hearings on the nomination of Pete Peterson, of Florida, to be Ambassador to the Socialist Republic of Vietnam, 8 a.m., SD–419.

Committee on Governmental Affairs, business meeting, to consider pending calendar business, 1:45 p.m., SD–342.

Full Committee, to hold hearings on S. 207, to review, reform, and terminate unnecessary and inequitable Federal subsidies, 2 p.m., SD–342.

Committee on Labor and Human Resources, Subcommittee on Employment and Training, to resume hearings to examine proposals to reform the Fair Labor Standards Act, focusing on S. 4, to provide to private sector employees the same opportunities for time-and-a-half compensatory time off, biweekly work programs, and flexible credit hour programs as Federal employees currently enjoy to help balance the demands and needs of work and family, to clarify the provisions relating to exemptions of certain professionals from the minimum wage and overtime requirements of the Fair Labor Standards Act of 1938, 2 p.m., SD–430.

NOTICE

For a listing of Senate Committee Meetings scheduled ahead, see page E248 in today's Record.

House

Committee on Appropriations, Subcommittee on Labor, Health and Human Services, and Education, on Centers for Disease Control and Prevention, 10 a.m., and on Administration for Children and Families and the Administration on Aging, 2 p.m., 2358 Rayburn.

Subcommittee on Legislative, on the Joint Committee on Taxation, 1 p.m., H–144 Capitol.

Subcommittee on National Security, executive, briefing on World-Wide Intelligence, 10 a.m., H–140 Capitol.

Committee on Banking and Financial Services, Subcommittee on Financial Institutions and Consumer Credit, to continue hearings on Financial Services Modernization legislation including H.R. 268, Depository Institution Affiliation and Thrift Charter Conversion Act, 10 a.m., 2128 Rayburn.

Committee on the Budget, hearing on CBO Budget Outlook and Analysis of the Administration's Budget Proposal, 10 a.m., 210 Cannon.

Committee on Commerce, to consider the following: H.R. 624, Armored Car Reciprocity Amendments of 1997; the Committee budget and oversight plan for the 105th Congress, 2:30 p.m., 2123 Rayburn.

Committee on Education and the Workforce, to mark up the oversight plan for the 105th Congress and to consider other pending committee business, 9:30 a.m., 2175 Rayburn.

Committee on Government Reform and Oversight, Subcommittee on Civil Service, hearing on the Administration's fiscal year 1998 budget: Civil Service Impacts, 9 a.m., 2247 Rayburn.

Subcommittee on Government Management, Information and Technology, hearing on ''Oversight of the GAO's High-Risk Series,'' 9:30 a.m., 311 Cannon.

Subcommittee on Human Resources and Intergovernmental Relations, hearing on the Need for Better Focus in the Rural Health Clinic Program, 1 p.m., 2154 Rayburn.

Subcommittee on National Economic Growth, Natural Resources, and Regulatory Affairs, hearing on GAO Findings on Superfund Clean-Up, 9 a.m., 2154 Rayburn.

Committee on International Relations, Subcommittee on Asia and the Pacific, hearing on Hong Kong's Reversion to the People's Republic of China, 9:30 a.m., 2172 Rayburn.

Committee on National Security, hearing on threats to U.S. National Security, 10:30 a.m., 2118 Rayburn.

Committee on Small Business, to hold an organizational meeting, 10 a.m., 2359 Rayburn.

Committee on Transportation and Infrastructure, to meet for organizational purposes, 9 a.m., 2167 Rayburn.

Subcommittee on Aviation, to continue hearings on Airlines' Proposals to Establish User Fees for FAA Services, following full Committee meeting, 2167 Rayburn.

Committee on Veterans' Affairs, to consider an oversight plan for the 105th Congress and to hold a hearing on the Administration's fiscal year 1998 budget, 9:30 a.m., 334 Cannon.

Committee on Ways and Means, Subcommittee on Health, hearing on Medicare provisions in the Administration's budget, 9 a.m., 1100 Longworth.

Subcommittee on Human Resources, hearing on the Human Resource provisions of the fiscal year 1998 Administration's budget, 11:30 a.m., B–318 Rayburn.

Next Meeting of the SENATE

11 a.m., Thursday, February 13

Senate Chamber

Program for Thursday: Senate may consider any legislative and executive items cleared for consideration.

Next Meeting of the HOUSE OF REPRESENTATIVES

10 a.m., Thursday, February 13

House Chamber

Program for Thursday: Consideration of H.J. Res. 36, approving the Presidential Finding Regarding the Population Planning Program (2 hours of general debate); and

Consideration of H.R. 581, Family Planning Facilitation and Abortion Funding Restriction Act of 1997 (closed rule, 1 hour of general debate).

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